

## EXHIBIT "A"

### CHAPTER 3. ANIMAL CONTROL

#### ARTICLE 3.01 GENERAL PROVISIONS<sup>2</sup>

##### Sec. 3.01.001 Definitions

As used in this chapter, the following words shall have the meanings ascribed to them unless the context otherwise indicates:

Altered animal. An animal rendered unable to procreate by vasectomy, tubal ligation, spay or neutering.

Animal. Any living vertebrate creature.

Animal breeder. An owner of an unaltered dog or cat that sells, trades, or gives away the offspring of the unaltered dog or cat.

Cat. All members of the feline family of either sex, including one spayed or neutered.

Dog. All members of the canine family of either sex, including one spayed or neutered, except that a dog used for law enforcement by a governmental entity is an instrumentality of the law enforcement officer and is subject only to the rabies provisions of this chapter or as mandated by state law.

Harbors or harboring. The act of keeping or caring for an animal.

Microchip. A small device placed under the skin between an animal's shoulder blades containing the owner's information and a number.

Multi-pet owner. A person who keeps or harbors more than seven dogs, other than puppies under four months of age.

Owner. Any person, firm, corporation, company or association who has, harbors, keeps or causes or permits to be harbored or kept, or has in his care or who permits a dog, or cat or other animal to remain on or about his premises for a period of three (3) days or more.

Pot-bellied pig. The common name of animals otherwise scientifically known as *Sus scrofa domestica*.

Prohibited animal. An animal including but not limited to the following:

- (a) Any animal protected or endangered according to state or federal laws.
- (b) Class Reptilia: All venomous snakes, venomous lizards and other venomous animals within the Class Reptilia and animals in the Order Crocodilia.

(c) Class Mammalia: Order Carnivora, Family Felidae (ocelots, panthers, bobcats, margay, tigers, jaguars, leopards and cougars), except commonly accepted domesticated cats; the Family Canidae (wolves, dingoes, coyotes, foxes and jackals), except domesticated dogs; Family Hyaenidae (hyenas); Family Mustelidae, (weasels, skunks, martins, mink and badgers), except ferrets; Family Procyonidae (raccoon); Family Ursidae (bears); Order Marsupialia (kangaroos and common opossums); Order Edentata (anteaters) except armadillos; Order Proboscidea (elephants); Order Primates (monkeys, chimpanzees and gorillas); Order Rodentia (porcupines); Order Ungulata (antelope, deer, bison and camels); and Order Artiodactyla, Family Suidae (wild boars) and Family Tayassuidae (javelina).

Qualified Rescue Organization. An organization that is tax-exempt under section 501(c)(3) of the Internal Revenue Code and is organized and operated exclusively for the purpose of the prevention of cruelty to animals.

Spayed or Neutered. Surgically sterilized sexually

Temporary. Only the time necessary to carry out the authorized activity.

Unaltered animal. An animal that has not been rendered unable to procreate spay or neutering.

### **Sec. 3.01.002 Penalty**

Unless otherwise specified herein, any person, firm, corporation or association convicted of violating any provision of this chapter shall be fined in accordance with the general penalty provision found in section 1.01.009 of this code.

### **Sec. 3.01.003 Appearance in court required**

(a) Any person violating any of the provisions of this chapter may be arrested upon written complaint and shall be taken immediately before the judge of the municipal court when such person refuses to give him written promise to appear in court as hereinafter provided.

(b) Whenever any person violates any part of this chapter and such person is not immediately taken before the judge of the municipal court as hereinbefore required, the arresting officer shall prepare in duplicate written notice to appear in said court containing the name and address of such person, the offense charged with and the time and place, when and where such person shall appear in said court. Such person must give his written promise to appear in court by signing in duplicate the written notice prepared by the arresting officer, such appearance to be at least ten (10) days from such date unless an earlier hearing is demanded. The original of such notice shall be retained by the officer and a copy thereof delivered to such person, and thereupon the officer shall forthwith release such person.

(c) Any person willfully violating any part of his written promise to appear in court, given as provided in this section, is guilty of a misdemeanor regardless of the disposition of the original charge.

(d) Any person employed as a San Angelo peace officer, animal services director, animal services officer, animal services technician, or animal services dispatcher shall have the authority to issue citations for violations of this chapter.

#### **Sec. 3.01.004 Defense**

It is a defense to prosecution under any section of this chapter that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and who has ownership, custody or control of the animal in connection with that position.

#### **Sec. 3.01.005 Duties of animal services director**

The city manager shall provide by appointment or by contract a qualified person, corporation or entity to perform the duties of the animal services director. The animal services director shall be responsible for the enforcement of all of the provisions of this chapter.

#### **Sec. 3.01.006 Local rabies control authority**

The animal services director is hereby designated as the local rabies control authority for the purposes of chapter 826 of the Health and Safety Code.

#### **Sec. 3.01.007 Vaccination required**

(a) All dogs, cats, ferrets, and pot-bellied pigs kept, harbored or maintained by their owners within the city corporate limits shall be vaccinated for rabies by the time the animal is four months of age, again at twelve months of age, and once every year if a one-year effective rabies vaccine is administered or once every 3 years thereafter if a 3-year effective rabies vaccine is administered.

(1) Failure to vaccinate within each required period is a violation of this section.

(2) A veterinarian who vaccinates a dog, cat, or ferret shall issue to the animal's owner a vaccination certificate that conforms to the requirements established by the state board of health.

(b) All pot-bellied pigs kept, harbored or maintained by their owners within the city corporate limits shall be vaccinated for leptospirosis and erysipelas by the time the animal is four months of age and once each year thereafter.

(1) Failure to vaccinate within each twelve-month period is a violation of this section.

(2) A veterinarian who vaccinates a pot-bellied pig shall issue to the animal's owner a vaccination certificate that conforms to the requirements established by the state board of health.

#### **Sec. 3.01.008 Diseased animals**

It shall be unlawful for any person to have or keep any animal or fowl infected with a disease which may contaminate other animals or fowls and/or which may be a health hazard.

### **Sec. 3.01.009 Apiary regulations**

(a) It shall be unlawful for anyone to maintain, harbor, or cultivate six (6) or more hives of bees within seventy-five feet (75') of any residence or place of business other than the residence or place of business of the owner of such hives of bees.

(b) It shall be unlawful for anyone to maintain, harbor, or cultivate an apiary or any number of hives of bees in such a manner or under such circumstances where such maintenance, harboring and cultivating of apiaries or hives of bees would constitute a nuisance.

### **Sec. 3.01.010 Persons bitten by dog, cat or other animal**

(a) Should any person or animal be bitten or scratched by a dog or cat ("suspect dog or cat" herewith), such suspect dog or cat shall be quarantined for observation for a period of not less than ten (10) days immediately following the date of the bite incident. For a temporary period of time pending quarantine, upon receipt of knowledge of the bite or scratch incident, such suspect dog or cat shall be confined by the owner in a building or secure enclosure or securely chained to prevent escape or injury to said suspect dog or cat and to prevent contact with other persons or animals.

(b) Failure of the owner of a suspect dog or cat to act as herein described shall constitute an offense, and each hour of failure to comply with these provisions after receipt of knowledge of the incident by the owner will constitute a separate offense.

(c) Should any person or animal be bitten or scratched by an animal of a species known to be a rabies carrier, not a dog or cat ("suspect animal"), and not a wild animal, such suspect animal shall be immediately delivered to the city animal shelter by the owner or person in control of the animal for examination and determination by the city veterinarian whether such suspect animal is to be quarantined (including the length and type of quarantine) after consultation with the veterinarian(s) who has previously attended said animal. Provided, however, if after examination and consultation as provided above, the city veterinarian determines that euthanasia for rabies determination is appropriate, such shall be done.

(d) Quarantine arrangements for a suspect dog or cat or suspect animal shall be made by the owner of such suspect dog or cat or suspect animal within twenty-four (24) hours of receipt of knowledge by the owner of the bite or scratch with the animal services department of the city. Failure of the owner of such suspect dog or cat or suspect animal to make quarantine arrangements and so advise the animal services department shall constitute an offense and each hour of failure to comply with this provision following the twenty-four (24) hour time limit shall constitute a separate offense.

(e) Quarantine of a suspect dog or cat or suspect animal shall be accomplished by one of the following methods:

(1) Said animal may be quarantined by the city animal shelter under supervision of the veterinarian employed by the city.

(2) Said animal may be quarantined at the clinic or hospital of any licensed veterinarian in the immediate area.

(3) Said animal may be home quarantined upon approval of the animal services director.

(f) Regardless of the place of quarantine, the animal shall be examined at the initiation of the quarantine and again at the conclusion of the quarantine period by a licensed veterinarian, who shall notify the animal services department of his findings from said examinations.

(g) Any quarantined suspect dog, cat or ferret not vaccinated against rabies nor registered with the city during the twelve (12) month period immediately preceding the date of the bite or scratch incident shall be vaccinated by the attending veterinarian at the conclusion of the quarantine period, and the animal shall be registered before being released.

(h) The owner of the quarantined suspect dog or cat or suspect animal shall pay all fees incident to the quarantine prior to release of the animal from quarantine by the veterinarian except, if the animal bit or scratched the owner or a member of his immediate family, such animal may, at the discretion of the local rabies control authority, be quarantined at the home of the owner, provided the veterinary examination of said animal at the beginning of the quarantine period reveals no reason to suspect the presence of rabies in said animal. Should there be any doubt as to the rabies status of said animal by the examining veterinarian, then quarantine shall be accomplished by one of the methods described above, or the animal destroyed as described herein. Said animal must be examined at the conclusion of the quarantine by a veterinarian and all other portions of this section shall apply.

(i) In the event the owner of a suspect dog, cat or ferret is unknown, said animal shall be considered a stray and it shall be quarantined at the city animal shelter. Should a person subsequently appear and claim said dog, cat or ferret, then said person shall be considered as the owner and be liable for all fees incident to the quarantine as described herein. If all fees are not paid within three (3) days following the quarantine period at the city animal shelter, said dog, cat or ferret may be sold or destroyed by the animal services director.

(j) Any animal suspected of being infected with rabies may be destroyed immediately upon recommendation of a licensed veterinarian for determination of rabies.

(k) Any wild animal that is not a domesticated animal, without a licensing tag, found within the city corporate limits and subject to this section, may be euthanized by the animal services department or killed by a police officer and the head of said animal delivered to the animal shelter for rabies examination at the discretion of the local rabies control authority.

(l) Whenever any animal bites any other animal, all regulations and requirements herein described shall apply to both the attacking animal and the animal that is bitten. Should an animal be bitten by an animal determined to have rabies, then it shall be handled by one of the following methods:

(1) If not vaccinated against rabies for a period of at least thirty (30) days and no more than twelve (12) months immediately preceding the date of exposure, said animal shall be quarantined for a minimum period of ninety (90) days immediately following the date of exposure at a veterinary hospital or the city animal shelter, with said animal being examined and vaccinated against rabies as required under current department of state health services regulations and reexamined at the end of the

quarantine period by a licensed veterinarian, unless owner gives written consent to destroy it;

(2) If vaccinated against rabies for a period at least thirty (30) days and no more than twelve (12) months immediately preceding exposure, said animal shall be given the appropriate rabies booster immediately and quarantined for forty-five (45) days; or

(3) Euthanasia.

### **Sec. 3.01.011 Prohibited animals**

(a) Prohibition. It shall be unlawful for any person to own, possess, exhibit or harbor a prohibited animal within the city.

(b) Exceptions. If the animal is restrained from inflicting injury upon persons, property or other animals and adequate provision is made for the protection of the animal, the provisions of this section are not applicable to the following:

(1) The permanent possession, exhibition or harboring of hamsters, guinea pigs or gerbils;

(2) The temporary possession, exhibition or harboring of a prohibited animal where such possession, exhibition or harboring is associated with organized public entertainment, including, but not limited to, a zoo, performing animal exhibition, rodeo or circus;

(3) The temporary possession, exhibition or harboring of a prohibited animal by a governmental entity or research institution;

(4) The temporary possession or harboring of a prohibited animal by a state game warden, state-licensed wildlife rehabilitation worker or doctor of veterinary medicine in an appropriately zoned area of the city, when such possession or harboring is in conjunction with the treatment of or the observation for disease;

(5) The temporary possession of a prohibited animal while transporting such animal to any of the authorized places or persons specified in this section;

(6) The temporary possession of a prohibited animal of the Class Reptilia for the purpose of milking the venom, dissecting, and utilizing the body parts of said animals for a commercial purpose so long as said animal is located in an appropriately zoned area of the city.

(7) Any government-sponsored facility (educational or research) having a state department of parks and wildlife permit pursuant to Texas Parks and Wildlife Code, title 5, subtitle A, chapter 43, subchapter C (Permits for Scientific Research, Zoological Collection, Rehabilitation, and Educational Display). This exception shall apply only to protected wildlife as that term is defined in section 43.021 of the Texas Parks and Wildlife Code.

(c) Violations. In the event any person owns, possesses, exhibits or harbors a prohibited animal within the city corporate limits, which animal is not subject to any of the exceptions specified in this section, then any designated officer or agent employed by the city may immediately take such animal and impound it and issue a summons for such person to appear in municipal court within ten (10) days to answer such charges. After reasonable notice and hearing, the city, by its designated agent, may remove the prohibited animal from the city limits or otherwise dispose of the animal. In the event the owner of the prohibited animal is unknown or after reasonable diligence cannot be located, the city, by its designated agents, may remove the prohibited animal from the city limits or otherwise dispose of the animal without notice.

### **3.01.012 Spay or Neuter required.**

All unaltered dogs and cats over four (4) months of age kept, harbored, or maintained within the City limits of San Angelo must be spayed/neutered or their owner shall obtain a breeder's permit under this Chapter.

### **3.01.013 Exceptions to Spay or Neuter Requirement.**

Section 3.01.012 of this Chapter shall not apply to:

1. Animals under four (4) months of age.
2. Breeders are exempt with a current breeder permit and veterinarian health statement that verifies a microchip with number.
3. Animals where a licensed veterinarian certifies that the dog or cat should not be spayed/neutered for health reasons or is permanently non-fertile.
4. Competition and show animals may be exempt with the proper documentation to demonstrate an animal's activity.
5. Service animals for law enforcement, rescue and disabled may be exempt.
6. Animals transferred to another animal shelter or Qualified Rescue Organization that provides an application to the city agreeing to follow all state and local laws.

### **3.01.014 Microchip Required.**

All dogs and cats over four (4) months of age kept, harbored, or maintained within the City limits of San Angelo must be micro-chipped between the shoulder blades with current owner information.

## ARTICLE 3.02 REGISTRATION, SALE AND ADOPTION

### Division 1. Generally

#### Sec. 3.02.001 Registration required

All cats, dogs, ferrets and pot-bellied pigs kept, harbored or maintained by their owners within the city corporate limits shall be registered. Registration tags may be issued by any licensed veterinarian or any person that the city manager may designate. Applicants for a license shall state the following information:

- (1) The name, address and telephone number of the owner.
- (2) The kind and breed of animal, if known.
- (3) The sex of the animal.
- (4) The coloration of the animal and any other distinguishing characteristics.
- (5) Proof of vaccination.
- (6) Whether the animal has been spayed or neutered.

#### Sec. 3.02.002 Expiration of registration

Such registration shall be valid for one year and shall expire one year from the date on which said cat, dog, ferret or pot-bellied pig last received a rabies vaccination, except that animals vaccinated with an approved three-year rabies vaccine may be registered with the city for three years with proof of an approved 3-year vaccine.

#### Sec. 3.02.003 Deadline for registration

All newly acquired dogs, cats, ferrets or pot-bellied pigs shall be registered within thirty (30) days of their acquisition. All newly born dogs, cats, ferrets or pot-bellied pigs shall be registered within sixteen (16) weeks of their birth.

#### Sec. 3.02.004 Registration fee

The dog, cat, ferret and pot-bellied pig license fee shall be as provided for in the fee schedule found in [appendix A](#) of this code.

#### Sec. 3.02.005 Issuance of tag

Upon payment of the registration fee and proof of current rabies vaccination administered by a licensed veterinarian, the veterinarian or the animal services director shall issue the owner of the dog, cat, ferret and pot-bellied pig a metal tag for each animal. This tag shall have stamped upon it an identification number which shall be assigned to said animal each year for so long as it exists within the corporate limits of the city. This metal tag shall be exhibited on the animal's

neck at all times. If the metal tag is subsequently lost, a replacement tag shall be issued or a duplicate tag shall be obtained for a fee as provided for in the fee schedule found in [appendix A](#) of this code, payable at the city animal shelter.

#### **Sec. 3.02.006 Duty of veterinarian issuing tags**

Each veterinarian who issues metal registration tags shall transmit a copy of the application and the fee to the city on a weekly basis or on such other basis mutually agreed upon by the veterinarian and the animal services director. For such services, the veterinarian shall retain two dollars (\$2.00) of the fee collected.

#### **Sec. 3.02.007 Annual or lifetime registration**

(a) It shall be the duty of each pet owner to register their dog, cat, ferret and pot-bellied pig annually. On or before the expiration date of the registration, the animal services department of the city may send a notice of expiration to the owner, indicated by the records of the city, for payment of the annual fee.

(b) As an alternative to annual registration, an animal owner may choose to register the animal for the lifetime of the animal by registering with the animal services director and paying a one-time fee as indicated in the fee schedule found in [appendix A](#) to this code.

#### **Sec. 3.02.008 Records retention**

(a) Annual registration information shall be kept by the city for the period specified by the state record retention schedule.

(b) Lifetime registration information shall be kept by the city for twenty (20) years after the date of registration of a dog, cat, or pot-bellied pig and for ten (10) years after the date of registration of a ferret.

#### **Sec. 3.02.009 Failure to pay annual registration fee; proof of ownership**

(a) If the owner of a dog, cat, ferret and pot-bellied pig has not registered and paid the annual license fee within thirty (30) days of the date it is due, the owner of the animal to which the fee applies may be cited for violation of this article. It is a defense to this section that the owner has reported to the animal services department that the animal for which the fee is due has been lost or is dead.

(b) A certified copy of registration information shall constitute prima facie proof of ownership of an animal in any court.

#### **Sec. 3.02.010 Exemptions**

The provisions of this article requiring a license for dogs, cats, ferrets and pot-bellied pigs shall not apply to:

- (1) Dogs, cats, ferrets and pot-bellied pigs brought into the city by nonresidents thereof when not kept in the city more than thirty (30) days;

- (2) Dogs, cats, ferrets and pot-bellied pigs in veterinary hospitals or boarding kennels, provided said animals are securely confined at all times;
- (3) Dogs, cats, ferrets and pot-bellied pigs brought into the city and entered in any animal show or exhibition for the period of time said show or exhibition is held;
- (4) Seeing Eye dogs.

**Sec. 3.02.011 Selling or giving away animals**

(a) Breeders Permit Required. It shall be unlawful for a person to sell, exchange, barter, or give away, offer to sell, exchange, or barter, or give away any animal without a Breeder's Permit as required under this Chapter.

(b) Governmental property. It shall be unlawful for a person to sell, exchange, barter, give away, or offer to sell, exchange, barter, or give away any animal from a public street, alley, easement, or right-of-way, or from property owned or controlled by a local, county, state or federal governmental entity.

(c) Nongovernmental property. It shall be unlawful for a person to sell, exchange, barter, give away, or offer to sell, exchange, barter, or give away any animal on, in, upon, through or from any premises or space upon any nongovernmental property within the city for which no arrangement has been made providing a legal right of occupancy for a period of six (6) months or more for the purpose of conducting such transactions.

(d) Exception. The provisions of this section do not apply to a person or organization recognized by the animal services director as primarily occupied with the care and rehabilitation of rescued dogs under any other provision of this chapter.

**Secs. 3.02.012–3.02.040 Reserved**

**Division 2. Adoption of Animals**

**Sec. 3.02.041 General provisions; sterilization and microchip requirement**

(a) Animals in the custody of the city animal shelter may be adopted by individuals or Qualified Rescue Organizations. Adoption procedures for adoptions by individuals that are not Qualified Rescue Organizations shall be in accordance with section 3.02.042 of this article. Adoption procedures for adoptions by qualified animal rescue organizations shall be in accordance with [section 3.02.043](#) of this article. All animals adopted from the animal shelter shall be spayed or neutered and microchipped prior to release.

(b) No animal shall be eligible for adoption unless spayed or neutered and microchipped. The city animal shelter provides for spay or neutering and microchipping of animals prior to release for adoption. The cost of these services is included in the adoption fee.

#### **Sec. 3.02.042 Adoption by individuals**

(a) Applications for adoption of animals by individuals must be submitted to the director of animal services or designee for approval, along with payment of the adoption fee.

(b) Adoptee animals will be released for adoption from a designated veterinary facility. Once an application for adoption is approved, the director of animal services or designee will inform the applicant of the name and location of the veterinary facility and the date and time of release. Adoptee animals will only be released upon presentation to the veterinary facility of adoption approval. The adopter may request a different veterinarian to perform the sterilization surgery on the unaltered animal, upon which the adopter will pay any additional surgery charges beyond the city's contracted pricing and any additional fees assessed by the veterinarian, as stated in [section 3.02.044\(e\)](#) of this article, and additional charges shall be paid directly to the veterinarian.

(c) This section does not apply to animals claimed by the owner of the animal in custody of the city animal shelter and redeemed in accordance with [section 3.05.004](#) of this chapter.

#### **Sec. 3.02.043 Adoption by qualified animal rescue organizations**

(a) Applications for adoption of animals by qualified animal rescue organizations must be submitted to the director of animal services for approval, along with payment of the adoption fee.

(b) Adoptee animals will be released for adoption from a designated veterinary facility or the animal shelter if previously spayed or neutered. Once an application for adoption is approved, the director of animal services will inform the applicant of the name and location of the veterinary facility and the date and time of release. Adoptee animals will only be released upon presentation to the veterinary facility of adoption approval.

(c) A qualified rescue organization will ensure an animal is microchipped prior to release of an animal to an adopter by either:

(1) Allowing the animal shelter to implant a microchip as part of [appendix A, section A1.003](#) of this code (animal adoption fees);

(2) Paying the animal shelter a microchip fee as prescribed in [appendix A, section A1.004](#) of this code, for a previously spayed or neutered animal; or

(3) Implantation of a microchip using their own resources and microchip devices and providing microchip information to the animal shelter.

#### **Sec. 3.02.044 Adoption fees**

(a) The adoption fee for adoption of animals by individuals is prescribed by [appendix A, section A1.003\(a\)](#) of the city Code of Ordinances.

(b) The adoption fee for adoption of animals by qualified rescue organizations is prescribed by [appendix A, section A1.003\(b\)](#) of the city Code of Ordinances.

(c) The adoption fee for adoption of previously spayed or neutered and microchipped animals is prescribed by [appendix A, section A1.003](#)(c) of the city Code of Ordinances.

(d) The adoption fee for adoptions of previously spayed or neutered, non-microchipped animals is prescribed by [appendix A, section A1.003](#)(d) of the city Code of Ordinances.

(e) Adoption fees required to be paid under [sections 3.02.042](#) and [3.02.043](#) of this article constitute the city's contracted amount for sterilization surgery, registration fees, rabies vaccination fees and microchipping costs. Any fees assessed for additional veterinary services other than the city's contracted amount for sterilization surgery, registration fees, rabies vaccination fees and microchipping costs do not constitute adoption fees. The city is not liable for fees assessed for any additional veterinary services. The adopter is responsible to the veterinarian for any additional fees incurred. Changes to the city's contracted amount for sterilization surgery will result in an automatic increase or decrease to the adoption fee.

(f) The director of animal services shall post the fee rate schedule at the beginning of each fiscal year under [appendix A, article A1.000](#) (Animal Control Service Fees) of the city Code of Ordinances.

(g) A qualified rescue organization shall have an option to negotiate pricing and shall be solely responsible for negotiation and payment directly to a veterinarian of any and all costs incurred for sterilization services or other services negotiated and obtained directly between a qualified rescue organization and a veterinarian.

## **ARTICLE 3.03 RESTRAINT OF DOGS\***

### **Sec. 3.03.001 Secure enclosures**

It shall be unlawful for:

(1) Any dog to have a primary living area that is not in a fenced or enclosed area. A fenced or enclosed area is an enclosure that is made of sound material that will act as boundary or barrier to prevent the escape of a dog or the entry of young children. Residences will qualify as the primary living that is not secure enclosure.

(2) An outdoor enclosure used as the primary living area for a dog or used as an area for a dog to regularly eat, sleep, drink, and eliminate to have less than 50 square feet of space for each dog six months of age or older.

(3) Female dogs with litters to be housed in the same enclosure with other adult dogs if the enclosure is less than 400 square feet.

### **Sec. 3.03.002 Chaining of dogs prohibited as primary enclosure**

(a) It shall be unlawful for any person to chain or tether a dog as its primary enclosure for any period longer than two hours cumulative, in a 24-hour period, except that:

(1) A dog must be restrained by a leash while being walked outside of a fenced or enclosed area;

(2) A dog may be restrained by chain or tether at a camping or recreational area in compliance with Texas Health and Safety Code section 821.077.

(b) If a person is not immediately able to comply with this section, the person may be given an extension of fifteen days to comply by the animal services manager.

### **Sec. 3.03.003 Prohibited collars**

It shall be unlawful to restrain a dog with:

(1) A collar that is pinch-type, prong-type, or choke-type while the dog is not under the direct supervision and control of a person; or

(2) A collar that is not properly fitted to the dog. Properly fitted shall mean a collar that measures the circumference of a dog's neck plus at least one inch; provided, however, the one inch may be reduced the minimum amount necessary to prevent a small dog from slipping out of the collar.

## **ARTICLE 3.04 PERMITS**

### **Sec. 3.04.001 Breeder's permits**

(a) All persons owing unaltered dog or cats over the age of four (4) months or who are selling, [exchanging, or bartering](#) or giving away animals pursuant to Section 3.02.011 of this Chapter are required to maintain a valid breeder's permit issued by the animal services manager. For the purpose of this section, the term "animal" shall include only dogs and cats. Permits are valid for one year and must be renewed annually for the lifetime of the unaltered animal or until the owner shows proof that the animal has been altered. The annual fee for a breeder's permit shall be \$100.00 per unaltered animal. A breeder's permit may not be issued if the applicant is found to be in violation of any city ordinance or state law or regulation governing the care, treatment or living conditions of dogs or cats including animal cruelty, abuse or neglect. The animal services manager or designee may inspect the premises before issuing a permit if he/she deems it advisable.

(b) It shall be unlawful for:

(1) Any person to [sell, exchange, or barter](#), transfer any animal to another person without a breeder's permit;

(2) Any person to [sell, exchange, or barter](#) transfer any animal that is not vaccinated and registered as required by this chapter;

(3) Any person to fail to provide evidence of compliance with this section to a recipient of an animal at the time of the transfer of the animal;

(4) Any person to fail to provide his breeder's permit number to any person that purchases or adopts an animal.

(c) Animal services shall have the right, upon reasonable suspicion of a violation of city ordinance or state statute or regulation that regulates the care, treatment or living conditions of cats or dogs, to inspect the premises (indoor or outdoor) of an applicant or holder of a breeder's permit to ensure compliance with city ordinances and state statutes and regulations. Any holder of a breeder's permit found to be in violation of any city ordinance or state statute that regulates the care, treatment or living conditions of cats or dogs or that repeatedly drops unsold or unwanted animals at the shelter may have his permit suspended or revoked without prior notice by the animal services manager.

#### **Sec. 3.04.002 Multi-pet owner's permits**

(a) All multi-pet owners are required to maintain a valid multi-pet owner's permit issued by the animal services manager. Permits are valid for a year and must be renewed annually for the lifetime of the animal.

(b) Unless the multi-pet owner holds a valid breeder's permit, all of a multi-pet owner's dogs shall be altered.

(c) Animal services shall have the right, upon reasonable suspicion of a violation of city ordinance or state statute or regulation that regulates the care, treatment or living conditions of cats or dogs, to inspect the premises (indoor or outdoor) of an applicant or holder of a multi-pet owner's permit to ensure compliance with city ordinances and state statutes and regulations. Any holder of a multi-pet owner's permit found to be in violation of any city ordinance or state statute or regulation that regulates the care, treatment or living conditions of dogs may have his permit suspended or revoked without prior notice by the animal services manager.

### **ARTICLE 3.05 IMPOUNDMENT**

#### **Sec. 3.05.001 General provisions**

(a) Animals found to be in violation of this chapter or found to be in circumstances in which impoundment is authorized by the provisions of this chapter shall be taken into the custody of the animal control authority and impounded at the city animal shelter.

(b) The owner of any impounded animal shall redeem such animal in accordance with [section 3.05.004](#) of this article and shall be required to pay to the city all fees, costs and expenses incurred in the seizure, impoundment and redemption of the animal, which shall include, but are not limited to, an impoundment fee, daily boarding fees, alteration, vaccination and registration.

(c) An owner of any impounded animal may voluntarily relinquish ownership of the animal to the animal control authority by executing a release to relinquish ownership. For purposes of this article, a presumption of relinquishment exists with respect to any animal which is not redeemed within the time period of impoundment prescribed under [section 3.05.002](#) of this article.

(d) Any animal running at large may be taken up by the animal services director, his designee, or by any police officer.

(e) It shall be unlawful for any person to permit any dog, ferret, or pot-bellied pig possessed, kept or harbored by him to be off his premises unless such dog, ferret, or pot-bellied pig is restrained on a leash or chain held by a responsible person under that person's control.

**Sec. 3.05.002 Impoundment periods for non-identifiable and owner identifiable animals**

- (a) An impounded animal not exhibiting an identification tag or microchip shall be kept for three (3) business days excluding the date of impoundment.
- (b) An impounded animal exhibiting an identification tag or microchip shall be kept for seven (7) business days excluding the day of impoundment, during which period the animal services manager or designee will notify the owner identified on such tag or microchip by personal contact or mail to the address identified on the tag or microchip of the impounded animal. If the owner of an impounded animal does not claim the animal within the prescribed seven (7) business days, disposition of the animal will be made as provided under [section 3.05.005](#).

**Sec. 3.05.003 Disposition of certain animals prior to expiration of impoundment period**

Notwithstanding the prescribed impoundment periods, the director of animal services shall have the discretion to:

- (1) Dispose of an animal determined to be at risk due to a state of illness, injury or infancy in the most expedient, humane manner as possible to avoid prolonging its suffering; or
- (2) Transfer an animal determined to be at risk due to a state of illness, injury or infancy to a qualified animal rescue in accordance with [section 3.02.043](#) of this chapter.

**Sec. 3.05.004 Redemption of impounded owner identifiable animals**

- (a) The owner of any impounded animal shall redeem such animal during normal hours of operation of the city animal shelter in accordance with the procedures established under this section.
- (b) No impounded animal shall be redeemed unless approved for redemption by the director of animal services. To obtain approval for redemption, the owner shall:
  - (1) Present proof of ownership, current registration, current rabies vaccination, and alteration of the animal; and
  - (2) Pay all applicable fees, costs and expenses incurred in the seizure, impoundment and redemption of the animal, including but not limited to an impoundment fee, daily boarding fees, and fees for alteration, vaccination and registration.
- (c) No impounded animal shall be redeemed without current annual registration and current rabies vaccination and shall be registered and vaccinated before redemption by the owner. If the owner fails to provide proof of current registration or current rabies vaccination, the director of animal services shall register and vaccinate such impounded animal, as required.
- (d) If the owner fails to provide proof of alteration and the animal is unaltered, the director shall transfer the animal to a designated veterinary facility for alteration. If an animal is

transferred for alteration, the director of animal services will inform the owner of the name and location of the veterinary facility and the date and time of release. Animals will only be released to the owner upon presentation to the veterinary facility of redemption approval.

(e) No unaltered impounded animal shall be redeemed, except under the following circumstances:

- (1) The owner pays an unaltered animal fee as provided for in the fee schedule under [appendix A, section A1.006](#) of this code (unaltered animal fee);
- (2) The owner obtains a waiver from the health director of the unaltered animal fee as provided for in the fee schedule under [appendix A, section A1.006](#) of this code (unaltered animal fee); or
- (3) The owner obtains a letter from a veterinarian stating health reasons as a waiver of alteration of the unaltered impounded animal.
- (4) Consideration may be given, but does not guarantee waiver to alteration, if the owner provides proof of registration of the unaltered impounded animal from a nationally recognized kennel association. This exception to the requirement of alteration may not be invoked more than two (2) times for the same owner.

#### **Sec. 3.05.005 Disposition of animals upon expiration of impoundment period**

(a) Upon expiration of the impoundment periods prescribed under [section 3.05.002](#) of this article, an impounded animal is eligible for adoption in accordance with [sections 3.02.041](#) through [3.02.044](#) of this chapter.

(b) The director of animal services has the discretion to humanely euthanize any impounded animal that remains in the city animal shelter after expiration of the impoundment period and is not adopted.

#### **Sec. 3.05.006 Disposition of animals voluntarily relinquished by owner**

(a) Upon voluntary relinquishment by an owner and submission of a signed owner release form, an animal is automatically eligible for adoption in accordance with [sections 3.02.041](#) through [3.02.044](#) of this chapter.

(b) The director of animal services has the discretion to humanely euthanize any animal which has voluntarily been relinquished and for which an owner release form has been obtained.

### **ARTICLE 3.06 LIVESTOCK, FOWL AND RABBITS**

#### **Sec. 3.06.001 Livestock at large prohibited**

(a) It shall be unlawful to permit any horses, mules, goats, cattle, sheep, swine, geese, chickens or fowl to run at large within the limits of the city.

(b) After hearing evidence and considering relevant factors, the city council may, at its sole discretion, grant or deny a permit to authorize temporary variances from the prohibitions in subsection (a) of this section for special events. The city council may designate and attach conditions it deems appropriate to such permit.

(c) Violation or failure to comply with any conditions imposed by the city council may result in revocation of the permit by the city manager. After revocation of such permit, it shall be unlawful to hold or continue to hold that event.

#### **Sec. 3.06.002 Limitations on swine**

(a) It shall be unlawful for any person to keep, harbor or have in his custody, possession or control within the limits of the city more than two (2) altogether, pigs, hogs, boars or swine.

(b) This prohibition shall not apply to operators of slaughterhouses, packing plants, livestock sales or auction companies or places of business holding the animals named herein for the purposes of sale or slaughter, so long as such animals are not held for a longer period of time than forty-eight (48) hours. It shall be unlawful for any person operating a slaughterhouse, meat processing plant or packing plant or livestock sales or auction company to have in their custody, control or possession within the limits of the city any pig, hog, boar or swine for a greater period of time than forty-eight (48) hours.

(c) It shall be unlawful to keep any pig, hog, boar or swine other than a pot-bellied pig in any pen, enclosure, trailer or vehicle within five hundred feet (500') of any residence, business, or institution other than the residence, business, or institution of the owners of such animals. Provided, however, it shall be a defense to prosecution under this section if a trailer or vehicle containing any pigs, hogs, boars or swine is parked for less than two (2) hours within the prohibited area. This prohibition shall not apply to where the animals are kept in a manufacturing zone for a use allowed in such zone.

#### **Sec. 3.06.003 Requirements governing hoofed animals**

(a) It shall be unlawful for any person to keep cows, horses, goats or other hoofed animals in a pen or enclosure, or to keep or park a trailer or vehicle which contains such animals, within one hundred feet (100') of any residence, business, or institution other than the residence, business, or institution of the owners of such animals. Provided however, it shall be a defense to prosecution under this section if a trailer or vehicle containing cows, horses, goats or other hoofed animals is parked for less than two (2) hours in the prohibited area.

(b) The foregoing prohibition shall not apply where the animals are kept in a manufacturing zone for a use allowed in such zone.

#### **Sec. 3.06.004 Small animals and fowl**

(a) It shall be unlawful for any person to keep any small animal, including, but not limited to, rabbits, guinea pigs, fowls, chickens, guinea fowl and turkeys, in a pen or enclosure, or to keep or park a trailer or other vehicle which contains such animals, within one hundred feet (100') of

any residence, business or institution other than the residence, business or institution of the owners of such animals. It shall be a defense to prosecution under this section if a trailer or vehicle containing the above-described animals is parked for less than two (2) hours in the prohibited area. Additionally, the foregoing prohibition shall not apply where the animals are kept in a manufacturing zone for a use allowed in such zone. It is further provided that any person may keep those pigeons designated as Antwerp Messenger or homing pigeons, commonly called carrier pigeons, anywhere within the city, provided they keep or maintain no more than seventy (70) of said pigeons on their property. Additionally, owners who keep pigeons of the variety hereinabove designated must comply with the following restrictions:

- (1) Each pigeon shall bear a seamless leg band carrying either a registration number from the recognized association of pigeon fanciers or an identification insignia of the owner.
  - (2) All pigeons shall be confined in sanitary cages or lofts but may be released under supervision within the corporate city limits for exercise, training or racing, but it shall be the responsibility of the owner or handler to prevent them from alighting on the property of others.
  - (3) The sole purpose of this exception is to foster the sport of pigeon racing. Where the predominant purpose of keeping pigeons is for breeding or resale, this exception shall not apply.
- (b) It shall be unlawful to fail to abide by the terms of this section. This section shall be effective from and after October 1, 1989.
- (c) It shall be unlawful for any person to own, possess, keep, maintain or harbor more than one (1) adult male chicken or rooster on any property or premises within the city limits.

#### **Sec. 3.06.005 Distances required for new construction near livestock**

The specified distances herein established shall apply as well when new construction in the nature of homes or businesses is affected adjacent to the place where livestock is being kept. When such new construction is occupied, the livestock owner shall have thirty (30) days after such occupancy of said new construction in which to remove said livestock to his required distances as prescribed by this chapter. Failure to remove said livestock to said required distances shall be a violation of this chapter.

### **ARTICLE 3.07 CRUELTY TO ANIMALS\***

#### **Sec. 3.07.001 Definition**

In this article, "cruelly treated" includes tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, water, care, or shelter, cruelly confined, or caused to fight with another animal.

#### **Sec. 3.07.002 Seizure of cruelly treated animal**

(a) If the animal services director or the director's designee has reason to believe that an animal has been or is being cruelly treated, he may apply to the municipal court for a warrant to seize the animal.

(b) On a showing of probable cause to believe that the animal has been or is being cruelly treated, the court shall issue the warrant and set a time within 10 days of the date of issuance for a hearing in the court to determine whether the animal has been cruelly treated.

(c) The officer executing the warrant shall cause the animal to be impounded and shall give written notice to the owner of the animal of the time and place of the hearing.

**Sec. 3.07.003 Hearing; order of sale or return of animal**

(a) A finding in county court that the owner of an animal is guilty of an offense under section 42.09 or 42.092, Penal Code, involving the animal is prima facie evidence at a hearing authorized by Health and Safety Code, section 821.022 that the animal has been cruelly treated.

(b) A statement of an owner made at a hearing provided for under this section is not admissible in a trial of the owner for an offense under section 42.09, Penal Code.

(c) Each interested party is entitled to an opportunity to present evidence at the hearing.

(d) Except as provided by subsection (e) of this section, if the court finds that the animal's owner has cruelly treated the animal, the court shall:

(1) Order a public sale of the animal by auction;

(2) Order the animal given to a nonprofit animal shelter, pound, or society for the protection of animals; or

(3) Order the animal humanely destroyed if the court decides that the best interests of the animal or that the public health and safety would be served by doing so.

(e) If the court finds that the animal's owner has cruelly treated the animal and that the animal is farm livestock, the owner shall be divested of ownership and the court shall:

(1) Order a public sale of the animal by auction;

(2) Order the animal given to a nonprofit animal shelter, pound, or society for the protection of animals; or

(3) Order the animal humanely destroyed if the court decides that the best interests of the animal or that the public health and safety would be served by doing so.

In this subsection, "farm livestock" means cattle, hogs, sheep, goats, mules, horses, jacks, jennies, or poultry raised or used on a farm or ranch for food or for the production of legal income.

(f) The court may order that an animal disposed of under subsection (d)(1) or (d)(2) of this article be spayed or neutered at the cost of the receiving party.

(g) The court shall order the animal returned to the owner if the court does not find that the animal's owner has cruelly treated the animal.

#### **Sec. 3.07.004 Sale or disposition of cruelly treated animal**

(a) Notice of an auction ordered under this article must be posted on a public bulletin board where other public notices are posted for the city. At the auction, a bid by the former owner of a cruelly treated animal or the owner's representative may not be accepted.

(b) Proceeds from the sale of the animal shall be applied first to the expenses incurred in caring for the animal during impoundment and in conducting the auction. The officer conducting the auction shall pay any excess proceeds to the municipal court ordering the auction. The court shall return the excess proceeds to the former owner of the animal.

(c) If the officer is unable to sell the animal at auction, he may cause the animal to be destroyed or may give the animal to a nonprofit animal shelter, pound, or society for the protection of animals.

#### **Sec. 3.07.005 Appeal**

(a) An owner of an animal ordered sold at public auction as provided in this article may appeal the order.

(b) While an appeal under this section is pending, the animal may not be sold, destroyed, or given away as provided by Health and Safety Code, sections 821.022–821.024.

#### **Sec. 3.07.006 Traps with holding mechanisms**

No person shall set up or allow to be set up on his property steel jaw traps, spring traps with "teeth" or perforated edges on the holding mechanism, or any type of trap with a holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing, or otherwise traumatizing of the entrapped prey for the purpose of ensnaring domestic or wild animals within the city limits, unless the use of such traps is specifically deemed necessary by the department of public health in or for the control of communicable disease. This section is not to be construed to include those traps designed to kill common rodents, i.e., rats, mice, gophers and groundhogs; provided that the owner is responsible for taking care that any of the above-said "rodent" traps are not placed or used on or about his property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal, or of a human. It shall be a prima facie violation of this section that the traps proscribed herein were, in fact, set up by the person in question, or were allowed to be set up by the person in question; no intent or further culpable mental state shall be required to prove such a prima facie violation. (1996 Code, art. 3.1400; Ordinance adopted 11/16/99)

## ARTICLE 3.08 NUISANCES

### Sec. 3.08.001 Nuisance declared; complaint procedure

(a) Nuisance declared. Any dog or other animal kept, maintained or harbored within the city corporate limits which has fierce, dangerous or vicious propensities or which has bitten, scratched or otherwise attacked any person or other animal, or any dog or other animal which by loud, unusual or prolonged barking, howling or other utterances shall cause the peace and quiet of the neighborhood, neighbor or occupant of any adjacent premises to be disturbed, is hereby declared to be a nuisance.

(b) Complaint procedure. Upon written complaint wherein any dog or other animal is alleged to be a nuisance, as defined in this article, the municipal court of the city shall have the authority to order and hold a hearing upon giving notice to the owner of such dog or other animal, and if such court shall determine at such hearing that such dog or other animal is vicious or dangerous to persons or animals or has bitten or attacked any person or other animal, the court may order that such dog or other animal be kept muzzled, or that same be kept within a sufficient enclosure, or that same be delivered to the animal services director and by him be destroyed, or assess a fine against the owner thereof as provided herein, or any combination of the foregoing.

(c) Notice; determination by court. If such court shall determine that any dog or other animal disturbs the peace and quiet of the neighborhood or occupant or any adjacent premises by loud, unusual or prolonged barking or howling, the court may order that such dog or other animal be removed permanently beyond the city corporate limits or delivered to the animal services director and by him destroyed, and failure or refusal to do so within twenty-four (24) hours after receiving said order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose therefor, personally delivered or enclosed in a correctly addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than ten (10) days prior to the date of such hearing, shall be deemed sufficient and proper notice.

(d) Complete defenses. Provided, however, if it appears upon trial thereof that any person attacked or bitten was trespassing upon the property of the owner or person having control of such animal, or if any person attacked or bitten was provoking or teasing such animal(s), or if such loud, unusual or prolonged barking or howling was provoked as the result of teasing or harassment by persons other than the owner, such conduct shall be a complete defense to any complaint brought hereunder.

(1996 Code, sec. 3.1601; Ordinance adopted 11/16/99; Ordinance adopted 4/20/10)

### Sec. 3.08.002 Harboring animal declared to be a nuisance

(a) Any person who owns, keeps or harbors a dog or other animal which is declared to be a nuisance under [section 3.08.001](#) shall be guilty of a misdemeanor.

(b) Upon written complaint wherein any dog or other animal is alleged to be a nuisance as defined in [section 3.08.001](#), the municipal court of the city shall have the authority to order and hold a hearing upon giving notice to the owner of such dog or other animal, and if such court shall determine at such hearing that such dog or other animal is vicious or dangerous to persons or animals or has bitten or attacked any person, the court may order that such dog or

other animal be kept muzzled, or that same be kept within a sufficient enclosure, or that same be delivered to the animal services director and by him be destroyed, or assess a fine against the owner thereof as provided herein, or any combination of the foregoing. If such court shall determine that any dog or other animal disturbs the peace and quiet of the neighborhood or occupant of any adjacent premises by loud, unusual or prolonged barking or howling, the court may order that such dog or other animal be removed permanently beyond the city limits or delivered to the animal services director and by him destroyed; failure or refusal to do so within twenty-four (24) hours after receiving said order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose therefor, personally delivered or enclosed in a correctly addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than ten (10) days prior to the date of such hearing, shall be deemed sufficient and proper notice.

(c) Provided, however, if it appears upon trial thereof that any person attacked or bitten was trespassing upon the property of the owner or person having control of such animal, or if any person attacked or bitten was provoking or teasing such animals, or if such loud, unusual or prolonged barking or howling was provoked as the result of teasing or harassment by persons other than the owner, such conduct shall be a complete defense to any complaint brought hereunder.

### **Sec. 3.08.003 Destruction of animals**

(a) Dangerous or vicious animals or animals attacking person. Any dog or other animal which has fierce, dangerous or vicious propensities or which has bitten, scratched or otherwise attacked any person and which is at large and is unable to be caught and impounded and which is displaying vicious and dangerous propensities may be destroyed by the animal services director, the director's designee or any police officer without notice to the owner.

(b) Female animals at large. Any female dog or other animal at large within the city corporate limits while in season is declared to be a public nuisance and it shall be the duty of the animal services director, the director's designee or any policeman to impound said dog. If such dog or other animal is unable to be caught and impounded and, after reasonable inquiry, the owner thereof cannot be determined or found, same may be destroyed by the animal services director, the director's designee or any police officer.

(c) Rabies proclamation. Wherever the danger to public health and safety from rabid dogs and other animals exists, it shall be deemed an emergency and the mayor shall issue and have published a proclamation requiring all dogs or other animals to be closely confined upon the owner's premises during said period and between stated dates, and any owner or person who harbors same failing to comply with this section shall be guilty of a misdemeanor, or be subject to have same impounded and destroyed.

(d) Animals infected with rabies. All other dogs or other animals infected with rabies and displaying vicious propensities shall be destroyed by the animal services director, the director's designee or any police officer without notice to the owner.

(e) Injured animals. Any dog or other animal which is found to be injured to the extent that it is past recovery, in the opinion of the veterinarian employed by the city, may be destroyed by said veterinarian, if the owner thereof is unable to be determined, or if the owner cannot be found after reasonable inquiry in the neighborhood where the dog or other animal was located.

## **ARTICLE 3.09 PENS, YARDS AND ENCLOSURES**

### **Sec. 3.09.001 Sanitation**

It shall be unlawful for any person harboring, having or keeping in possession any animal, including but not limited to horses, mules, goats, sheep, swine, geese, ducks, chickens and other fowls, dogs, cats, non-domesticated animals including predatory animals, and primates, to allow the pen, yard, enclosure or other place where such animals are kept to become filthy, malodorous or unsanitary. All places where livestock is kept shall have adequate drainage sufficient to prevent standing water in pens, yards or enclosures. (1996 Code, sec. 3.1001; sec. 3, Ordinance adopted 9/18/07)

### **Sec. 3.09.002 Owner must reside on premises with dogs**

(a) It shall be unlawful for any person to cause a dog to reside on property where the owner of the dog or the owner's designee does not reside unless the dog is a trained guard dog owned or leased by a business to provide security for the business.

(b) In the event any person violates this section, then any designated officer or agent employed by the city may immediately take such animal and impound it and issue a summons for such person to appear in municipal court within ten (10) days to answer such charges. After reasonable notice and hearing, the city, by its designated agent, may remove the dog or otherwise dispose of the animal. In the event the owner of the dog is unknown or after reasonable diligence cannot be located, the city, by its designated agents, may remove the dog or otherwise dispose of the animal without notice.

(c) Violation of this section is a class C misdemeanor.