

CITY OF SUNRISE BEACH VILLAGE
ORDINANCE NUMBER 385

AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE 226; ADOPTING ANIMAL CONTROL REGULATIONS DESIGNED TO PROTECT THE PUBLIC HEALTH AND SAFETY; PROVIDING COMPREHENSIVE REQUIREMENTS FOR THE KEEPING AND CARE OF ANIMALS; PROHIBITING THE KEEPING OF DANGEROUS AND/OR WILD ANIMALS WITHIN THE CITY LIMITS OF THE CITY OF SUNRISE BEACH VILLAGE. ESTABLISHING RULES REGARDING THE CONTROL OF ANIMALS, AND REQUIRED VACCINATIONS; PROTECTING CITIZENS FROM DANGEROUS DOMESTIC ANIMALS AND/OR NUISANCE ANIMALS; PROVIDING FOR IMPOUNDING AND DISPOSITION OF ANIMALS RUNNING AT LARGE OR OTHERWISE IN VIOLATION OF THIS ORDINANCE; PROVIDING PROCEDURES FOR RABIES REPORTING AND CONTROL; PROVIDING CERTAIN EXEMPTIONS; PROVIDING FINES AND PENALTIES; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS. DEFINING TERMS USED IN THE ORDINANCE; SETTING FORTH ENFORCEMENT AND A PENALTY FOR VIOLATION.

This Ordinance supersedes Ordinances:

No.	Date
#226	7/21/2005

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WHEREAS, Complaints involving domestic animals have been increasing both in number and severity, and

WHEREAS, It is in the public interest and welfare to establish controls regarding domestic and wild animals in order to assure the safety, peace and comfort of the citizens of Sunrise Beach Village, and to encourage responsible, pet ownership, and

WHEREAS, The establishment of reasonable requirements for the care and control of dogs, cats, animals, fowl and livestock is necessary to protect such animals and the general public;

WHEREAS, It is necessary for the City to adopt requirements and regulations which will enable the officers and employees of the City to respond in a manner consistent with State law to unusual circumstances and conditions that arise from time to time with respect to the keeping, care and control of domestic, wild and exotic animals; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNRISE BEACH VILLAGE, LLANO COUNTY, TEXAS:

Article I. General

Section 1. Amendment of Ordinances.

Ordinance #226 was adopted on July 21, 2005 is hereby repealed in its entirety replaced by this Ordinance, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 2. Savings Clause.

All rights and remedies of the City of Sunrise Beach Village are expressly saved as to any and all violations of the provisions of any ordinances affecting animals, licensing and registration within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 3. Definitions.

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

"Abandon" to dump, desert, or leave any animal on public or private property with the intent of terminating any further responsibility for said animal; and shall also mean failing to timely redeem any animal impounded or quarantined by the city, as specified herein.

"Abuse" shall mean to mistreat through intent to abuse or reckless neglect of any animal in a manner that causes or is likely to cause stress or physical injury or as

otherwise stated in this Ordinance.

"Animal" shall mean any living creature other than a Homo sapiens. Unless indicated otherwise, the term shall include livestock, fowl, reptiles, amphibians, and wildlife, as well as dogs, cats and other creatures commonly owned as pets. The term shall exclude a fish and other small aquarium-maintained creatures.

"Animal Control Officer" shall mean an officer of the City primarily responsible for the enforcement of regulations regarding animals. Police officers are authorized to act as an Animal Control Officer. If no one is specifically appointed to be an Animal Control Officer, then references in this ordinance to "Animal Control Officer" shall include the Chief of Police, the designee of the Chief of Police, or a police officer.

"Animal shelter" shall mean a facility designated by the Board of Commissioners to be used for the impoundment of animals taken up by the Animal Control Officers.

"At Large -Animals" shall mean not under control of the owner (or an adult specifically designated by the owner) by enclosure (fence or cage), leash, or tether.

1. An At Large Animal when off Premises shall mean: Any animal, except pet cats not making a nuisance, which is not restrained by means of a leash, chain, or other physical apparatus of sufficient strength and length to control the actions of such animal while off-premises;
2. An At Large Animal when on-Premises: shall mean any animal, except pet cats, not confined to premises of owner by a substantial fence of sufficient strength and height to prevent the animal from escaping there from, or secured on the premises by a chain or leash sufficient in strength to prevent the animal from escaping from premises and so arranged that the animal will remain upon the premises when the leash is stretched to full length;
3. An animal intruding upon the property of another person other than the owners shall be termed "at large";
 - a. Any animal within a vehicle in a manner that would prevent that animal's escape or contact with other persons or animals shall not be deemed "at large."

"Boarding Kennel" means an establishment used for the purpose of boarding pet animals on a temporary basis and where no animals are bred or sold.

"Brand" shall mean a mark made on the skin of any animal which indicates the ownership of the animal; typically used with livestock.

"Breeding Kennel" means an establishment designed or used for the boarding, selling or breeding of animals where more than four dogs or four cats or a combination thereof over the age of six months are to be boarded, sold or bred. Kennel authorizations and placement are governed by the City Consolidated Zoning Ordinance. Grooming parlors where no animals are to be kept overnight and veterinary clinics shall not be considered kennels.

"Day" shall mean a workday and shall exclude Saturday, Sunday and City holidays.

"Distance Between Structures" where a minimum setback or distance between any

enclosure for an animal from a residence is required, shall mean the most direct line distance between the two structures, unless otherwise provided.

"Domestic Animal" means any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild; any animal which can be vaccinated against rabies with an approved rabies vaccine; and any animal which has an established rabies quarantine observation period.

"Dangerous Domestic Pet" --Any domestic pet that makes an unprovoked attack on a person causing bodily injury that occurs in a place other than an enclosure in which the pet was being kept which is reasonably certain to prevent the pet from leaving the enclosure on its own; or while not in such an enclosure commits unprovoked acts causing a person to reasonably believe that the pet will attack and cause bodily injury to that person.

"Dangerous Dog" means any dog which:

- (1) When unprovoked, severely attacked or inflicted serious injury or death to a person, whether on public or private property; or
- (2) Has been deemed dangerous by the Animal Control Officer and upheld or unchallenged by any court of jurisdiction.
- (3) A "dangerous dog" as that term is defined by Texas Health and Safety Code sec. 822.041 amended.

"Estray" means any stray horse, stallion, mare, gelding, filly, colt, mule, jenny, jack, jennet, hog, sheep, goat, confined and domesticated hares and rabbits, or any species of cattle.

"Exotic Species" means any animal or reptile, fish, or bird, born or whose natural habitat is considered to be outside the continental United States, including non-venomous reptiles and fish.

"Farm Animal" means Horses, cows, sheep, goats, hogs, rabbits, chickens, turkeys, fowl of the pheasant family, and/or other commercial type animals.

"Feral Cat" means a feline which is by its nature wild or is no longer domesticated.

"Fish" shall mean any of the cold-blooded animals that extract oxygen from water through the use of gills.

"Fowl" shall include all birds, e.g., chickens, turkeys, pheasants, quail, guineas, geese, ducks, peafowl and other domestic feathered creatures and non-domestic feathered creatures, regardless of age or sex.

"Governmental entity" shall mean an agency or political subdivision of the state or an agency/department of the federal government.

"Harbor" means the act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care.

"Hen" means a female domesticated chicken.

"Livestock" shall include, regardless of age, sex or breed, horses and all equine species, including mules, donkeys and jackasses; cows and all bovine species; sheep and all ovine species; llamas; goats and all caprine species; and pigs and all swine species.

"Local rabies control authority" shall mean the senior Animal Control Officer, or an officer they designate to act in their place when they are temporarily unable to act for any reason.

"Marine animal" shall mean any animal, other than a mammal or bird that lives in a marine environment.

"Multi-pet owner" means a person who keeps or harbors more than four cats or dogs or any combination of four cats and dogs. Puppies and kittens under six months of age shall not be counted for purposes of this definition.

"Native Animal" means an animal indigenous to the region.

"Neutered" shall mean any animal, male or female, rendered incapable of breeding or being bred, i.e., castration in the male and spaying or ovariectomy in the female.

"Nuisance Pet" shall mean a domestic pet that damages or despoils property of others to include the marking of territory with offending scents, digging holes, destroying gardens and landscapes, engages in extended periods of barking or howling, or when at large, runs at, jumps on, or otherwise intimidates someone other than the owner. Abandoned domestic pets are included in this definition.

"Owner" or "Presumed Owner" shall mean any person who has purchased or who owns, keeps, maintains, feeds, harbors or has care, custody or control of one or more animals. Ownership may be determined by identifying an adult resident of the premises upon which the animal is kept, maintained, harbored, fed or otherwise resides and such adult shall constitute the owner of the animal upon such premise. Each actual resident of the premises shall be the owner or presumed owner and charged with responsibility for the animals thereon maintained or harbored.

"Person" shall mean and include an individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns.

"Poison" shall mean a substance having an inherent harmful property which renders it, when taken into the system, capable of destroying animal life.

"Premise" shall mean a definite portion of a legal lot of real estate or land, together with any appurtenances or buildings.

"Prohibited Animals" means any individual species and/or subspecies of the following animals: antelope, lions, tigers, ocelots, cougars, leopards, cheetahs, jaguars, hyenas, bears, lesser pandas, ferrets born in natural habitats, binturong, ostriches, emus, apes or such other non-domestic species of animal not common to this area

"Proper Enclosure" means a house or a building, or in the case of a fence or structure/pen, the fence or structure/pen must be at least four feet in height. The structure/pen must also have minimum dimensions of five feet by ten 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 an animal cannot climb, dig, jump or otherwise escape of its own volition. The enclosure shall be securely locked at all times and have secured sides to prevent a dangerous animal or registered dangerous dog from escaping from the enclosure. The structure/pen shall provide protection from the elements for the animal. The Animal Control Officer may require a fence higher than four feet or require a secure top and/or a secure bottom to the structure/pen if the need is demonstrated.

"Quarantine" means a period of ten days used for observation of a domestic or pet animal to determine the health status of that animal in relation to the rabies virus.

"Quarantine by Owner" means an animal owner who quarantines with Animal Control Officer's permission:

- (1) Animal must have current rabies vaccination;
- (2) Animal must be inside an enclosed structure, i.e., house or garage, and must remain there for ten days;
- (3) If maintained outside, the animal must be behind a fence from which it cannot escape.
- (4) Animal must be kept away from other animals and people except those in the immediate household;
- (5) Animal may not be removed from corporate City limits of Sunrise Beach Village while under quarantine, unless approval is granted by the Animal Control Officer prior to being removed from the City;
- (6) Owner shall notify Animal Control Officer immediately if animal becomes sick or displays any behavioral changes;
- (7) Owner shall not subject the animal to any medical procedure, without first notifying the Animal Control Officer. This includes any vaccination;
- (8) Animal must be examined by a licensed veterinarian by the first day of home quarantine and again on the final day of quarantine. Owner shall be responsible for producing proof of the veterinarian examinations

(9) No animal that is at large or unleashed at the time of exposure may be quarantined by owner;

(10) Owner must allow Animal Control, with reasonable notice, to view and confirm the health of the animal during the rabies quarantine period.

"Rabies Vaccination" means the vaccination of a dog, cat or other domestic animal with an anti-rabies vaccine approved by the Texas Department of Health and administered by a veterinarian licensed by the State of Texas.

"Residence" shall mean any place of human habitation at any time, day or night, including, but not limited to, any single or multi-family dwelling, church, school, convalescent center or nursing home.

"Restrained" shall mean any animal secured by a leash, rope or chain of similar means while the owner or custodian is in direct physical control.

"Rooster" means a male domesticated chicken.

"Serious Injury" means bodily injury resulting from severe attack or severe bite from an animal which produces severe pain, trauma, loss of blood or tissue, and which requires medical treatment of wounds inflicted by the animal.

"Severe Attack" means an attack in which the animal repeatedly bites or vigorously shakes its victim and the victim, or a person intervening, has extreme difficulty terminating the attack.

"Severe Bite" means a puncture or laceration made by an animal'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 considerations of rabies prevention alone.

"Stray Animal" (including stray) means any animal, of which there is no identifiable owner or harbored which is found to be at large within the corporate limits of the City.

"Tag" shall mean a vaccination tag attached to a collar as required by this Ordinance or some other permanent identifying device attached to a collar or to an animal.

"Tattoo" shall mean a permanent mark which is made on the skin of an animal by puncturing the skin and inserting indelible color, and which is used to show ownership.

"Unprovoked Attack" means that the animal was not hit, kicked, teased, molested or struck by a person with an object or part of a person's body, nor was any part of the animal's body pulled, pinched or squeezed by a person.

"Vaccination" shall mean an injection of a rabies vaccine which is approved by the U.S. Department of Agriculture, Veterinary Biologics Division, State veterinarian and administered by a licensed veterinarian or at an approved anti-rabies clinic.

"Veterinarian" shall mean any person duly licensed to practice veterinary medicine by the state board of veterinary examiners, or who is exempt from such licensing.

"Wild Animal" or "Wildlife" shall mean any non-domestic creature (mammal, amphibian, reptile or fowl) which is of a species which is wild by nature, which can normally be found in a wild state, and which is not naturally tame or gentle, or which, because of its size, vicious nature and other characteristics, constitutes a danger to human life or property including all animals identified herein as prohibited.

Section 2. Purpose.

It is the intent and purpose of this Ordinance to provide a safe and healthy environment within the City for both animals and people. While a person may own and keep animals within the City, the conduct of those animals and the conditions that the animals are kept in should be safe and healthy and should not infringe on the surrounding homes and their inhabitants.

Section 3. Enforcement.

1. The city shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for civil penalties and/or injunctive relief as well as prosecution for criminal violations.
2. The police department shall be responsible for enforcement of this chapter. Enforcement may be by the filing of a complaint to the police department in writing, or in any other manner authorized by law. Only a police officer or Animal Control Officer is authorized to issue citations for a violation of this ordinance.
3. It shall be unlawful for any person being issued a citation for a violation of this ordinance to be filed in municipal court or any civil proceeding to intentionally or knowingly fail to give the animal control or police officer his or her true name and address or to intentionally or knowingly fail to appear in accordance with the terms of a citation or civil process issued by the court or police officer.
4. If the individual who is to receive the citation is not present, the police department may send the citation to the alleged offender by certified registered mail, return receipt requested and regular mail. If said citation sent by certified mail should come back unclaimed and the citation sent by regular mailing does not come back unclaimed, then service shall be deemed completed.
5. Nothing in this chapter shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law.
6. Rabies vaccination document (certificate) will be checked as a part of any investigation and/or complaint, and citations issued if requirements established by this ordinance are not being followed.

7. It shall be unlawful for any person to interfere with, obstruct, resist or oppose any Animal Control Officer or Police Officer or police officer while such person is apprehending an animal or performing any other duties or investigation. It shall be unlawful to take or attempt to take any animal from any Animal Control Officer or police officer or from any vehicle used by the officer to transport any animal or to take or attempt to take any animal from the animal shelter or other kennel or confinement area used to impound an animal.
8. In the enforcement of this Ordinance or State Law, Animal Control Officers and police officers shall have the authority to shoot or otherwise disable any animal to protect themselves, to protect a third person or to protect another animal from attack or threat of imminent injury or to prevent such animal from enduring further pain or suffering as a result of disease or injury. They shall also have the authority to tranquilize or trap any animal, fowl, livestock or wildlife not inconsistent with any federal or state law, or City Ordinance. .
9. Unless specifically provided in this Ordinance, an offense under this Ordinance shall not require a culpable mental state. It is the intent of this Ordinance to impose strict liability for violation of the requirements of this Ordinance.

Section 4. Powers and Duties of Citizens.

Any person who finds an animal which he does not own on property that he owns or exercises control over or on public property may take control of said animal if it is running at large and may deliver the animal to an Animal Control Officer, the Hill Country Humane Society, or an animal emergency medical facility. If the animal is not delivered to an Animal Control Officer, the animal shelter, or an animal emergency medical facility, the person must report that he had taken control of the animal to an Animal Control Officer, City Police Officer or the animal shelter within (24) hours. If the animal is wearing a tag of any kind or has a tattoo, brand, or other identifying mark, that information shall be included in the report to the Animal Control Officer or animal shelter.

Section 5. Penalty.

1. Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein. An offense under this chapter is a class C misdemeanor.
2. Any person found guilty of committing more than three violations of the provisions of this ordinance within 12 consecutive months of the first violation, is subject to having that person's ability to own, keep, harbor or have custody of any animal revoked by the City Municipal Court, within the City limits. The City's Animal Control Officer may file a petition to the City Court requesting that person not be allowed to keep animals in the City for one year. A date will be set within 10 days for a court hearing. The person will be notified in person or by Certified mail of that hearing. The determination of the person's ability keep dogs or cats will be made by the City Municipal Court.

3. A person commits an offense if, with intent to deceive, he knowingly makes a false report or statement, either verbal or written, that is material to an investigation of an alleged violation of this Ordinance to an Animal Control Officer or other person authorized to enforce provision of this Ordinance.
4. A person commits an offense if he reports to a person authorized to enforce provisions of this Ordinance an offense or incident within that person's concern knowing that the offense or incident did not occur.

Section 6. Prima Facie Evidence.

In any prosecution charging a violation of this Ordinance, governing the abuse, neglect or ownership of an animal or failure to license an animal as herein required, proof that the particular property described in the complaint was the premises upon which the animal resided, was harbored or maintained and a violation of any Section of this Ordinance occurred involving said animal, together with proof that the defendant named in the complaint was, at the time of such complaint or at the time when the animal was in violation of this ordinance, the registered owner of such animal or the person with legal rights to reside on said property, shall constitute in evidence a prima facie presumption that the registered owner of such animal or the person with legal rights to reside on said property was the owner of the animal and the person who failed to comply with the ordinance.

Section 7. Abatement of Conditions not Complying with Ordinance.

Whenever any premises where animals are kept in an unsanitary conditions, or the facilities are not in keeping with provisions of this ordinance or any other regulations herein or if any health ordinance or law is not observed, the City Health Officer or his/her representative, by written notice to the person responsible for the condition of the premises, may order the abatement of the conditions which are not in accordance with the ordinance or other regulations, or conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal or administrative proceedings, be grounds for and entitle the City to obtain relief by injunction.

Section 8. Compliance with Ordinance not Relief from Compliance with Other Regulations.

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

Section 9. Fees.

In no instance shall the City be required to bear the costs of any animal that has an owner. The owner shall reimburse the City for any actual expenses and shall be responsible for all fees associated with the Hill County Humane Society and required veterinarian fees associated with examinations or treatment required to treat injuries or illness. The City may recover all fees, costs and damages incurred as a result of the animal as restitution in a criminal proceeding under the provisions of this ordinance or the State statute in addition to a fine being charged.

ARTICLE II. RABIES CONTROL

Section 10. Vaccinations.

1. All dogs or cats four months of age or older within the City shall be vaccinated against rabies as required by the State Health Department in accordance with Texas Health and Safety Code Chapter 826. Such vaccinations shall be repeated at the intervals prescribed by rule of the State Health Department, or its successor.
2. A veterinarian who vaccinates a dog or cat against rabies shall issue to the owner of such dog or cat a vaccination certificate in a form approved by the State Department of Health. The veterinarian shall also issue a metal tag with the veterinarian's address and the year of the vaccination stamped thereon. Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate of vaccination. Such certificate shall contain the following information:
 - 2.1 The name, address and telephone number of the owner of the vaccinated dog or cat;
 - 2.2 The date of vaccination;
 - 2.3 The type of rabies vaccine used;
 - 2.4 The year and number of the rabies tag; and
 - 2.5 The breed, age, color and sex of the vaccinated dog or cat.
3. Concurrent with the issuance and delivery of the certificate of vaccination, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated animal a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance.

4. It shall be unlawful for any person within the City to own, keep, possess, harbor or allow to remain upon premises under his control any dog or cat which has not been vaccinated as required herein. Any person establishing residence within the City shall comply with this title within ten days of establishing such residency.

Section 11. Vaccination of Impounded Animals.

1. After impoundment, all animals which are required to be vaccinated may not be released to the animal's owner unless the owner presents a veterinarian's certificate showing a current vaccination or unless the owner signs a written statement stating that the owner will confine the animal until the animal is vaccinated, stating where the owner will keep the animal confined, and promising to have the animal vaccinated, and to present proof thereof, within seven days. If an impounded animal has not been vaccinated, the owner may be cited for failure to vaccinate the animal under Section 10(4). If an impounded animal has been vaccinated but is not wearing a vaccination tag when impounded, the owner may be charged a \$20.00 administrative fee under Section 12. An animal turned over to the Hill Country Humane Society must comply with their policies for release of the animal.
2. If the owner of an impounded animal that has not been vaccinated takes the animal after promising to vaccinate the animal but fails to present a veterinarian's certificate showing a current vaccination within seven days of release of the animal, the animal shall be immediately taken to the Hill Country Humane Society. Failure to comply with the promise to have the animal vaccinated within seven days is a separate offense. Failure to immediately return the animal after failing to comply with a promise to have the animal vaccinated is also a separate offense. Unvaccinated animals not returned after seven days may be impounded. Offenses under this section are punishable as set out in Section 5, except that the minimum fine shall be \$200.00.

Section 12. Proof of Vaccination, Dismissal, Fines.

The failure of a dog or cat to wear a vaccination tag on a collar shall be prima facie evidence of the failure to vaccinate the animal as required by this Article. To prove that a dog or cat was vaccinated at the time of the offense, the owner of the dog or cat must present a copy of the vaccination certificate issued by the veterinarian that shows the date the vaccination was administered. The offense shall be dismissed upon verification that the animal alleged in the offense was vaccinated on the date of the offense with the payment of a \$20.00 administrative fee.

Section 13. Counterfeiting, Destruction of Tags, Certificates.

1. It shall be unlawful for any person to intentionally or knowingly counterfeit a rabies vaccination tag or certificate.
2. It shall be unlawful for any person to intentionally or knowingly destroy a rabies vaccination tag or certificate.

Section 14. Reporting Rabid Animals or Rabies Exposure.

1. It shall be the duty of all animal owners, veterinarians, physicians or any other person to report to the Animal Control Officer all cases of rabies with which he comes in contact or to which his attention has been directed. This report shall be made immediately upon diagnosis or suspicion of a case of rabies.
2. Any person having knowledge of an animal bite or scratch to an individual or to another animal by an animal which the person suspects is rabid shall report that incident to the Animal Control Officer within 24 hours.
3. Every physician or other medical practitioner who treats a person or persons for any animal bite/scratch that occurred within the City shall within 12 hours report such treatment to the Animal Control Officer giving the name, age, sex and precise location of the bitten/scratched person or persons and such other information as the officer or agency may require.
4. Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat or other domestic or wild animal shall immediately report the incident to the Animal Control Officer stating precisely where such animal may be found.
5. If a known suspected rabid animal bites or scratches a domestic animal, such incident shall also be reported immediately to the Animal Control Officer.

Section 15. Animal Bites and Scratch Reports. Submission to Quarantine.

1. *Report of Victim.* Any person who is bitten or scratched by an animal unknown by the victim or suspected, unknown or known not to have a current rabies vaccination shall report that fact to the Animal Control Officer within 24 hours. If the person bitten or scratched is a minor under the age of 17, the parent or guardian of such minor, if he has knowledge of the incident, shall report that fact to the Animal Control Officer within 24 hours.
2. *Report of Owner.* A person who owns, keeps, harbors or allows an animal to remain on premises under his control and who has knowledge of a bite shall report to the Animal Control Officer within 24 hours any incident where such animal bit or scratched any person.
3. *Custody.* The animal committing the act shall be submitted to the Animal Control Officer for immediate custody of the animal and placement in quarantine the site to be determined by the Animal Control Officer and/or an approved veterinarian. When the local rabies control authority goes to the premises where the animal that bit or scratched any person is being kept, the Animal Control Officer may take immediate custody of the animal. Where suitable arrangements are made, the local rabies control authority may permit the animal to be transferred to another location for the remainder of the quarantine period. This duty to submit the animal to quarantine shall apply to any person who owns, keeps, harbors, has possession of or allows an animal to remain on premises under his control. If convicted of violating this section, the municipal court shall impose a minimum fine of \$100.00.

4. *Observation.* Any owned dog or cat having bitten or scratched 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 investigating officer or responsible agency, in compliance with State law. If the dog or cat is not confined on the owner's premises for owner's quarantine, confinement shall be by impoundment in the animal shelter, or at a veterinary hospital of the owner's choice. Such confinement shall be at the owner's expense.
5. *Strays.* Stray dogs and cats, or those animals whose owners cannot be located shall be confined in the animal shelter for a period of 96 hours and if unclaimed may be destroyed and the brain of such animal immediately submitted to a qualified laboratory for rabies examination at the victim's expense.
6. *Surrender of Animal.* The owner of any dog or cat that has been reported to have inflicted a bite on any person shall on demand produce the dog or cat for impoundment, as prescribed in this ordinance.
7. *Home Quarantine.* Home quarantine may be allowed only in those incidents where permitted by State law and agreed to by the Animal Control Officer. Refusal to produce such dog or cat constitutes a violation of this section, and each day of such refusal shall constitute a separate and individual violation.
8. *Other Animals.* Any wild, exotic or dangerous animal that is considered high risk by State law or regulation and which has bitten or scratched a person shall be caught and humanely killed and the brain submitted for rabies examination. Those wild animals which are classified as low risk animals shall be handled as dictated by State law.

Section 16. Contents of Required Reports.

When an individual is placed under a duty to report an incident in which an animal has bitten or scratched some person or some animal or to report an animal known or suspected to be rabid, that report to the Animal Control Officer shall include, if the person making the report knows, the following information:

1. The location where the bite or scratch occurred.
2. The location where the animal which committed the act or which is known or suspected to have rabies or have been exposed to rabies can be located.
3. The name and address of any person who was bitten or scratched.
4. The name and address of the person who owns, keeps, harbors or has control over the premises where the animal committing the act normally can be found.

5. The names and addresses of the persons who own, keep or harbor any other animal exposed to rabies can be found.

Section 17. Quarantine and Release.

1. When an animal is required to be placed in quarantine, the animal shall be submitted for quarantine at the animal shelter. Only with the prior approval of the local rabies control authority may the animal be held in quarantine at any other location.
2. Any animal quarantined shall be held for a period of ten days from the date of the bite.
3. The animal shall not be released from quarantine until such release has been approved by the local rabies control authority.
4. Upon release of an animal from quarantine, if the ownership of the animal is unknown, such owner has or current allowable time as determined by the Hill Country Humane Society to claim the animal. If the ownership of the animal is unknown, the animal may be placed for adoption or disposed of as provided in Hill Country Humane Society Policy.

Section 18. Submission of Head for Rabies Diagnosis.

1. If the animal biting or scratching a person is a wild animal, the animal shall be humanely destroyed in such a manner that the brain is not mutilated. The head shall then be submitted to a laboratory certified by the State Department of Health for rabies diagnosis.
2. If an animal being quarantined becomes ill, it may be humanely destroyed in such a manner that the head is not mutilated. The head shall then be submitted to a laboratory certified by the State Department of Health for rabies diagnosis. The head of each animal dying while in quarantine shall also be submitted for rabies diagnosis following the Animal Shelter Guidelines.

Section 19. Cost of Quarantine or Rabies Diagnosis.

1. If, at the end of the required quarantine period, a quarantined animal is found to be free of rabies, the local rabies control authority shall order the release of the animal to the owner if the rabies vaccination provisions of this Article have been complied with and any impoundment fees have been paid by such owner.

2. If a head is submitted to the State Department of Health for rabies diagnosis, the cost of removing the head and shipping it shall be paid by the owner of the animal.
3. The local rabies control authority may order that all impoundment fees for the quarantine be paid by the person bitten or scratched if:
 - 3.1 The animal has a rabies vaccination certificate,
 - 3.2 The animal was on property under the control of the animal's owner when the bite or scratch occurred, and
 - 3.3 The bite or scratch occurred when the animal was acting to defend its owner or the property, or after provocation.
 - 3.4 If the animal is a wild animal, the local rabies control authority may order that all fees be paid by the person who was bitten or scratched. This order may be appealed to the, City Council except that the appeal must be filed within one day and the board shall hear the case as soon as possible thereafter.

Section 20. Enforcement.

For the purposes of discharging the duties imposed by this Article and to enforce its provisions, any police officer or Animal Control Officer is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal, to include random City-wide canvassing and checks for compliance with this Article. The owner of any animal is required to produce the vaccination information for each animal in his ownership upon demand by an Animal Control Officer or peace officer.

ARTICLE III. KENNELS AND MULTIPLE ANIMAL OWNERSHIP.

Section 21. Permission Required.

1. Kennels will require pre-approval by the City Council on a case-by-case basis and only in Districts with Kennels approved by the Consolidated Zoning Ordinance or the Variance Process. More than four animals maintained on any one lot shall be considered a multi-animal owner and must comply with the requirements in the Consolidated Zoning Ordinance on types and numbers of animals authorized. No person shall maintain, harbor or care for more than four animals of any species without having received prior approval, excluding livestock as allowed in the Agricultural District or fish.

2. Private breeders of domestic cats and dogs shall be limited to four (4) adult animals. One litter by accident will not require a Breeders permit or Kennel. Repeated uncontrolled breeding will. Animals under 6 months of age will need to find new homes by 6 months or be subject to this ordinance of not more than 4 animals. Breeders are required to comply with business registration requirements and restrictions on business activities as designated in the Consolidated Zoning Ordinance for their respective zoning district in order to sell or give away any puppies or kittens, on public or private property within the City limits.
3. The Animal Control Officer may file an application with the Municipal Judge to revoke permission issued under this ordinance. The Municipal Judge may suspend any Kennel or Multi-Animal ownership or breeding business pending a full hearing if such action is determined reasonably necessary to protect the public health or the safety of any animal.

Section 22. Kennel Facility Requirements.

Inspection of the premises by the Animal Control Officer is required prior to authorization of Kennel placement in any District not already authorized and before final approval on a case-by-case basis by the City Council, the following conditions must be met prior to approval:

1. The facility must be adequate for the number and type of animals to be kept.
 - 1.1 Facility must be of sufficient size as to allow animals to move about freely. This shall apply to each animal kept. Size of facility shall be in proportion to the size of the individual animal's height and weight.
 - 1.2 Adequate food and water must be provided so that each and all animals kept shall be maintained in good health and free of malnutrition and/or dehydration.
2. The premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects and flies that could be harmful to the animal's health and/or to the health of the general public.
3. The animals and the facility must be kept free of odor or stench which is offensive to a person of ordinary sensibilities.
4. The animals must be maintained in a manner which does not pose a danger to the health of the animals themselves or to adjacent animals.
5. The animals must not cause noise which is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent or neighboring premises.
6. The applicant or holder of the permit shall not have been issued citations for violation of this ordinance on two separate occasions, or animals covered by or to be covered by the permit have not been impounded on two separate occasions.
7. In the case of a boarding kennel, no animal may be bred or sold therein.

Section 23. Private Breeder Disposal.

No private breeder may sell or give away any dog, cat or pet animal in the City limits without a private breeder business registration with the city and will be subject to unannounced and short notice inspections to determine breeding facility conditions and basic health and vaccination records² of the animals.

Section 24. Multi-Animal Ownership.

No person shall have more than four cats or dogs or any combination of more than four. All animals to be covered by a multi-animal authorization shall be kept in a facility and under the conditions as specified in Section 22. This does not include animals on Agricultural Tracts.

Section 25. Revocation or Suspension of Kennel or Multi-Pet Ownership Authorization.

Any kennel or multi-pet owner authorization may be revoked if the owner's facility is found to be in violation of any zoning law, health law or any other applicable ordinance of the City or of the State of Texas, or the facility is maintained in such a manner as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

Section 26. Commercial Sales Authorization.

1. All persons engaged in the commercial sale of any animals, domestic or otherwise, including but not limited to, pet stores and stores in which pets and animals are not the central item of sale within the store, such as drugstores and convenience stores, must apply for a commercial sales authorization specifically identifying animal sales from the Animal Control Officer. The commercial animal sales authorization shall be issued provided the applicant meets all the provisions of this ordinance and the Consolidated Zoning Ordinance. Those persons currently engaged in the selling of animals in the aforementioned manner are required to apply for the commercial sales authorization immediately and will be required to be in compliance with Section 56 within 6 months of the effective date of this Ordinance. This section shall not be applicable to persons buying, selling and trading cattle, horses, hogs, sheep, goats and similar livestock within the City that are raised and kept outside of the City in the course of a farming, ranching or agricultural business or trade; provided that this section shall be applicable to any business establishment located within the City and engaged in the buying, selling or trading of livestock for delivery or holding within the City.
2. Upon inspection of the premises where the animals are to be sold by the Animal Control Officer, the authorization shall be issued if the conditions specified in Section 22 are met.
3. The commercial sales authorization may be revoked by the Animal Control Officer if upon investigation, it is determined that the authorization holder has failed to adhere to any of such conditions. Once the authorization has been revoked, the store whose authorization has been revoked may not reapply for a period of one year and shall not engage in the sale of animals in the manner described in this section for that period.

4. Upon revocation of the commercial sales authorization, the owner of the animals covered in the revoked authorization is to remove those animals from the City limits within ten days and notify the Animal Control Officer of the location to which they will be moved. If the owner does not comply with removal of animals within the ten-day period, the Animal Control Officer shall have the authority to remove the animals for the purpose of impoundment. All associated expense will be the responsibility of the animal's owner.

ARTICLE IV. GENERAL REGULATIONS

Section 27. Identification for Animals.

Except as provided herein, all animals within the City shall be marked by some type of identifying license, tag, band, tattoo or brand by which the animal's owner can be identified.

Section 28. Running at Large.

1. Any dog will be under control on a leash except:
 - 1.1 When on the property or premises of the owner or the property or premises of an adult specifically designated by the owner.
 - 1.2 When swimming in waters adjacent to the above said properties.
 - 1.3 When assisting a law enforcement officer in the performance of police work.
 - 1.4 When assisting a duly authorized person in an official search and rescue operation.
 - 1.5 When assisting as a guide dog in service to a legally blind person or other physically disabled person, and
2. *Responsible Party.* It shall be unlawful for any person who owns, keeps, harbors or otherwise has control over any animal within the City to intentionally, knowingly, recklessly or with criminal negligence allow or permit such animal to run or be at large within the City. Dogs in the act of retrieving objects from the public water ways must be in direct visual and voice control of the owner and may not be allowed *off* leash or restraining device if another animal not under the same ownership is in the area.
3. *Cats.* The prohibition against an animal running at large shall not apply to a domestic cat which has been vaccinated as required by this Ordinance and which is wearing the required vaccination tags and has not been identified as a nuisance as previously defined. This prohibition shall apply to all other cats.
4. *Restraint Required.* An animal shall be considered to be at large if it is not under the control of its owner by either a leash, chain, cord or other suitable material attached to a collar or harness, except as defined in para. 1. of this Section.

5. *Snakes.* It shall be unlawful for any person to have a snake in any park or other public place unless it is part of an educational program with prior approval from the City Council.
6. *Impoundment.* The Animal Control Officer for the City may impound any animal observed to be at large, whether the animal is on public or private property, subject to the applicable provisions of the law. If the Animal Control Officer observes an animal on property which is owned by a person other than the owner of the animal, and observes the animal return to property of its owner, the Animal Control Officer may impound the animal or issue a citation for the animal running at large. In the event the animal is on private property or property of the animal's owner the Animal Control Officer, his/her agent, or peace officer may enter the property, other than a private dwelling for the purpose of impoundment or issuance of a citation, or both, subject to the applicable provisions of the title and law.
7. *Prima Facie Evidence.* Proof that an animal was found at large in violation of this section, together with proof that the defendant was the owner of such animal at the time, shall constitute prima facie evidence that the defendant allowed or permitted the animal to be at large.

Section 29. Confinement During Estrus.

1. *Secured Enclosure Required.* Any un-spayed female dog or cat in the state of 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 or cat may gain access to the confined animals except for controlled breeding permitted by the owner of the female.
2. If an owner does not comply with Section 29(1), the owner must immediately remove the animal to a veterinary hospital or animal shelter.
3. Failure to comply with Section 29(1) or 29(2), is an offense and the dog or cat in estrus shall be impounded, with all expenses of impoundment to be paid by the owner.

Section 30. Animal Defecation Prohibited in Certain Areas.

1. It is unlawful for the owner or person in control of an animal to intentionally, knowingly, recklessly or with criminal negligence allow or permit such animal to defecate on any public property or improved private property other than that of the owner of the animal. That the animal was at large at the time it defecated on any property shall constitute prima facie evidence that the owner or person in control of the animal allowed or permitted the animal to so act.
2. *Defense.* It shall be a defense to prosecution under this section that the owner or person in control of the animal immediately removed and cleaned up such animal's feces from public or private property.

Section 31. Wild Animals or Wildlife.

1. No person shall possess, keep, harbor or have care, custody or control of a prohibited animal, wild animal or wildlife within the City except as provided herein.
2. All persons shall be prohibited from selling, giving, transferring or importing into the City any wild animal.
3. It shall be a defense to prosecution under this section that the animal being kept was an infant or injured animal which was not capable of surviving on its own and that Texas Parks and Wildlife Department was notified and such animal was kept for three days or less, or for such reasonable time as was necessary to be turned over to a Texas Parks and Wildlife Officer or before giving the animal to a licensed wildlife rehabilitator.

Section 32. Nuisance Animals.

1. A person commits an offense if such person owns or possesses any animal that is a nuisance. An animal shall be deemed to be a nuisance under the following circumstances:
 - 1.1 The animal molests or chases persons or their vehicles, including bicycles, without being provoked.
 - 1.2 The animal makes unprovoked attacks on other animals.
 - 1.3 The animal is at-large three or more times in a 12-month period, unless the animal is a cat not previously identified in the nuisance category. This offense is cumulative in addition to the offense for Animal at Large under Section 28, such that a person may be cited for both Animal at Large and Nuisance Animal should the person's animal be at large three or more times in a 12-month period.
 - 1.4 The animal damages, soils, marks or leaves an offending odor, defiles, or digs up public property or private property, other than property belonging to or under the control of the owner.
 - 1.5 The animal barks, whines, howls, crows, crackles, or makes any noise excessively and continuously, and such noise disturbs a person of ordinary sensibilities.
 - 1.6 The animal produces odors or unclean conditions sufficient to annoy persons living in the vicinity.
 - 1.7 The animal gets into trash that does not belong to the animal's owner.
2. If an Animal Control Officer or a Police Officer determines that an animal is a nuisance animal, the Animal Control Officer or the Police Officer shall consider

whether the situation may be resolved informally or with a warning rather than a citation.

3. Nuisance domestic pets will not be allowed to roam "at large".
4. Only spayed or neutered cats are allowed at large privileges. Four or more adult cats in one household are considered nuisance pets and shall forfeit at large privileges if one or more cat's conduct results in a citation.
5. No pet owner will allow loud or unusual barking or howling if the disturbance adversely affects the peace or comfort of the inhabitants of the neighborhood

Section 33. Honeybees.

No person shall construct, place or maintain any beehive within 300 feet of any residence other than that of the owner except with the consent of the occupants of all such residences.

Section 34. Location of Pens and Coops.

Any person keeping or harboring any animal, other than livestock, shall locate any pen, hutch or other housing at least 50 feet from any residence, excluding the residence of the person keeping or harboring the animals.

Section 35. Chickens

1. A maximum of three (3) hens are allowed at a residence within the City, except agricultural zoned lots.
2. Raising or keeping roosters is prohibited in the city except in a zoning district where the keeping of such fowl is a permitted use.
3. Chicken coops must be kept in the back yard of the residence, behind the facade of the house.
4. A chicken coop and run shall not be located within twenty-five (25) feet from any business or dwelling occupied by any person other than the owner of the coop and run.
5. An application must be filed and approved by the City for Chickens.
6. The coop and location must be inspected and approved by the city's Animal Control Officer PRIOR to Chickens being allowed on property.
5. Hens may not be kept in a manner that constitutes a public nuisance as defined in this code. Hens are not allowed within city streets or city right-of-way.

Section 36. Livestock.

1. It shall be unlawful for any person owning or having care, custody or control over any livestock or fowl, except in agricultural zoned districts, to:
 - 1.1 Cause or permit any livestock to be pastured, herded, staked or tied in any street, lane, alley, park or other public place; or
 - 1.2 Tie, stake or pasture or permit the tying, staking or pasturing of any

animal upon any private property within the City without the consent of the owner or occupant of such property; or in such a way as to permit any livestock to trespass upon any street or other public place or upon any private property; or

1.3 Permit any livestock to be or remain during the nighttime secured by a stake, or secured in any manner other than by enclosing such animal in a pen, corral or barn sufficient and adequate to restrain such livestock.

1.4 It shall be unlawful for any person to keep or harbor any livestock within the City in a pen or other enclosure situated at any point closer than 200 feet to any residence, excluding the residence of the person keeping or harboring the livestock.

1.5 It shall be unlawful for any person to keep or harbor any livestock within the City in a pen or other enclosure outside agricultural zoned districts.

Section 37. Animals Held on Complaint.

If a complaint has been filed (in writing) in the City against the owner of an impounded animal for a violation of this title the animal shall not be released except on the order of the Municipal Judge or Animal Control Officer which may also direct the owner to pay any penalties for violation of this ordinance in addition to all impoundment fees. 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 from the fees and fines which may result from a violation of this ordinance.

Section 38. Removal of Animals from Confinement.

1. *Removal of Animals from Confinement.* It shall be unlawful for any person to remove or allow to escape from any place of confinement any dog or cat which has been confined or ordered to be confined by the City, without the consent of the impounding agency.
2. *Release of Confined Animals.* It shall be unlawful for any person to knowingly or intentionally enter upon the property of another person's for which the person is not given specific permission to enter for the purpose of releasing a confined animal.
3. *Impounding - Interfering with Officers.* It shall be unlawful for any person to interfere or attempt to interfere with the Animal Control Officer, or Police Officer or to interfere or attempt to interfere with any person acting for the City in the taking up and impounding of animals in the City.

ARTICLE V. ANIMAL PROTECTION PROVISIONS

Section 39. Animals in Motor Vehicles.

No person shall leave any animal in any standing or parked vehicle in such a way as to

intentionally, knowingly, recklessly, or with criminal negligence endanger the animal's health, safety or welfare. An Animal Control Officer or police officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety or welfare is or will be endangered if the owner of the vehicle cannot be located after reasonable attempts. The animal shall be taken to the animal shelter or to a veterinarian if the animal is in distress. A written notice bearing the name of the officer removing the animal, a telephone number where he can be contacted and the location where the animal may be claimed by the owner shall be attached to the vehicle. Any person violating this section shall bear the full cost and expense incurred by the City in the care, medical treatment, impoundment cost and disposal of the animal, including the removal from a vehicle.

Section 40. Duty of Motor Vehicle Operator to Report Accident Involving Animals.

1. Any person who, as the operator of a motor vehicle within the City, strikes any animal shall report the accident to the police department within a reasonable time if the animal stricken is on or near the roadway so that it constitutes a potential traffic hazard. It shall be an affirmative defense to any violation under this section that the incident occurred while the operator was responding to an emergency and that the incident was reported as soon as possible.
2. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or the local humane society.

Section 41. Tethered Animals.

It shall be unlawful for any person to tether, chain, or fasten any animal in such a manner as to:

1. Permit it to be upon any public sidewalk or street or to leave it unattended while tethered, chained, or fastened on public property;
2. To cause it injury or pain;
3. To prevent the animal from reaching shelter, food, and water, or otherwise tethered, chained, or fastened so as to not allow sufficient movement necessary for the animal's quality of life; and
4. Allow the animal to interfere with the reading of meters on the owner's property.
5. The City will also adhere to Texas Health and Safety Code Section 821.076- 081 for Unlawful Restraint of a Dog.

Section 42. Selling Dyed Animals.

No animal or fowl of any kind that has been dyed or otherwise colored artificially may be sold or offered for sale, raffled, offered or given as a prize, premium or advertising device or displayed in any store or other public place.

Section 43. Trapping and Shooting.

1. *Trapping Prohibited.* It shall be unlawful to set, trigger, activate or otherwise use, or cause to be set, triggered, activated or used, any steel-jawed, leg-hold trap to be used for the capture of any animal. This section is not intended to prohibit the prudent use of traps on one's own property to control nuisance animals. In such instances live traps may be used.
2. *Domestic Animals.* It shall be unlawful for any person to shoot a domestic animal within the corporate limits of the City. It shall be a defense to prosecution that the domestic animal shot was a vicious animal upon the property owned or occupied by the person charged, or upon property occupied by a third party that requested the person charged to shoot or destroy the domestic animal due to an immediate threat to the safety.

Section 44. Molesting Animals.

It shall be unlawful for any person to in any manner tease, annoy, disturb, molest or irritate an animal that is confined to the owner's premises.

Section 45. Pens and Enclosures. Sanitary Requirements. Minimum Cage Size. Overcrowding.

1. The owners of any animal shall maintain and keep all pens, coops, kennels, fenced areas and enclosures of any kind in a sanitary condition. This shall include the following:
 - 1.1 All animal wastes shall be disposed of promptly and all pens and enclosures shall be cleaned as needed to prevent odors, and not draw insects or other vermin or create a nuisance.
 - 1.2 The premises upon which animals are kept shall be clean and free from noxious and unpleasant odors.
 - 1.3 Some standard spray or other chemicals shall be used at reasonable intervals to keep the premises free of flies, mosquitoes, ticks, fleas and other vectors.
2. Cages, pens or enclosures used to confine animals shall be of sufficient size to maintain all of the animals within such pen or enclosures comfortably and in good health.

Section 46. Negligent Care.

1. It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade, adequate shelter, veterinary care when needed to prevent suffering, grooming when lackthereof

would adversely affect the health of the animal, and with humane care and treatment.

2. To provide "adequate shelter" for a dog or cat kept outdoors, a person must provide a shelter accessible to the dog or cat meeting the following standards:

2.2 The shelter must provide protection from the weather, i.e., sun, wind, precipitation (in whatever form), or other inclement weather conditions and have at least a roof and three sides.

2.3 If there are no artificial heat sources, the structure shall be small enough to allow the dog or cat to warm the interior of the structure and maintain its body heat, but large enough to permit normal postural adjustments, or standing.

3. A notice of violation requiring that the condition be corrected within a specified time period shall be issued to a person before any notice to appear at the municipal court may be issued or before a complaint may be filed with the municipal court.

Section 47. Animal in State of Pain or Suffering.

1. If any animal without a license tag or other identifying marker is found in a state of pain and suffering or becomes so during confinement, the City or its agent may dispose of the animal in any humane manner without complying with the three-day (72-hour) waiting period.
2. If the owner or keeper of an animal found in a state of pain or suffering refuses to assume responsibility to care for the animal, the Animal Control Officer may dispose of the animal in a humane manner.

Section 48. Animal Fights and Fighting Paraphernalia.

1. It shall be unlawful for any person to intentionally, knowingly, recklessly, or with criminal negligence use, or allow or permit to be used, property that he owns or has control over for the purpose of conducting animal fights. For purposes of this section, "animal" shall mean a domesticated living creature and wild living creature previously captured.
2. It shall be unlawful for any person to possess animal fighting equipment within the City. As used herein, the term "animal fighting equipment" means any equipment used for training, handling, housing, feeding or transporting fighting animals. The term also includes animals being used, trained or bred for fighting or intended to be used, trained, or bred for fighting.

Section 49. Slaughtering of Animals.

Animals may be slaughtered for human or animal consumption within the City, provided it is done at a location that is shielded from sensory perception of the general public, and that complies with the Consolidated Zoning Ordinance, and provided it is done in a manner designed to cause the animal's death as quickly as possible without needless suffering.

Section 50. Use of Poisonous Substances.

1. It shall be unlawful for any person to administer poison to an animal belonging to another without legal authority or the owner's effective consent. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any domestic animal or person.
2. It shall be unlawful for any person to recklessly or with criminal negligence injure another's animal by leaving a poisonous substance of any kind in any place within the City.
3. The provisions of subsection (1) and (2) shall not apply to an exterminator using poisons as part of a pest control program, nor shall it apply to persons using commercial insecticides and rodent baits used to control insects and wild rodents. For purposes of this section, the term "exterminator" shall mean an individual licensed by the Texas Structural Pest Control Board, unless he or she is exempt from such licensing.

Section 51. Cruel Treatment.

No person shall 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.

Section 52. Abandonment.

It shall be unlawful for a person to abandon an animal in the person's custody. Abandoned animals may be impounded.

Section 53. Creating a Health Hazard.

Any person who shall harbor or keep animals on his/her premises, or in or about a premises under his/her control, and who allows such premises to become a hazard to the general health and welfare of the community, or who shall allow such premises to give off obnoxious or offensive odors due, to the activity or presence of such animals, shall be prohibited.

Section 54. Tampering with Traps and Equipment.

No person shall remove, alter, damage or otherwise tamper with a trap or equipment belonging to or set out by the Animal Control Officer.

ARTICLE VI. DANGEROUS ANIMALS

Section 55. Purpose of Article.

It is the intention of this Article to provide a means of dealing with an animal that is dangerous or, by its conduct, has indicated that it may represent a danger in the future. In interpreting the definitions contained in this Article and in implementing its provisions, the Animal Control Officer and City Council shall recognize the right of a person to use an animal as a protector or as a guard; however, the Animal Control Officer and the City Council shall also take into consideration the right of a neighborhood to be free from fear that an animal may leave the premises of its owner or keeper and attack and injure a person or other domestic animal.

Section 56. Dangerous Animals.

1. A dangerous animal shall be defined as an animal which:
 - 1.1 Has inflicted injury on a human being without provocation on public or private property; or
 - 1.2 Has killed or severely injured a domestic animal without provocation while off the owner's property; or
 - 1.3 Is trained or harbored for fighting which may be determined based on whether the animal exhibits behavior and/or bears physical scars or injuries which indicate that the animal has been trained or used for the purpose of fighting; or
 - 1.4 Is a warm-blooded mammal which is known to carry or be susceptible to the rabies virus and which cannot be effectively vaccinated against that virus with any vaccine approved by the Texas Department of Health; or
 - 1.5 Is a hybrid animal or any pet wildlife which has attacked a human or which is apprehended or observed unrestrained; or
 - 1.6 Is a venomous or carnivorous fish or reptile or any fish or reptile that grows over six feet in length.
2. a dangerous animal, as defined hereinabove, the Animal Control Officer shall impound the animal immediately if it is at large; or, if it is in the possession of some person, the Animal Control Officer may issue a notice requiring that the animal be taken to a designated location for impoundment. An animal which is impounded shall not be released until a final determination is made on the disposition of the animal.
 - 2.1 Notice shall be given to the owner by the Animal Control Officer that the Animal Control Officer has determined that the animal is a dangerous animal and is prohibited from being returned to the city or must be removed immediately from the city limits.

Section 57 Seizure of a dog

Basis of seizure. The municipal court shall order the seizure of a dog and issue a warrant authorizing said seizure upon:

1. A sworn complaint that the dog caused the death or serious bodily injury to a person; and upon
2. A showing of probable cause to believe that the dog caused death or serious bodily injury to a person; and upon
3. Any other basis authorized by state law.
4. The dog is to be seized and impounded until the court orders the disposition of the animal.
5. Within 10 days after the date in which the warrant is issued, a hearing is to be set by the court. The court is to give written notice to the concerned parties, the owner or person from whom the dog was seized, the shelter and the complainant and any other interested party, including the city attorney.
6. Notice shall be given to the owner by a police officer, or by certified mail, return receipt requested that the dog has been seized.

Section 58 Dangerous Dog Determination

An owner learns that he/she is the owner of a dangerous dog when one of the following events occurs:

1. The owner knows of an attack as described in Texas Health and Safety Code section 822.041(2)(A) or (B) and as provided herein;
2. The dog makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own;
3. The dog makes an unprovoked act in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and such act causes a person to reasonably believe that the dog will attack and cause bodily injury to that person;
4. The owner is informed by the animal control officer that the dog is dangerous as determined by the animal control or police officer through investigations and upon sworn statements. The owner may appeal this decision to the municipal court within fifteen (15) days; or
5. The owner receives notice that the municipal court has found the dog is dangerous after a hearing on the matter, either on a report of an attack that caused bodily injury, or after an owner fails to comply with the requirements of an owner of a dangerous dog.

Section 59 Appeal of dangerous dog determination

Findings of the animal control and/or police officer pertaining to dangerous animals may be appealed to the city municipal court, county court, or justice court of competent jurisdiction in accordance with the Health and Safety Code, section 822.0421(b), as amended. An owner may appeal the decision of the animal control and/or police officer to the judge of the municipal court in the same manner as an appeal is made for other criminal cases, but not later than the 15th day after the owner is notified of the city enforcement agent's determination. During the pendency of such appeal, the findings of the city enforcement agent shall be suspended; however, the animal shall continue to be impounded at the owner's expense at the designated animal control facility for observation and to protect the health and safety of the public until a final disposition is reached, or compliance with the requirements for the keeping of a dangerous dog are satisfied, unless otherwise ordered by the court. Appeal from the municipal court determination is the same as any other appeal from the municipal court.

Section 60. Exceptions.

1. No animal may be declared dangerous or potentially dangerous if the threat, injury or damage was sustained by a person who at the time:
 - 1.1 Was committing a willful trespass or other tort upon the premises occupied by the owner of the animal; or
 - 1.2 Was tormenting, abusing or assaulting the animal or has in the past been observed or reported to have tormented, abused or assaulted the animal and the animal was not at large at the time of the offense; or
 - 1.3 Was committing or attempting to commit a crime.
 - 1.4 If the dog was protecting or defending a person while in that person's control from an unjustified attack or assault; or
 - 1.5 If the dog was injured and responding to pain.

The provisions of this Article shall not apply to animals under the control of a law enforcement or military agency.

The provisions of this Article shall not apply to a dog whose conduct has brought it within the coverage of the V.T.C.A., Health and Safety Code Chapter 822, to the extent that said Chapter preempts local regulation of the dog's conduct.

Section 61 Dangerous Dogs Not Allowed in the City.

The City in general will not allow dogs that have been deemed a Dangerous Dog by this City or by any other City to reside inside the City Limits.

1. Dogs that are deemed Dangerous Dogs must immediately leave the City Limits and report their status to the jurisdiction in which they move.

2. The City will allow owners of such Dangerous Dogs to appeal to the Animal Control Officer and Mayor on a case-by-case basis. If the Animal Control Officer and Mayor to allow such dogs to stay, then all State Laws under Health and Safety Code Section 822.042 Requirements for Owners of Dangerous Dogs must be met.
 - 2.1 The owner must also have a written plan of how to keep the City safe from the dog.
 - 2.2 The dog deemed dangerous may not stay on the City limits during this process.
3. Criminal responsibility for the keeping of a dangerous dog may be established by intent, knowledge or recklessness

Section 62. Exhibitions of Certain Animals Prohibited.

No person shall keep, or permit to be kept, on his premises any wild or dangerous animal for display or for exhibition purposes, whether gratuitously or for a fee.

Section 63. Prohibited Animals.

No person may possess a prohibited animal within the City limits. Such prohibited animals shall include, but are not limited to, all animals prohibited by the state or federal law and shall include, but are not limited to, the following animals or any hybrid of these animals or such other class of animals as may be determined to be dangerous by Animal Control Officer or any other dangerous animal which may be added in the future to the list as a high risk animal in the Texas Rabies Control Act, as amended:

1. Class Mammalia: family Canidae (such as wolves, coyotes and fox) except domesticated dogs and hybrids involving same; family Mustelidae (such as weasels, fishers, skunks, wolverines, mink and badgers); family Procyonidae (such as raccoons); family Ursidae (such as bears); and order Chiroptera (such as bats).
2. Poisonous reptiles, cobras and their allies (Elapidae, Hydrophiidae); vipers and their allies (Crotiladae, Viperidae); Boonslang and Kirtland's tree snakes; Gila monsters Helodermatidae); and crocodiles, alligators and their allies (order Loricata) and non-venomous.
3. Brown recluse (Loxosceles) and black widow (Lactrodectus) spiders.

Section 64. Restricted Animals.

No person may possess any individual species and/or subspecies of the following animals: antelope, Order Carnivora, family felidae (such as lions, tigers, jaguars, leopards and cougars, leopards, cheetahs, jaguars), hyenas, bears, lesser pandas, ferrets from natural habitats, order Primata (such as monkeys, chimpanzees, apes); binturong, elephants, or such other non-domestic species of animal.

Section 65. Exemptions.

1. This Article does not apply to:

1.1 Any government agency or its employee who uses the animals for an agency related to education, propagation, or behavior program; or

1.2 Anyone holding a valid rehabilitation permit from the Texas Parks and Wildlife Department but only for animals which are in rehabilitation and scheduled to be released to the wild.

2. This ordinance does not apply to an animal that is an FFA or 4-H project and that is and remains in good standing and on an official list of such authorized projects filed with the City by the authorized sponsor of such FFA or 4-H program; provided that such exemption shall be withdrawn upon the sponsor of the applicable FFA or 4-H program notifying the Mayor that such animal is not being maintained and cared for in compliance with the standards of such FFA or 4-H program, or is, otherwise, no longer an authorized FFA or 4-H project.

ARTICLE VII. IMPOUNDMENT

Section 66. Impoundment Generally.

Animals owned or harbored in violation of this ordinance or law of the State of Texas shall be taken into custody by an Animal Control Officer or other designated official and impounded under the ordinance.

Owners of impounded pets are required to pay all fees related to the impoundment.

Section 67. Tampering with Animal Shelter or Impoundment Vehicle.

It shall be unlawful for any person in the City without proper authority to break into, open, pull down the enclosure of or make any opening into the animal shelter or any enclosure belonging to or used by the City to impound or keep animals. It shall also be unlawful for any person to turn out or release, or cause to be turned out or released, or aid or abet the turning out or release of any animal from the animal shelter, from an impoundment vehicle or from any enclosure used by the City for the impoundment of animals.

Section 68. Redemption and/or Disposition of Impounded Animals.

Decisions on length of stay, adoptability of animals, termination decisions and redemption requirements of animals taken to the Hill County Humane Society will be according to their Shelter Management Guidelines.

Section 69. Estray and Other Livestock.

It is unlawful for any owner or person in control of any horse, mule, jack, jennet, cattle, hog, goat or sheep (estrays) to permit any such animal to run at large on land not his own or under his control, or on any street, alley or other public place in the City.

Article VIII. Administration

Section 70. Effective Date.

This ordinance shall take *effect* immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government. Code.

Section 71. Severability.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not *affect* any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not *affect* other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 72. Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this 18th day of August 2022.

APPROVED BY:


Chellie Stewart, Mayor


Andrea Stephens, City Sec