

ORDINANCE NO. 08-01-06

ANIMAL CONTROL ORDINANCE

AN ORDINANCE REGULATING ANIMALS; PROVIDING FOR KEEPING OF AND REGISTERING ANIMALS; PROVIDING FOR IMPOUNDING AND CONTROL OF ANIMALS; MAKING THE OWNER SOLELY RESPONSIBLE; MAKING VIOLATIONS THEREOF A MISDEMEANOR PUNISHABLE BY A FINE NOT EXCEEDING \$200; AND FOR OTHER PURPOSES:

Art. I. In General

- § 1-1 Definitions
- § 1-2 Abandonment
- § 1-3 Keeping Generally
- § 1-4 Student Organizational Projects

Art. II. Administration

- § 1-11 Enforcement
- § 1-12 Enforcement personnel; notice of offenses and violations
- § 1-13 Obstruction of enforcement
- § 1-14 Records
- § 1-15 Contracts

Art. III. Dogs and Cats

Div. 1. Generally

- § 1-16 Keeping of wild animals
- § 1-17 Kennels
- § 1-18 Confinement of animals – on premises of owner
- § 1-19 Confinement of animals – other than on premises of owner
- § 1-20 Running at large
- § 1-21 Barking and howling, crowing, etc.
- § 1-22 Restraint; criminal penalty

Div. 2. License

- § 1-31 Fee required; tags
- § 1-32 Registration: criminal penalty
- § 1-33 Term, renewal; transfers; kennels; duplicate tags

Art. IV. Impoundment

- § 1-34 Authorized; holding period
- § 1-35 Notice to owner
- § 1-36 Transfer of animal title, euthanasia
- § 1-37 Alternative citation for dogs at large
- § 1-38 Animals other than dogs, cats
- § 1-46 Redemption procedure; generally, and penalty
- § 1-47 Redemption/reclamation fees
- § 1-49 Requirements for owner of dangerous dog or dangerous animal
- § 1-50 Determination that dog or animal is dangerous
- § 1-51 Hearing
- § 1-52 Registration
- § 1-53 Attack by dangerous dog or dangerous animal
- § 1-54 Destruction of dog or dangerous animal
- § 1-55 Violations
- § 1-56 Defense

Art. V. Rabies Control

- § 1-76 Designation of local health authority
- § 1-77 Report of biting animals; confinement
- § 1-78 Surrender of animal; quarantine of animal
- § 1-79 Release of disposition of quarantined animal
- § 1-80 Governing an area rabies quarantine
- § 1-81 Violation of area rabies quarantines
- § 1-82 Violation of area rabies quarantines extension
- § 1-83 Destruction, removal of rabid animals
- § 1-84 Surrender of carcass of dead rabid animal
- § 1-85 Disposition of rabid animals
- § 1-86 Quarantine; criminal penalty

- § 1-87 Report of suspected rabid animals y veterinarians
- § 1-88 Vaccination against rabies
- § 1-89 Vaccination; criminal penalty

ARTICLE I. IN GENERAL

Sec. 1-1 Definitions.

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

Animal shall mean a non-human; animate being which is endowed with the power of voluntary motion.

Animal control authority shall mean the agency of the city having primary responsibility for the implementation of this chapter.

At large shall mean any animal not confined as required in this chapter.

Cat shall mean a member of the feline family normally considered to be the domesticated type.

Collector shall mean the city revenue collector or his duly authorized agent.

Dangerous animal means an animal that:

1. Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or
2. Commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person; or
3. Commits unprovoked attacks in a place other than an enclosure in which the animal is being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts result in an injury, damage to, or death of another animal.

Dangerous dog means a dog that:

1. Makes an unprovoked attack on a person that causes bodily injury and occurs in 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; or
2. Commits unprovoked acts 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 those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or
3. Commits unprovoked attacks in a place other than an enclosure in which the dog is being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts result in an injury, damage to, or death of another dog or animal.

Dogs shall mean and include animals of all ages, both female and male, which are members of the canine, or dog family.

Enclosure means a fenced area or structure that is:

1. Capable of preventing the entry of the general public, including children;
2. Capable of preventing the escape or release of a dog;
3. In conformance with the requirements for an enclosure established by the local animal control authority.

Epizootic shall mean the occurrence in a given geographic area of population of cases of a disease clearly in excess of the expected frequency.

Exposed to rabies shall mean an animal which has been bitten by or been exposed to any animal known to have been infected with rabies.

Health officer shall mean the code enforcement officer of the city or his duly authorized agent.

Kennel shall mean any person owning, keeping or harboring more than five (5) adult dogs or cats, for the business of breeding such animals for the sale of their offspring and being registered with the city as such.

Licensed veterinarian shall mean a veterinarian licensed to practice veterinary medicine in one or more of the fifty (50) states.

Livestock shall mean animals in the equine, bovine, porcine, avian, ovine, or porcine families.

Muzzle, when required by this chapter, shall mean a device of appropriate material with sufficient strength to restrain the dog from biting. No such muzzle shall be made from any material or maintained on the dog in any manner so as to cut or injure the dog.

Organizational project shall mean an approved project by a student while participating in 4H or FFA.

Owner shall mean every person owning, keeping or harboring a dog within the city.

Quarantine shall mean strict confinement of any animal specified in an order of the local rabies control authority or its designee:

1. On the private premises of the animal's owner or at a facility approved by the local rabies control authority or its designee; and
2. Under restraint by closed cage or paddock or in any other manner approved by local rabies control authority rule.

Rabies shall mean an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

Secure enclosure means a fenced area or structure that is:

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

Spayed female shall mean any female animal that has been operated upon to prevent conception.

Stray shall mean roaming with no physical restraint beyond the premises of an animal's owner or keeper.

Vaccination shall mean an injection of any vaccine for rabies approved by the state veterinarian and administered by a licensed veterinarian or agent of the health officer.

Wild animals shall mean animals that are not normally recognized as domesticated animals of any species.

Exemptions:

1. Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter, except where otherwise expressly provided.
2. The licensing requirements of this chapter shall not apply to any dog belonging to a nonresident of the city and kept within the city for not longer than thirty (30) days, provided all such dogs shall at all times while in the city be kept within a building or enclosure or vehicle or be confined by the owner as herein provided.

Sec. 1-2 Abandonment.

It shall be unlawful for any person to abandon any animal within the city. Any person from within or outside the city desiring to in any way abandon an unwanted animal, may take such animal to the animal control department and upon payment of the required fee to the animal control department or its assignee, and upon relinquishment of ownership, full and complete authority is given the animal control department to make such disposition of the animal as the animal control department may deem satisfactory.

An offense under this section is a Class C misdemeanor with a fine no less than \$100.00 and no more than \$200.00.

Sec. 1-3 Keeping generally.

- A. It shall be unlawful for any person to board, own, harbor or keep more than five (5) adult dogs or cats within the city limits except for the operation of a kennel. An adult dog or cat is defined as being three (3) months of age or older.
- B. It shall be unlawful for any person keeping or harboring dogs or other animals to fail to keep the premises where such dogs or other animals are kept free from offensive odors and contagious disease to the extent that such odors or contagious diseases are disturbing or a health threat to any person residing within reasonable proximity of the premises.
- C. It shall be unlawful to allow premises where such dogs or other animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.
- D. No animal or fowl of any kind shall be kept confined in any place where water, shelter, ventilation, and food are not sufficient and wholesome for the preservation of their health, safe condition, and wholesomeness.
- E. SMALL ANIMAL LOCATION REGULATIONS
 1. It shall be unlawful for any person to keep or maintain, or permit to be kept or maintained, on premises owned by him or under his control a rabbit, fowl, or like animals weighing less than ten (10) pounds, within a structure or enclosure of less than ten (10) square feet of floor or ground area for each animal; and
 2. Structures or enclosures containing such animals shall be cleaned by scraping the floor of the structure or enclosure and/or the ground below, where manure may collect, and thoroughly cleaning the area regularly and so maintaining such structure or enclosure that no offensive odors are emitted there from; and
 3. The interior of such structure or enclosure where small animals are kept shall be disinfected at least once in each calendar month to discourage insects, fleas, mites, and flies; and
 4. No part of any such structure or enclosure shall be located within fifty (50) feet of any residence, commercial building, or industrial building other than at the residence or dwelling of the keeper or owner of the animals.
- G. LARGE ANIMAL REGULATIONS
 1. It shall be unlawful for any person to keep or maintain, or permit to be kept or maintained, on premises owned by him or under his control a horse, cow, goat, mule, donkey, sheep, or like animals, weighing ten (10) pounds or more, unless one acre per head is provided for each animal; and

2. No part of such open space shall be located within thirty (30) feet of any residence, commercial building, or industrial building; and
 3. No part of any shed, stall, lean-to, feeding device, watering device, or any structure used for the care, feeding or maintenance of any such animal shall be located within fifty (50) feet of any residence, commercial building, or industrial building; and
 4. Structures or enclosures containing such animals or the frequent gathering areas of such animals shall be cleaned regularly where manure may collect and so maintaining such structures, enclosures or areas that no offensive odors are emitted there from ; and
 5. The Interior of such structure or enclosure where such animals are kept shall be disinfected regularly to discourage insects, fleas, mites, and flies.
 6. The keeping of swine in the City is prohibited.
- H. Foul and Offensive odors:
1. It shall be the duty of every person raising, owning or keeping any animal to keep such animals and its abode in a sanitary condition so that such animal, or the place where such animal is kept, shall not emit foul and offensive odors of sufficient strength to be detected on any adjoining property.
 2. It is hereby declared to be a nuisance for any person to maintain any place mentioned in subsection H (1) of this section in such a manner that such place is not free from foul and offensive odors of sufficient strength to be detected on any adjoining property.

An offence under this section is a Class C misdemeanor with a fine of no less than \$100.00 and no more than \$200.00.

Exemptions from Sec.1-3

The provisions of this Section regulating the keeping and maintenance of livestock within the corporate limits are not applicable to veterinarian hospitals and animal clinics, and such businesses are exempt from the regulations of this Section 1-3 Divisions F (1) & F (4) AND G (1), G (2), & G (3).

Sec. 1-4 Student Organizational Projects.

Students who are actively enrolled in a 4H or FFA program may maintain livestock within the city on land not zoned agricultural. Animals shall be maintained under conditions which are not unsanitary, odorous or which constitute a nuisance, and which do not offend neighbors. Students shall comply with all provisions of this ordinance unless exempted by the animal control authority.

Sec. 1-5 - 1-10 Reserved.

ARTICLE II. ADMINISTRATION

Sec. 1-11 Enforcement.

- A. The primary responsibility for the enforcement of this chapter shall rest with the animal control department and its designated employees, the police department and the health officer of the city, or a designated agency or employee of the city.
- B. The animal control department shall be authorized and empowered to adopt and promulgate such rules and regulations as may be necessary and proper to effectuate this chapter.

Sec. 1-12 Enforcement personnel; notice of offenses and violations.

The police department, health officer and animal control department, or persons employed by such departments are authorized, for violation of any portion of this chapter to give to the offender a notice to appear in the municipal court of the city. Such notice to appear shall state the name and address of the violator and the date of the violation, shall contain a statement of the nature of the violation and be

signed by the person having knowledge of such violation who is also one (1) of the officers or employees mentioned above.

Sec. 1-13 Obstruction of enforcement.

No person shall interfere with any animal control department employee by use of force, trickery or deceit, or threaten use of force or otherwise intimidate or attempt to intimidate or otherwise frustrate or thwart the work of any animal control worker who may be carrying out or attempting to carry out his normal and reasonable duties under this chapter.

Sec. 1-14 Records.

It shall be the duty of the animal control department to keep, or cause to be kept:

1. Accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody;
2. Accurate and detailed records of all bite cases reported to it, and its investigation of same; and
3. Accurate and detailed records of all monies belonging to the city; which shall be open to inspection at reasonable times by such persons responsible for similar records of the city and which shall be audited by the city annually in the same manner as other city records are audited.

Sec. 1-15 Contracts.

The city council may enter into contracts or agreements with public or private entities to carry out the activities required or authorized under this chapter.

ARTICLE III. DOGS AND CATS

DIVISION 1. GENERALLY

Sec. 1-16 Keeping of wild animals.

No wild animal may be kept within the city limits, except under such conditions as shall be fixed by the city; provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as shall be established by the city.

Sec. 1-17 Kennels.

Any person who operates a kennel, as defined in Section 3-1, shall not only pay those fees that are required but in addition shall maintain such animals in an enclosure as defined in Section 3-1 hereof.

Sec. 1-18 Confinement of animals- On premises of owner.

Any person owning, possessing or keeping animals, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such animal within an adequate fence or enclosure or within a house, garage or other building on the premises of the owner. Animals may also be confined by proper humane restraint that is attached to an immovable object. Confinement by restraint does not apply to dangerous animals.

Sec. 1-19 Confinement of animals- Other than on premises of owner.

At all times when not confined as stated in Section 1-18, the owner of any animal shall confine such animal within an automobile or by having one (1) end of a rope or leash held by some person competent to control such animal.

Sec. 1-20 Running at large.

No person owning, possessing or keeping an animal shall allow the same to run at large within the city.

Sec. 1-21 Barking and howling, crowing, etc.

It shall hereafter be unlawful for any person to keep on their premises, or under their control, any animal that by loud and/or frequent noise shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such animal is kept.

A person shall be deemed to have willfully and knowingly violated the terms of this section, if such person is notified by the person designated by the mayor of such disturbance and refuses, with in 24 hours hereafter, to correct such disturbance and prevent its recurrence.

Sec. 1-22 Restraint; criminal penalty.

- A. A person commits an offense if:
 - 1. The person fails or refuses to restrain an animal owned by the person; and
 - 2. The animal is required to be restrained under these said ordinances.
- B. An offense under this section is a Class C misdemeanor with a fine no less than \$100.00 and no more than \$200.00.

Sec. 1-23 - 1-30 Reserved.

DIVISION 2. LICENSE

Sec. 1-31 Fee required; tags.

- A. It shall be unlawful for any person to own, keep or harbor a dog or cat within the city without having first paid to the city, at city hall, an initial annual license fee of five dollars (\$5.00) for each dog or cat. The license fee required by this section shall be due and payable as soon as the dog or cat attains three (3) months of age and the dog or cat receives a rabies vaccination as required in Section 1-75. As an option to an annual license fee, animal owners may purchase a lifetime license for their animal for \$12.50.
- B. Upon payment of the license fee required by this section, it shall be the duty of the city to furnish the owner of the dog with a metal tag of distinctive design, on one which shall be stamped the words "City of Redwater," and the serial number of the dog or cat.
- C. Every dog or cat covered by this division must have and wear a collar of such type that the city license tag may be firmly attached to such collar. Such tag, when issued, shall at all times be securely attached to the dog's or cat's collar or harness, and failure to keep such tag on the dog's or cat's collar shall be unlawful.

Sec. 1-32 Registration: criminal penalty.

- A. A person commits an offense if:
 - 1. The person fails or refuses to register or present for registration a dog or cat owned by the person; and
 - 2. The animal is required to be registered under these ordinances.
- B. An offense under this section is a Class C misdemeanor with a fine no less than \$100.00 and no more than \$200.00.

Sec. 1-33 Term, renewal; transfers; kennels; duplicate tags.

- A. The annual license referred to in this division shall be effective for the year after its issuance and must be renewed in each subsequent year on the same month and day it was originally issued.

The fee for each annual renewal license shall be five dollars (\$5.00) (determined by city council) and shall be paid to the collector. Failure to renew a license in any year subsequent to its initial issuance shall cause the license to lapse. The fee for the issuance of a license as required by this division after the lapse of a previously issued license shall be five dollars (\$5.00) (determined by city council) for each dog.

- B. The license shall be nontransferable.
- C. Every person maintaining a kennel as defined in Section 1-1 shall pay an annual license fee to the collector in an amount of one hundred dollars (\$100) (determined annually by the city council.)
- D. The owner may obtain a duplicate tag, if such tag is lost, by payment of (\$2.00) or an amount established by the city council.

ARTICLE IV. IMPOUNDMENT

Sec. 1-34 Authorized; holding period.

The animal control department shall take into custody any animal found at large in the city.

1. An unregistered animal shall be impounded in the animal control unit as designated by the animal control department or such other places as the animal control officer may designate for the purpose of impoundment. Such impounded animal shall be held for a period of five (5) days, at the end of which time the animal shall be made available for disposition as authorized.
2. A registered animal shall be impounded in the animal control unit as designated by the animal control department or such other places as the animal control officer may designate for the purpose of impoundment. Once impounded the animal control officer or designated employee will contact the registered animal's owner. A registered animal will not be made available for disposition as authorized for a period of five (5) days.

Sec. 1-35 Notice to owner.

During the three-day impoundment period, the animal control department shall make a diligent effort to determine the owner of any unregistered animal and notify the owner of such impoundment. If the owner of such animal fails or refuses to claim and repossess such animal by the payment of the proper fee as prescribed in Section 1-31(et al), within such impoundment period, the city animal control department will transfer title of the animal as required in Section 1-36.

Sec. 1-36 Transfer of animal title, euthanasia.

The animal control department may, in its discretion:

- A. Transfer title of all animals held at its animal control unit to the humane society or other designated facility after the impoundment period has expired and its owner has not claimed the animal. In the event of such transfer of title, the humane society shall pay for each animal's food until it shall be removed from the animal control unit; or
- B. Provide for the humane euthanasia of the animal after the impoundment period has expired and the animal has not been claimed by its owner; or
- C. Transfer title of all animals to a third party who may humanely euthanize said animal after the expiration of the impoundment period and the animal have not been claimed by its owner.

The animal control department shall be authorized to enter into any contract with any third party or maintain its own procedure for the humane euthanasia and the crematory disposal of the animal.

Sec. 1-37 Alternative citation for dogs at large.

When dogs are found running at large and the agents of the animal control department know their ownership, such dogs need not be impounded, but the agents may, at their discretion, cite the owners of such dogs to appear in court to answer to charges of violation of this chapter.

Sec. 1-38 Animals other than dogs, cats.

- A. Animals other than dogs and cats shall be impounded when found running at large within the city limits and disposed of in accordance with this article and other applicable law.
- B. Immediately upon impounding other animals, the agents of the animal control department shall make every possible effort to notify the owners of the animals impounded and inform them of the conditions under which they may regain custody of such animals.

Sec. 1-39 - 45 Reserved.

Sec. 1-46 Redemption procedure; generally, and penalty.

- A. Any person owning, possessing or keeping an animal which has been allowed to run at large and which has been impounded may claim and retrieve such animal from the animal control authority after payment of the fees set forth in Section 1-47 and providing proof that the dog or cat has been vaccinated within the year next preceding such impounding, and that the dog is currently licensed as required by Section 1-31. The burden of proof as to vaccination and licensing shall be upon the party attempting to claim the dog or cat from the animal control authority under this article. Any person claiming an unvaccinated dog or cat or an unlicensed dog shall, after payment of the fee assessed in Section 1-31, and prior to release of the dog or cat shall sign a promise in writing that such person will immediately have the dog or cat vaccinated and the dog licensed when it is released to him.
- B. Any animal impounded for being a public nuisance may not be redeemed unless court having jurisdiction authorizes such redemption.
- C. When, in the judgment of the animal control authority or its agents, any animal should be destroyed for humane reasons; such animal may not be redeemed.
- D. A person who fails to reclaim an animal which has come into the possession of the animal control authority as described herein shall be deemed to be guilty of failure to reclaim such animal within three (3) days of receipt of actual notice that the animal control authority has in its possession such animal. Such violation shall be considered a Class C misdemeanor with a fine no less than \$100.00 and no more than \$200.00.

Sec. 1-47 Redemption/reclamation fees.

Any unregistered animal impounded hereunder may be claimed by the owner upon payment of an administrative fee, to the animal control authority the amount of thirty dollars (\$45.00) (determined annually by city council) for each dog, cat, or any other animal. A registered animal impounded hereunder more than twice in any 30 day period may be claimed by the owner upon payment of an administrative fee, to the animal control authority the amount of twenty dollars (\$20.00).

Sec. 1-48 Reserved.

Sec. 1-49 Requirements for owner of dangerous dog or dangerous animal.

- A. Not later than the thirtieth day after a person learns that the person is the owner of a dangerous dog or dangerous animal, the person shall:
 - 1. Register the dangerous animal with the animal control authority for the area in which the dog or animal is kept;

2. Restrain the dangerous dog or dangerous animal at all times on a leash in the immediate control of a person or in a secure enclosure; and
 3. Obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous dog or dangerous animal causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority of the areas in which the dog or animal is kept.
- B. The owner of a dangerous dog or dangerous animal who does not comply with Subsection 1-49 (A) or 1-49 (B) shall deliver the dog or animal to the animal control authority not later than the thirtieth day after the owner learns that the dog or animal is a dangerous dog or dangerous animal.
 - C. If, on application of any person or upon a finding by the municipal court, after notice and hearing as provided by Section 1-51, "Hearing", that the owner of a dangerous dog or dangerous animal has failed to comply with Subsection 1-49 (A) or 1-49 (B), the court shall order the animal control authority to seize the dog or animal or order its seizure and shall provide for the impoundment of the dog or animal in secure and humane conditions.
 - D. The owner shall pay any cost or fee assessed by the municipality related to the seizure acceptance, impoundment, or destruction of the dog or animal.
 - E. The court may order the animal control authority to humanely destroy the dog or animal if the owner has not complied with Subsection 1-49 (A) before the eleventh day after the date on which the dog or animal is seized or delivered to the authority. The court may order the authority to return the dog or animal to the owner if the owner complies with Subsection 1-49 (A) before the eleventh day after the date on which the dog or animal is seized or delivered to the authority.
 - F. The court may order the humane destruction of a dog or animal if the owner of the dog or animal has not been located before the fifteenth day after the seizure and impoundment of the dog or animal.
 - G. For purposes of this section, a person learns that the person is the owner of a dangerous dog or animal when:
 1. The owner knows of an attack described in Section 1-1, "Definitions, definition of a dangerous dog", or in Section 1-1, "Definitions, definition of a dangerous animal".
 2. The owner will receive notice that the municipal court has found that the dog or animal is a dangerous dog or dangerous animal at the hearing hereinafter provided; or
 3. The animal control authority informs that the dog or animal is a dangerous dog or dangerous animal as described by Section 1-50, "Determination that dog is dangerous".

Sec. 1-50 Determination that dog or animal is dangerous.

- A. If a person reports an incident described by Section 1-1, Definitions, "dangerous dog," or Section 1-1, Definitions, "dangerous animal," the animal control authority may investigate the incident. If, after receiving sworn statements of any witnesses, the animal control authority determines the dog or animal is a dangerous dog or dangerous animal, it shall notify the owner of that fact.
- B. An owner, not later than the fifteenth day after the date the owner is notified that a dog or animal owned by the owner is a dangerous dog or dangerous animal, may appeal the determination of the animal control authority to the municipal court. An owner may appeal the decision of the municipal court in the same manner as appeal for other cases from the municipal court.

Sec. 1-51 Hearing.

- A. The court, on receiving an application under Section 1-49, "Requirements for owner dangerous dog or dangerous animal", shall set a time for a hearing to determine whether the dog or animal is a dangerous dog or dangerous animal or whether the owner of the dog or animal has complied with Section 1-49, "Requirements for owner of dangerous dog or dangerous animal". The hearing must be held not later than the tenth day after the date on which the dog or animal is seized or delivered.

- B. The court shall give written notice of the time and place of the hearing to:
 - 1. The owner of the dog or animal or the person from whom the dog or animal was seized and
 - 2. The person who makes the complaint.
- C. Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- D. An owner or person filing the action may appeal the decision of the municipal court in the manner provided for the appeal of cases from the municipal court.

Sec. 1-52 Registration.

- A. An animal control authority for the area in which the dog or animal is kept shall annually register a dangerous dog or dangerous animal if the owner:
 - 1. Presents proof of:
 - a. Liability insurance or financial responsibility, as required by Section 1-49, "Requirements for owner of dangerous dog or dangerous animal";
 - b. Current rabies vaccination of the dangerous dog or dangerous animal; and
 - c. The secure enclosure in which the dangerous dog or dangerous animal will be kept; and
 - 2. Pays an annual registration fee of fifty dollars (\$50.00).
- B. The animal control authority shall provide to the owner registering a dangerous dog or dangerous animal a registration tag. The owner must place the tag on the dog's or animal's collar.
- C. If an owner of a registered dangerous dog or dangerous animal sells or moves the dog or animal to a new address, the owner, not later than the fourteenth day after the date of the sale or move, shall notify the animal control authority of the new address. On presentation by the current owner of the dangerous dog's or dangerous animal's prior registration tag and payment of a fee of twenty-five dollars (\$25.00), the animal control authority shall issue a new registration tag to be placed on the dangerous dog's or dangerous animal's collar.
- D. An owner of a registered dangerous dog or dangerous animal shall notify the office in which the dangerous dog or dangerous animal was registered of any attacks the dangerous dog or dangerous animal makes on people.

Sec. 1-53 Attack by dangerous dog or dangerous animal.

- A. A person commits an offense if the person is the owner of a dangerous dog or dangerous animal and the dog or animal makes an unprovoked attack on another person outside the dog's or animal's enclosure and causes bodily injury to the other person.
- B. An offense under this section is a Class C misdemeanor, with a fine no less than \$100.00 and no more than \$200.00, unless the attack causes serious bodily injury or death, in which event the offense is a Class A misdemeanor.
- C. If a person is found guilty of an offense under this section, the court may order the dangerous dog or dangerous animal destroyed by a person listed in Section 1-54, "Destruction of dog or dangerous animal".
- D. In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed ten thousand dollars (\$10,000.00). An attorney having civil jurisdiction in the county or an attorney for a municipality where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection' shall be retained by the county or municipally.

Sec. 1-54 Destruction of dog or dangerous animal.

The destruction of a dog or animal under this article must be performed by:

- 1. A licensed veterinarian;

2. Personnel of a recognized animal shelter or humane society who are trained in the humane destruction of animals; or
3. Personnel of a governmental agency responsible for animal controls whom are trained in the humane destruction of animals.

Sec. 1-55 Violations.

- A. A person who owns or keeps custody or control of a dangerous dog or dangerous animal commits an offense if the person fails to comply with Section 1-49, "Requirement for owner of dangerous dog or dangerous animal".
- B. Except as provided by Subsection 1-55 (C), an offense under this section is a Class C misdemeanor with a fine no less than \$100.00 and no more than \$200.00.
- C. An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this section.

Sec. 1-56 Defense.

- A. It is a defense to prosecution under Section 1-53, "Attack by dangerous dog or dangerous animal", or Section 1-55, "Violations", 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 has temporary ownership, custody, or control of the dog or animal in connection with that position.
- B. It is a defense to prosecution under Section 1-53, "Attack by dangerous dog or dangerous animal", or Section 1-55, "Violations", that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs or animals for law enforcement or corrections purposes.
- C. It is a defense to prosecution under Section 1-53, "Attack by dangerous dog or dangerous animal", or Section 1-55, "Violations", that the person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies Act, Vernon's Ann.

Sec. 1-57-75 Reserved.

ARTICLE V. RABIES CONTROL

Sec. 1-76 Designation of local health authority.

- A. The city council shall designate an officer to act as the local health authority for purposes of this chapter.
- B. The officer designated as the local health authority may be the municipal health officer, animal control officer, peace officer, or any entity that the city council considers appropriate whether employed in a public or private sector
- C. Among other duties, the local health authority shall enforce:
 1. This chapter and the rules of the local rabies health authority that complies with the minimum standards for rabies control;
 2. The ordinances of the city;
 3. Those rules adopted by state laws.

Sec. 1-77 Report of biting animals; confinement.

Every animal that bites a person shall be promptly reported to the animal control authority. The report must include the name and address of the victim and of the animal's owner, if known; and any other information that may help in locating the victim or animal.

Upon receipt of such report the animal shall thereupon be securely quarantined at the direction of the

animal control department for period of (10) days, and shall not be released from such quarantine except by written permission of the animal control authority. In the discretion of the animal control authority, such quarantine may be on the premises of the owner, at the shelter designated as the city animal shelter, or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals or of animals whose ownership is not known, such quarantine shall be at the shelter designated as the city animal shelter.

Sec. 1-78 Surrender of animal; quarantine of animal.

The owner, upon demand by the animal control authority shall forthwith surrender any animal which has bitten a human, or which is suspected of having been exposed to rabies, of supervised quarantine at the owner's expense. The animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees and compliance with requirements set forth in Section 1-79 and upon compliance with any licensing requirements set forth in Section 1-31.

Sec. 1-79 Release or disposition of quarantined animal.

- A. If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the veterinarian or local rabies control authority shall release the animal to its owner when the quarantine period ends if:
 - 1. The owner has an unexpired rabies vaccination certificate for the animal; or
 - 2. A licensed veterinarian at the owner's expense vaccinates the animal against rabies.
- B. If a veterinarian determines that a quarantined animal shows the clinical signs rabies, the veterinarian or local rabies control authority shall humanely destroy the animal. the animal dies or is destroyed while in quarantine, the veterinarian or local rabies control authority shall remove the head or brain of the animal and submits it to the nearest department laboratory for testing.
- C. The owner of the animal that is quarantined under this chapter shall pay to the veterinarian or local rabies controls authority the reasonable costs of the quarantine ill disposition of the animal. The veterinarian or local rabies control authority may bring suit collect those costs. The city in which the veterinarian is located may reimburse the veterinarian in a reasonable amount set by the city for the costs of the quarantine or disposition of the animal whose owner is unable to pay.
- D. The veterinarian or local rabies control authority may sell the animal and retain the proceeds or keep, grant, or destroy an animal if the owner or the custodian does not take possession of the animal before the fourth day following the final day of the quarantine period.

Sec. 1-80 Governing an area rabies quarantine.

- A. When one (1) or both reports give a positive diagnosis of rabies, the animal control authority, and upon the invoking of such quarantine, no animal shall be taken into the street: permitted to be in the streets, or be taken or shipped from the city without written permission of the animal control authority during such period of quarantine.
- B. The quarantine remains in affect until the 181st day after the date on which the last case of rabies is diagnosed in a dog, cat, or other animal species that caused the local rabies control authority to declare quarantine unless the local rabies control authority removes the quarantine before that date.
- C. While the quarantine is in affect, the rules adopted by the local rabies control authority supersede all other applicable ordinances or rules applying to the quarantine area and applies until the local rabies control authority removes the quarantine by declaration or until the rule expire or are revoked by the local rabies control authority.

Sec. 1-81 Violation of area rabies quarantines.

- A. A person commits an offense if the person violates or attempts to violate a rule of the local rabies control authority adopted under Section 1-80, Governing area rabies quarantine.
- B. An offense under this section is a Class C misdemeanor with a fine no less than \$100.00 and no more than \$200.00.

Sec. 1-82 Violation of area rabies quarantines Extension.

In the event there are additional positive cases of rabies occurring during the period of quarantine, the period of quarantine may be extended for an additional six (6) months.

Sec. 1-83 Destruction, removal of rabid animals.

No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies or any such animal that has bitten a human, except as herein provided. No such animal shall be removed from the city limits without written permission from the animal control department.

Sec. 1-84 Surrender of carcass of dead rabid animal.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control department.

Sec. 1-85 Disposition of rabid animals.

The animal control department shall direct the disposition of any animal found to be infected with rabies.

Sec. 1-86 Quarantine; criminal penalty.

- A. A person commits an offense if the person fails or refuses to quarantine or present for quarantine or testing an animal that is required to be placed in quarantine or presented for testing under Section 1-80.
- B. An offense under this section is a Class C misdemeanor with a fine no less than \$100.00 and no more than \$200.00.

Sec. 1-87 Report of suspected rabid animals by veterinarians.

It shall be the duty of every licensed veterinarian to report to the animal control department his diagnosis of any animal observed by him suspected of having rabies.

Sec. 1-88 Vaccination against rabies.

- A. Every person who owns, keeps, harbors or has control over any dog or cat over the age of four (4) months in the city before obtaining a license for such dog as required by Section 1-31 shall have the dog and any cat vaccinated with an anti-rabies vaccine. All such dogs and cats shall be vaccinated against rabies annually.
- B. All veterinarians who are licensed to practice in this county shall be appointed registrars of the city and shall register each dog or cat that receives a rabies vaccination if such dog or cat is to be kept within the city.
- C. The provisions of this section shall in no way be construed to limit the city health officer from establishing clinics for the purpose of vaccinating dogs and cats, and to charge for vaccine in an amount not to exceed that allowed under the state statutes or regulations.

Sec. 1-89 Vaccination; criminal penalty.

- A. A person commits an offense if the person fails or refuses to have each dog or cat owned by the person vaccinated against rabies and the animal is required to be vaccinated under ordinances or rules adopted under this chapter; or VT.C.A., Health and Safety Code § 826.021.
- B. An offense under this section is a Class C misdemeanor with a fine no less than \$100.00 and no more than \$200.00.

PASSED AND APPROVED THIS 12 DAY OF MAY, 2008.



Beverly Phares-Mayor

ATTEST: 

Dessie Enns
City Secretary