

Chapter 6 - ANIMALS^[1]

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State Law reference— Livestock, V.T.C.A., Agriculture Code ch. 141 et seq.; health and safety of animals, V.T.C.A., Health and Safety Code ch. 821 et seq.

ARTICLE I. - IN GENERAL

Secs. 6-1—6-18. - Reserved.

ARTICLE II. - LIVESTOCK^[2]

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State Law reference— Livestock, V.T.C.A., Agriculture Code ch. 141 et seq.

Sec. 6-19. - Keeping of livestock generally.

- (a) It shall be unlawful for the owner, lessee, or occupant of any lot or premises, whether enclosed by a fence or not, situated within the corporate limits of the City, to pen or to keep any cattle, sheep, goats, hogs, mules, horses or other livestock upon such lot or premises; provided, however that:
 - (1) This prohibition shall not apply where the owner, lessee or occupant has premises of ten acres or more, nor shall this section prohibit the keeping of such animals for domestic or family use or purposes;
 - (2) No animal shall be confined or kept within 50 feet of any adjoining residence or occupied building.
- (b) Where any animals are kept as permitted in subsection (a) of this section, the pens or stalls in which such animals are kept and the entire premises shall be kept clean and free from accumulations of refuse, and shall be well drained to prevent unsanitary conditions. Failure to keep such pens, stall or premises clean and in a sanitary condition shall constitute a nuisance and a violation of this section.
- (c) The City Manager shall make regular inspections of the pens, lots and stalls where any animals are being kept under the provisions of this section and make a report thereof to the City Council and, in case any person is found by the City Manager to be maintaining a nuisance as defined in this section, the City Manager shall give such person two days notice in writing to clean up and abate the nuisance and, in case of failure on the part of such person to clean up and restore his premises to a sanitary condition, the City Manager shall file in the Municipal Court of the City a complaint charging a violation of this section.

(Ord. No. S-0803-87-1, § 6-1, 8-3-1987)

Sec. 6-20. - Swine not to be kept near residence, church or school.

It shall be unlawful for any person to keep any hogs or pigs within 300 feet of any residence not occupied by such keeper or within 300 feet of any church or school within the City. The 300 feet shall be measured in a direct line.

(Ord. No. S-0803-87-1, § 6-2, 8-3-1987)

Sec. 6-21. - Livestock running at large—Prohibited.

It shall be unlawful for any person to willfully or negligently permit any cattle, horses, sheep, goats or hogs owned, kept or maintained by him to run at large within the City Limits.

(Ord. No. S-0803-87-1, § 6-3, 8-3-1987)

State Law reference— Estrays, V.T.C.A., Agriculture Code ch. 142; animals running at large on highways, V.T.C.A., Agriculture Code § 143.101 et seq.

Sec. 6-22. - Same—Impoundment.

If any animal referred to in section 6-21 shall enter the enclosed lands of any person other than the owner or keeper of such animal, or shall roam about the streets, alleys, residences, lots or cultivated lands within the City, other than the residence, lots or lands of the owner or keeper of such animal, such animal may be impounded at a place designated by the City Council.

(Ord. No. S-0803-87-1, § 6-4, 8-3-1987)

Sec. 6-23. - Same—Impoundment fees.

The City shall be entitled to charge a fee of \$25.00 for impounding an animal under section 6-22 and a further fee of \$15.00 for each day such animal is held by the City.

(Ord. No. S-0803-87-1, § 6-5, 8-3-1987)

Sec. 6-24. - Same—Impoundment sale if not redeemed.

If an animal impounded under section 6-22 is not redeemed by its owner within 15 days from the date it was so impounded, the City Manager shall give five days' notice of sale of such animal by posting a notice at the City Hall and two other public places in the City including, but not limited to, any banking, library or post office describing such animal and giving the time and place of sale. On the date named in such notice, the City Manager shall sell such animal at public auction for cash and shall apply the proceeds of such sale to the satisfaction of the fees and costs of impounding prescribed by section 6-23, and shall pay the balance, if any remains, to the City to be held for a period of three months for the owner of such animal. In the event the owner fails to claim the proceeds as aforesaid, then such money so held by the City shall be placed in the general fund of the City to be used by the City in the same manner as other funds of the City.

(Ord. No. S-0803-87-1, § 6-6, 8-3-1987)

Sec. 6-25. - Fowl not to run at large.

It shall be unlawful for any person to permit any chicken, duck, goose, guinea or other domesticated fowl owned or kept by him to run at large within the City Limits. Any domesticated fowl not confined in an enclosure, but permitted to stray or roam at pleasure on property other than the premises of the owner, shall be deemed at large in violation of this section.

(Ord. No. S-0803-87-1, § 6-7, 8-3-1987)

Sec. 6-26. - Keeping of fowl or rabbits—Near residences.

It shall be unlawful for any person to keep, harbor or confine any poultry, fowl or rabbits within 50 feet of any residence, or occupied building other than the keepers within the City.

(Ord. No. S-0803-87-1, § 6-8, 8-3-1987)

Sec. 6-27. - Same—Maintenance of premises.

- (a) It shall be unlawful for any person to keep, harbor, maintain or permit the presence of any poultry, fowl or rabbits on any lot or parcel of land in the City in an unsanitary condition. The floors of any room, coop, box or compartment in which poultry, fowl or rabbits are kept shall be scraped and thoroughly cleaned at least once in every 24 hours and so maintained that no odors are emitted therefrom.
- (b) The interior of any structure in which poultry, fowl or rabbits are kept shall be whitewashed at least once every six months and sprayed with an effective disinfectant on the roosting places at least once in each calendar month, and kept covered with deep dry litter to discourage insects, fleas, mites and flies.
- (c) Any premises not maintained in accord with this section is hereby declared to constitute a nuisance and any Police Officer or the City Manager shall order the owner or occupant of such premises to remove and abate such nuisance, at his own expense, within a time not to exceed 24 hours. Such order shall be sufficient if delivered orally to such owner or occupant or to his representative, if such owner or occupant cannot be found within the City, or such order may be in writing. When such order is written, it shall be served by a Police Officer or the City Manager by delivering a copy thereof to the owner, occupant or agent of such property. If the owner or agent of the property is unknown or absent, with no known representative or agent upon whom the notice can be served, the Police Officer or the City Manager shall post a written or printed notice upon the property or premises setting forth that, unless the nuisance is removed or abated within 24 hours, at the expense of the owner or occupant, the nuisance will be abated by the City at the expense of the owner.
- (d) If the nuisance provided for in this section is not abated within 24 hours after the order or notice in subsection (c) of this section is given or posted, all poultry, fowl and rabbits found on the premises may be removed by the City and impounded at a place designated by the City. If, within 48 hours after any poultry, fowl or rabbits are so impounded, the owner thereof pays the cost of abating the nuisance and agrees that, upon the return of such poultry, fowl or rabbits, he will forthwith maintain or dispose of such poultry, fowl or rabbits in a manner which does not violate any ordinance of the City, such poultry, fowl or rabbits shall be released to him.
- (e) If the owner of poultry, fowl or rabbits impounded under this section shall fail, neglect or refuse to call at the City Hall within 48 hours after the impounding to pay the cost of abating such nuisance and agree to maintain or dispose of such poultry, fowl or rabbits in a manner which does not violate any ordinance of the City, the City Manager shall sell the poultry, fowl or rabbits to a poultry dealer and immediately turn the proceeds over to the City which shall immediately credit the amount against the cost of abating the nuisance and pay over the excess, if any, to the owner of such poultry, fowl or rabbits.

(Ord. No. S-0803-87-1, § 6-9, 8-3-1987)

Sec. 6-28. - Keeping of fowl for commercial purposes—Permit.

- (a) It shall be unlawful for any person to engage in the keeping of birds or fowl for commercial purposes without first obtaining a permit from the City to engage in such enterprise, which permit shall be issued by the City when the applicant therefor has satisfied a majority of the members of the City Council that the place for the conduct of such business will be constructed in accordance with the specifications set forth in section 6-29 and that such business will be operated in such a manner as

not to be detrimental to the health and welfare of the citizens of the City. For the purposes of this and section 6-29, the term "commercial purposes" means any purpose other than for home consumption.

- (b) Upon the conviction of any permit holder for a violation of section 6-29, he shall, in addition to any penalty assessed for such violation, be subject to having such permit suspended or revoked. However no such suspension or revocation shall be effective until the following action has been taken by the City:
- (1) A committee of five members has been appointed by a majority vote of the City Council to inspect the premises of the person found guilty of such violation.
 - (2) A written report embodying the findings and conclusions of the committee and recommendations by the majority to such members for such suspension or revocation has been submitted at a regular session of the City Council.
 - (3) A resolution is adopted by a majority vote of all members of the City Council to suspend or revoke such permit.

(Ord. No. S-0803-87-1, § 6-10, 8-3-1987)

Sec. 6-29. - Same—Enclosures.

It shall be unlawful for any person holding a permit to keep fowl for commercial purposes to keep such fowl in open pens on the ground and they shall be kept in enclosures elevated at least one foot above the ground, the flooring of which shall be of such construction, or shall be covered on the surface by a coating of masonry or other material so as not to permit the absorption of any refuse, and all necessary openings of such enclosure shall be covered with No. 16 mesh screen wire, and all roosts shall be removable and constructed of a material that will not absorb refuse and shall be taken from the enclosure each day and thoroughly washed, disinfected and deodorized. Each enclosure shall contain a drain located and built in such a manner so as to permit a thorough washing thereof and drainage into City sewer lines or into a portable receptacle that can be closed with an airtight lid, and in the event a portable receptacle is used, it must be removed immediately after each washing of the enclosure and the refuse therein contained, treated by such person in such a manner as to prevent a health hazard, and then removed from the City. Each of such enclosures shall be thoroughly washed at least once each day and disinfected and deodorized at least once each day by the use of accepted and standard disinfectants and deodorants designed for such purpose.

(Ord. No. S-0803-87-1, § 6-11, 8-3-1987)

Secs. 6-30—6-46. - Reserved.

ARTICLE III. - CONTROL OF DOGS AND OTHER ANIMALS (IMPOUNDMENT, VACCINATION-REGISTRATION PROCEDURES)

Sec. 6-47. - Definitions.

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

Animal means a mammal.

Animal control center or *center* means the facilities in which the department of health is housed, or where the Police Department is located.

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

Collar means a band, chain, harness, or other suitable device worn around the neck of an animal to which a current rabies vaccination-registration tag can be affixed.

Dangerous domesticated animal means a domesticated animal because of habit, mode of life, or natural instinct, is incapable of being completely domesticated, and requires the exercise of art, force or skill to keep it in subjection; and is dangerous by nature, capable of inflicting serious injury, death or disease to humans, and is more likely to do so than a domesticated animal.

Dangerous wild animal means an animal not normally considered domesticated, that is wild by nature, which, because of habit, mode of life, or natural instinct, is incapable of being completely domesticated, and requires the exercise of art, force or skill to keep it in subjection; and is dangerous by nature, capable of inflicting serious injury, death or disease to humans, and is more likely to do so than a domesticated animal.

Domesticated animal means an animal that is tame by nature, or from time immemorial has been accustomed to the association of man, or by his industry has been subjected to his will, and has no disposition to escape his dominion. The term "domesticated animal" means an animal that is normally born and raised in captivity.

Exposed to rabies means an animal has been exposed to rabies if it has been bitten by any other animal or if it has been in contact with any animal known to be, or suspected of being infected with rabies.

Kennel operator means a person who is in the business of boarding dogs or cats for hire.

Officer means any animal warden or animal quarantine investigator employed by the Police Department, or City Police Officer, or City Manager

Owner means any person who owns, harbors, keeps or causes or permits to be harbored or kept, or has in his care an animal or bird on or about his premises.

Performing animal exhibition means a circus, carnival, or like institution owning or maintaining trained animals for purposes of performing in exhibitions of temporary duration where attendance of the general public is solicited.

Pet shop operator means a person who is in the business of harboring or keeping of dogs or cats and other animals for sale.

Qualified research means an individual conducting research projects, scientific, or academic investigation with respect to any wild animal owned or maintained on the premises of a bona fide research institution as defined hereinabove.

Research institution means a permanent state-accredited or licensed academic institution which owns or maintains captive wild animals under the direction of a professional staff and provides its collection of animals with appropriate care for the purpose of education, research, or scientific study.

Vaccination means the inoculation of an animal with a vaccine that is licensed by the United States Department of Agriculture and which is administered by a veterinarian for the purpose of immunizing the animal against rabies.

Veterinarian means a doctor of veterinary medicine who holds a valid license to practice his profession and duly licensed by the state for the practice of veterinary medicine.

Zoo, zoological park or animal park means an institution which owns and maintains captive wild animals and under the direction of a professional staff, provides its collection with appropriate care and exhibits them in an aesthetic manner to the public on a regularly scheduled basis for the purposes of education, conservation, scientific study and recreation.

(Ord. No. S-0803-87-1, § 6-25, 8-3-1987; Ord. of 10-1992, § 6-25)

Sec. 6-48. - Enforcement; right of entry of officers; interference with officer.

- (a) *Enforcing officer.* Provisions of this article shall be enforced by the City Manager, or by the Police Chief.
- (b) *Right of entry.* For the purpose of discharging the duties imposed by this article and to enforce its provisions, any officer is hereby empowered to enter upon any private property for the purpose of ascertaining:
 - (1) Whether any animal is present, kept or harbored thereon;
 - (2) Whether an animal present, kept or harbored thereon is afflicted with rabies;
 - (3) Whether or not a vaccination-registration certificate and tag has been secured for any dog; or
 - (4) If compliance under any other sections of this article has been performed.
- (c) *Interference with officer.* No person shall interfere with, hinder or molest any officer in the performance of his duty.

(Ord. No. S-0803-87-1, § 6-26, 8-3-1987)

Sec. 6-49. - Reporting animal bite; animal under quarantine; rabies suspect.

- (a) It shall be the duty of every physician or other medical practitioner to report to the Police Department the names and addresses of persons treated for bites inflicted by animals, together with such other information as is pertinent to rabies control. It shall be the duty of any person having knowledge of an animal bite incident to notify the Police Department of said incident and to provide such other information upon request of the City Manager or any officer, as is pertinent to rabies control.
- (b) It shall be the duty of every veterinarian having an animal quarantined for a bite incident to submit a written report to the Police Department as to the condition of said quarantined animal on the initial day of observation and on the fifth and the tenth day immediately following the date of said bite incident.
- (c) It shall be the duty of every veterinarian to report immediately to the Police Department his diagnosis of any animal observed by him as a rabies suspect.

(Ord. No. S-0803-87-1, § 6-27, 8-3-1987)

State Law reference— Rabies, V.T.C.A., Health and Safety Code ch. 826; authority of municipalities, V.T.C.A., Health and Safety Code § 826.015.

Sec. 6-50. - Abandonment of animals prohibited; reporting violations.

- (a) It shall be unlawful for any person to abandon or dump any animal in the City.
- (b) It shall be the duty of every person to report immediately to the Police Department the location and description of any animal which is in violation of sections 6-52 through 6-56.

(Ord. No. S-0803-87-1, § 6-28, 8-3-1987)

Sec. 6-51. - City sponsored rabies vaccination; registration clinics.

The City Manager is authorized to arrange for City-sponsored rabies vaccination-registration clinics when and where deemed necessary.

(Ord. No. S-0803-87-1, § 6-29, 8-3-1987)

Sec. 6-52. - Physical restraint; dogs.

Every person owning or having charge, care, custody or control of any dog shall keep such dog exclusively upon his own premises by means of a physical restraint as set forth in section 6-53 and 6-54.

(Ord. No. S-0803-87-1, § 6-30, 8-3-1987; Ord. of 10-1992, § 6-30A; Ord. No. 2010-0914-1, § 6-30, 9-14-2010)

Sec. 6-53. - Confinement of dogs and running at large.

- (a) A dog or dogs shall at all times be confined within a building or a fenced area that is at least 150 square feet in size per dog over four months of age and of sufficient strength and construction to confine the dog or keep the dog from running at large.
- (b) It shall be unlawful for an owner of a dog without regard to mental state, to fail to keep the dog from running at large within the City Limits.
- (c) When a dog is on a leash held by a person capable of controlling the dog or being physically held by a person capable of controlling the dog, a dog shall not be deemed running at large.
- (d) A dog confined within an automobile or other vehicle shall not be deemed running at large.
- (e) An underground electronic fence and shock collar shall be considered a fence or restraint in compliance with this article.

(Ord. No. 2010-0914-1, § 6-30A, 9-14-2010)

Sec. 6-54. - Restraint if no enclosure.

If the premises of the owner or person in control of the dog or dogs does not have a fence or enclosed area as set out herein, the owner or person in control of the dog or dogs must restrain the dog or dogs in compliance with V.T.C.A., Health and Safety Code § 821.077.

(Ord. No. 2010-0914-1, § 6-30B, 9-14-2010)

Sec. 6-55. - No conflict with state law.

Nothing contained herein shall be construed to be in conflict with any state and/or federal law governing the same.

(Ord. No. 2010-0914-1, § 6-30C, 9-14-2010)

Sec. 6-56. - Physical restraint; other domestic animals and birds.

- (a) Every person owning or having charge, care, custody or control of any domestic animal or bird shall keep such animal or bird exclusively upon his own premises by means of physical restraint; provided, however, that such animal or bird may be off premises if it is under direct physical control of said person.
- (b) Any domestic animal or bird in violation of this section may be seized or impounded by the Police Department.

(Ord. No. S-0803-87-1, § 6-31, 8-3-1987)

Sec. 6-57. - Impoundment—Dogs; notification.

- (a) Dogs not vaccinated or registered pursuant to the provisions of this article, and dogs in violation of section 6-52 may be seized and impounded at a place designated by the City.
- (b) Reasonable effort shall be made by the Police Department to promptly notify the owner of any impounded animal or the holder of the vaccination-registration certificate of any vaccinated or registered animal by telephone, personal service, or ordinary mail addressed to the owner of such animal at the place listed on the vaccination-registration certificate.

(Ord. No. S-0803-87-1, § 6-32, 8-3-1987)

Sec. 6-58. - Same—Redemption; disposition; diseased animals other than rabies cases.

- (a) The owner shall be entitled to resume possession of any impounded dog upon payment of the impoundment and daily board fees and compliance with vaccination-registration requirements; provided application for such possession, with payment of all required fees, is made within 72 hours after impoundment.
- (b) Any other animal impounded may be reclaimed by the owner upon payment of impoundment and daily board fees and compliance with other legal requirements for keeping of such animal.
- (c) If any dog or other animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until the dog has been released from such quarantine or observation by a veterinarian, and after payment of all fees necessary for such release. The payment of fees may be deferred until the animal is eligible for such release.
- (d) Any dog impounded and not reclaimed by the owner as set forth in subsection (a) of this section may be humanely destroyed after being held for at least 72 hours after impoundment. If the City Manager determines that any unclaimed dog is reasonably healthy, currently vaccinated against rabies, and should not constitute a threat to public or animal health of the community, the City Manager may, after the 72-hour holding period, offer such dog to the Society for the Prevention of Cruelty to Animals, an animal shelter, or other institution for adoption, or may sell the dog. If the dog is not accepted for adoption or sold, it may be humanely destroyed.
- (e) If any impounded animal, other than a dog, is not reclaimed by the owner as set forth in subsection (b) of this section the animal shall be held for such time as the City Manager deems reasonable, considering the animal's probable value, condition of health, and suitability for use. Upon expiration of such reasonable time the City Manager may offer the animal, if suitable, to the City zoo or the Society for the Prevention of Cruelty to Animals, an animal shelter, and, if not accepted by them, it may be sold or humanely destroyed.
- (f) Any animal impounded and suffering from serious injuries, in great pain with probability of recovery remote; or having a communicable or infectious disease which would endanger the health of people or other animals, may be humanely destroyed after reasonable efforts to determine the ownership have failed. However, no animal under quarantine or observation for a bite incident or under suspicion of having rabies shall be destroyed until it has been released from said quarantine or observation by a veterinarian.
- (g) Animals may be disposed of under 72 hours from the time of impoundment if upon notification of impoundment of said animal the owner states he does not wish to redeem the animal and subsequently in writing releases the animal to the sole jurisdiction of the Police Department.

(Ord. No. S-0803-87-1, § 6-33, 8-3-1987)

Sec. 6-59. - Same—Fees; daily board, pickup, vaccination-registration.

- (a) The impoundment fee shall be \$10.00 for the first offense, \$20.00 for the second offense, and \$30.00) for all subsequent offenses for the same owner or person.
- (b) A daily board fee of \$7.00 shall be charged for every day or fraction thereof that an animal shall be confined in the place designated by the City.
- (c) A fee of \$20.00 may be charged for animal pick-up service requested by the owner of the animal.
- (d) Any dog redeemed by or released from quarantine to an owner shall be required to meet the vaccination-registration requirements of this article prior to release.

(Ord. No. S-0803-87-1, § 6-34, 8-3-1987)

Sec. 6-60. - Vicious animals to be confined; disposition.

- (a) The owner shall confine within a building or enclosure every fierce, dangerous, or vicious animal. Confinement shall be in such a manner that the animal cannot come in contact with any person or other animal except for supervised breeding.
- (b) The City Manager may cause the muzzling, secure confinement, removal from the City, or humane destruction of any animal for any of the following reasons:
 - (1) Whenever an animal has committed an unprovoked attack upon any person or animal.
 - (2) Whenever any lawful patron or visitor of a business is jeopardized by a guard dog which is not securely confined during hours said business is open to the public.

(Ord. No. S-0803-87-1, § 6-35, 8-3-1987)

State Law reference— Dangerous dogs, V.T.C.A., Health and Safety Code § 822.041 et seq.

Sec. 6-61. - Authority of City Manager to order quarantine.

The City Manager or other officer designated by the City Manager, upon receiving notification from the owner, victim, a physician or other complainant that an animal is involved in a bite incident, shall order the quarantining of said animal causing the bite. Upon issuing an order for quarantine, the rules provided for in this article for quarantine shall be enforced and every person to whom such order is shown or has actual knowledge thereof, shall obey all requirements of said quarantine.

(Ord. No. S-0803-87-1, § 6-36, 8-3-1987)

State Law reference— Quarantine of animals, V.T.C.A., Health and Safety Code § 826.042 et seq.

Sec. 6-62. - Rabies—Quarantine, confinement, disposition.

- (a) Every animal that bites a human or other animal, or has rabies or is under suspicion of having rabies, shall be immediately confined by the owner, who shall promptly notify the Police Department, or a Police Officer who shall notify the Police Department of the place where such animal is confined and the reason thereof. The owner shall not permit such animal to come in contact with any person or animal. The owner shall surrender possession of such animal to the Police Department on demand for supervised quarantine. Supervised quarantine shall be in the center or a veterinary hospital; or, by any other method of adequate confinement approved by the City Manager. The quarantine period shall be for not less than ten days immediately following the time of the bite incident and shall be under the supervision of a veterinarian who shall submit to the Police Department written reports as

to the animal's health on the initial day of observation and on the fifth and the tenth day immediately following the date of said bite incident. A release from quarantine may be issued if no signs of rabies have been observed during the quarantine period.

- (1) Any animal quarantined other than at a place designated by the City shall be observed by the same veterinarian throughout the entire required quarantine period in the same manner as outlined subsection (a) of this section, and the owner shall immediately notify the Police Department as to the veterinarian supervising the quarantine.
 - (2) If the City Manager orders quarantine other than in the center or a veterinary hospital, the owner shall be responsible for confining the animal as designated by the City Manager so as to prevent further exposure to humans or animals during the quarantine period. He shall also be required to obtain the same veterinary supervision of the animal and release from quarantine is required in a veterinary hospital or at the center.
- (b) Any guard or Police dog currently vaccinated and registered that is involved in a bite incident while in the expressed performance of his guard or Police duties, shall be allowed to continue on duty under quarantine. It shall be responsibility of the owner to have the dog observed during, and released from, quarantine by a veterinarian as under subsection (a) of this section.
 - (c) The violation of quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by the Police Department.
 - (d) All animal bite reports shall be investigated by personnel of the Police Department. Without permission of the City Manager it shall be unlawful for any person to kill or remove from the City Limits any animal that has bitten a human or other animal; or that has been placed under quarantine, except when it is necessary to kill such animal to protect any person or other animal.
 - (e) The City Manager shall direct the disposition of any animal found to be suspected of being rabid.
 - (f) The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Police Department.
 - (g) Every animal that has been bitten by another animal shall be immediately confined by the owner who shall promptly notify the Police Department of the place where such animal is confined and the reason therefor. The owner shall not permit such animal to come in contact with any other person or animal. Any animal exposed to rabies shall be handled in one of the following manners:
 - (1) Humane destruction with notifications to, or under supervision of the Police Department.
 - (2) If not currently vaccinated, quarantine in a veterinary hospital or at the center for at least six months immediately following the date of exposure.
 - (3) If currently vaccinated, immediately revaccination and quarantine for at least 30 days immediately following the date of the exposure.
 - (h) No person shall fail or refuse to surrender an animal for supervised quarantine or humane destruction as required herein for rabies control when demand therefor is made by the Police Department.

(Ord. No. S-0803-87-1, § 6-37, 8-3-1987)

State Law reference— Rabies, V.T.C.A., Health and Safety Code ch. 826; authority of municipalities, V.T.C.A., Health and Safety Code § 826.015.

Sec. 6-63. - Same—Vaccination of dogs and cats required; exception.

- (a) No person shall own, keep or harbor within the City any dog or cat four months of age or older unless such dog or cat has a current vaccination. A dog or cat will have a current vaccination for the remainder of the month during which it was vaccinated and for the following 12 calendar months.

The dog or cat must be revaccinated before the expiration of the first and each subsequent current vaccination period.

- (b) Vaccination will not be required of any dog or cat when both of the following documents to be filed at the center are approved and accepted by the City Manager:
 - (1) A certificate from a veterinarian that such dog or cat should not be inoculated with rabies vaccine and the valid medical reasons therefor.
 - (2) An affidavit from the owner that such dog or cat is kept so that it cannot come in contact with other animals or constitute a threat to the public health and the method of keeping.

(Ord. No. S-0803-87-1, § 6-38, 8-3-1987)

State Law reference— Vaccination required, V.T.C.A., Health and Safety Code § 826.022.

Sec. 6-64. - Registration; application; procedure, fee, duration, conditions to issuance, transfer, fee exemption.

- (a) No owner shall have within the City any dog four months of age or older unless such dog is currently registered with the Police Department. No dog shall be registered unless it has a current vaccination or an exemption under section 6-63(b). A registration shall be considered as being current for the period of the current vaccination for which it was issued. A vaccination-registration certificate and tag may be obtained at the time of vaccination from veterinarians who have obtained authority from the center to issue them; or from an employee at the center upon presentation of a certificate of current vaccination.
- (b) Upon application by a veterinarian, the Police Department shall furnish said veterinarian with a supply of prenumbered vaccination-registration certificates and corresponding tags. The veterinarian shall be authorized to receive applications and issue certificates and tags for animals at the time of vaccination. Copies of all certificates issued shall be distributed and transmitted to various City agencies in accordance with arrangements made by the City Manager with the veterinarian. When applying for additional certificates and tags the veterinarian shall account to the Police Department for all those previously supplied to him. At that time the veterinarian shall remit to the City all fees collected. He shall be held financially responsible for any other certificates and tags no longer in his possession that have not been issued or voided and returned to the City. The Police Department shall not supply additional certificates and tags to any veterinarian who fails to account for all those previously furnished him by the center. All fees collected by any veterinarians are payable to the City upon demand.
- (c) Application for initial issuance or renewal of each registration must be made by the owner in writing or in person, and be accompanied by a fee of \$2.00; provided, however, that when the Mayor files with the City Secretary a statement that there exists a case of rabies in the county or any adjoining county, the registration fee shall automatically be suspended for a period of 60 days.
- (d) A registration shall be renewed no later than the date of expiration of the current vaccination period for which it was issued, as defined in section 6-63(a).
- (e) No person shall use a certificate or tag for any animal other than the one for which it was issued.
- (f) If there is a change in ownership of a registered dog, the new owner shall have the registration transferred to his name. Application for such transfer shall be made at the center in writing or in person, and be accompanied by a fee of \$0.25.
- (g) Fee exempt registrations may be issued for the following:
 - (1) Police or sheriff department's dog.
 - (2) Dogs trained to lead the blind.

- (3) Dogs vaccinated in City-sponsored clinics. However, only one of these fee exempt registrations shall be issued for any one household.
- (4) Animals, other than dogs, that are vaccinated against rabies.

Eligibility for fee exempt registration does not relieve the owner of his responsibility under other provisions of this article.

(Ord. No. S-0803-87-1, § 6-39, 8-3-1987)

State Law reference— Authority to adopt registration requirements for dogs, V.T.C.A., Health and Safety Code § 822.007.

Sec. 6-65. - Rabies; collar and tag required; exception; duplication fee.

- (a) Upon registration there shall be delivered to the owner a metallic tag stamped with the vaccination-registration certificate number and the year in which issued.
- (b) The owner shall see that the dog wears at all times a collar to which such tag shall be attached, except as in subsection (c) of this section. It shall be unlawful for any person to remove said tag from the collar without the owner's consent.
- (c) Dogs being used for hunting, on exhibition at American Kennel Club approved shows, engaged in a specific dog club sponsored race or trial, and such dogs while being transported to and from such events need not wear their collars nor their tags.
- (d) If such tag is lost or destroyed, the owner shall apply at the center in writing or in person for a new tag by presentation of the applicable vaccination-registration certificate accompanied by a fee of \$0.50.

(Ord. No. S-0803-87-1, § 6-40, 8-3-1987)

Sec. 6-66. - Records and reports; audit.

- (a) It shall be the duty of the City Manager to keep or cause to be kept, accurate and detailed records of all vaccination-registrations, the impoundment of animals, all bite incidents reported to the Police Department and investigation of same. The report of a bite case involving a rabid or suspected rabid animal shall be immediately communicated to the Director of the county health unit.
- (b) The aforesaid records shall be audited annually in the same manner as other City records are audited, and shall be opened to inspection as public records at all reasonable times.

(Ord. No. S-0803-87-1, § 6-41, 8-3-1987)

State Law reference— Reports of rabies, V.T.C.A., Health and Safety Code § 826.041.

Sec. 6-67. - Dogs trained to guide the blind may accompany master.

It shall be lawful for any dog trained to guide any blind person to be admitted when actually accompanying such blind person to any public place or vehicle which such blind person may have the lawful right to enter, if the dog is currently vaccinated.

(Ord. No. S-0803-87-1, § 6-42, 8-3-1987)

State Law reference— Discrimination prohibited, V.T.C.A., Human Resources Code § 121.003.

Sec. 6-68. - Nuisance declared; owner responsibility.

- (a) The City Council finds that dogs causing damage to the person or property of another constitute a nuisance and that the owner of a dog who permits it to cause damage or injury, or death to the persons or property of another within the corporate limits of the City should be held responsible for the acts of such dog and that such act constitutes a misdemeanor for which a fine should be assessed.
- (b) It shall be unlawful for the owner of a dog to permit it to cause damage, injury, or death to the person or property of another within the corporate limits of the City.

(Ord. No. S-0803-87-1, §§ 6-43, 6-44, 8-3-1987)