

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RENO REGULATING THE POSSESSION, OWNERSHIP AND MAINTENANCE OF ANIMALS WITHIN THE CITY OF RENO; REPEALING ARTICLE 6 SECTIONS 6.80 THROUGH 6.86 AND ADOPTING APPENDIX A TO ARTICLE 6 SECTION 6.80 OF THE CITY OF RENO 'S CODE OF ORDINANCES NOW ENTITLED "ANIMAL CONTROL"; ADOPTING AND APPROVING A NEWLY REVISED ANIMAL CONTROL ORDINANCE; ESTABLISHING FEES FOR IMPOUNDMENT, ADOPTION, AND VARIOUS OTHER ANIMAL RELATED FEES; PROVIDING A PENALTY FOR VIOLATION OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLICATION; AND PRESCRIBING AN EFFECTIVE DATE.**

**WHEREAS**, the improper maintenance and possession of animals within the City creates situations which are hazardous to the health and safety of the City's residents and to the animals; and

**WHEREAS**, the City Council desires to provide procedures for the enforcement of regulations for the safe maintenance of animals;

**WHEREAS**, the City of Reno has existing animal control regulations as provided in Article 6 Sections 6.80 through 6.86 in the City of Reno Code of Ordinances;

**WHEREAS**, the City Council of the City of Reno, Texas have reviewed the existing animal control regulations in their entirety and after careful consideration are of the opinion that said regulations should be repealed and replaced with new, updated and revised animal control regulations that are more understandable and are closer in line with state regulation;

**WHEREAS**, the City Council of the City of Reno, for the purposes of providing for the safe, attractive and healthful community, and to promote the health, safety and general welfare of the community and its residents have determined that the adoption of regulations addressing the control, care and keeping of animals is necessary; and

**WHEREAS**, the City Council of the City of Reno, after consideration and deliberation of this matter in a public meeting has determined that regulations set out in this ordinance fairly balances and protects the rights of both animal owners and the community at large and that the requirements imposed herein are rationally related to the regulation of the keeping of animals and legitimately regulate the activities addressed in this ordinance; and

**WHEREAS**, this ordinance is adopted in accordance with the authority granted to the City of Reno by virtue of its status as a General Law municipality and the applicable provisions of the Texas Health and Safety Code, and other applicable provisions of state law;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RENO AS FOLLOWS:**

**Section One.** The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part thereof, as if copied

**Section Two.** The City Council of the City of Reno hereby repeals designated Article 6 Sections 6.80 through 6.86 of the City of Reno Code of Ordinances and replaces same by the adoption of the language as follows (titled "Animal Control"):

**ENACTED THAT**, the following regulations for the maintenance and possession of animals within the City of Reno are hereby enacted and as enacted shall read as follows:

**CHAPTER 6.80.00  
ANIMAL CONTROL**

**ARTICLE 6.80.01  
GENERAL PROVISIONS**

**Sec. 6.80.011 Definitions**

When used in this chapter, the following words, and terms, unless the context indicates a different meaning, shall be interpreted as follows:

**Animal control authority.** The Mayor of the City or the Mayor's designee.

**Cat.** Any live or dead cat (*Felis catus*).

**Currently vaccinated.** Vaccinated and satisfying the following criteria:

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

**Dog.** A domesticated animal that is a member of the canine family.

**Domestic animal.** All species of animals commonly and universally accepted as being domesticated.

**Harboring.** The act of keeping and caring for an animal or of providing premises to which the animal returns for food, shelter or care for a period of at least ten (10) days.

**Kennel.**

- (1) Any building, lot, or premises where four (4) or more dogs or cats at least eight weeks of age are kept; and
- (2) Any building, lot, or premises where dogs or cats are housed or accepted for boarding, for which remuneration is received.

**Miniature Swine.** Any member of the swine family which has, through selective breeding, been genetically manipulated so as to attain a maximum height of twenty-four (24) inches at the shoulder and a maximum weight of one hundred (100) pounds.

**Owner.** Any person, firm or corporation who has the right of property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of at least ten (10) days.

**Pet animal.** Dogs, cats, rabbits, rodents, birds, miniature swine, reptiles, and any other species of animal which is sold or retained as a household pet, but shall not include skunks, primates and any other species of wild, exotic or carnivorous animal that may be further restricted in this chapter.

**Running at large.** Not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash or held in the hands of the owner or keeper or under direct supervision of the owner or owner's designee within the limits of the owner's private property. An animal within a vehicle under the direct supervision of the owner or owner's designee shall not be deemed "running at large."

**Stray animal.** Any animal for which there is not an identifiable owner or harbinger.

**Vaccinated.** Properly injected with a current rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the state of Texas.

**Vicious animal.** Any individual animal of any species that has, on two previous occasions without provocation and 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, attacked or bitten any person or another animal.

**Wild animal.** All species of animals which commonly exist in a natural unconfined state and are usually not domesticated. This shall apply regardless of state or duration of captivity.

### **Sec. 6.80.02 Keeping swine or miniature swine**

- (a) It shall be unlawful to keep more than two (2) miniature swine per household or business. The miniature swine may be of any age. Under no circumstances may a person keep more than two (2) miniature swine per household or business.
- (b) All miniature swine must be either spayed or neutered unless a veterinarian currently licensed to practice in the State of Texas provides a medically relevant reason such surgery would likely endanger the life of the animal. Under no circumstances may a person engage in the propagation or breeding of miniature swine within the city limits.
- (c) It shall be lawful for any person to keep or maintain miniature swine either outdoors or indoors. A person may keep or permit miniature swine outdoors for exercise or for the elimination of waste, as long as the animal is wearing a collar or harness with an attached current vaccination tag. The outdoor area used for exercise or for the elimination of waste must be a secure area from which the swine may not escape. Miniature swine are subject to all other applicable sections of this chapter, including sections on restraint of animals.
- (d) It shall be unlawful for any person to keep or maintain miniature swine unless the swine have received annual vaccinations against erysipelas, parvovirus, and leptospirosis. The first inoculations for such diseases must be received before the animal is four (4) months of age. The owners of all miniature swine must produce on demand, to the city's animal control authority, a health certificate or equivalent documentation from a licensed veterinarian within five (5) days of such demand. Such certificate or equivalent shall contain the following information: name, address, driver's license number and telephone number of the owner.
- (e) An exception to this code shall be granted for any student currently enrolled in a school-sponsored Future Farmer's of America (FFA) program where a swine is part of their educational project. This exception shall be limited to one (1) swine per FFA registered student. This exception shall only be granted and approved after the FFA registered student applies for the exception to the city's animal control authority. Such application can be made in any written form to the animal control authority but shall contain the following information: name, address and telephone number of the owner, as well as the FFA educator name, FFA program address, and FFA educator telephone number. No exception under this code shall exceed nine (9) months from the date the exception is granted.
- (f) It shall be unlawful for any student granted an exception under this section to keep or maintain swine unless the swine have received vaccinations against erysipelas, parvovirus, and leptospirosis. The first inoculations for such diseases must be received before the animal is four (4) months of age. Any student granted an exception under this section regarding swine must produce on demand, to the city's animal control authority, a health certificate or equivalent documentation from a licensed veterinarian within five (5) days of such demand. Such certificate or equivalent shall contain the following information: students name, students address, and students telephone number as well as the name and telephone number of the educator in charge of the FFA program.
- (g) Except for miniature swine and FFA excepted swine as defined and as specifically permitted herein, it shall be unlawful for any person to keep swine within the city.
- (h) It shall be unlawful to keep or permit to be kept any pen, lot, stable, yard, shed, sty, or other place in which swine are kept within the city which, by odor or noise, causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof, or which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities.

### **Sec. 6.80.03 Destruction of uncontrollable, uncapturable or vicious animals or fowl**

Notwithstanding anything to the contrary in this chapter, the animal control officer or any police officer may kill any animal which is uncontrollable, uncapturable, or vicious if the animal constitutes a threat to the safety of any person, including the police officer, animal control officer or other animals or livestock which are in compliance with this section. The destruction of an animal shall not occur unless there is an immediate threat to the safety of persons or animals and no other reasonable alternative is available to either capture or humanely incapacitate the offending animal.

#### **Sec. 6.80.04 Running at large**

- (a) It shall be unlawful for any dog or other animal or fowl possessed, kept, or harbored to run at large, as is defined in this chapter.
- (b) The animal control officer is authorized to impound such animals and fowl running at large and may impound a dog or cat under conditions specified in 6.81 of this chapter, or when he has received a complaint that the dog or cat has caused a nuisance or hazard to the health or welfare of the human or animal population. **State law reference**—Restraint, impoundment, and disposition of dogs and cats, V.T.C.A., Health and Safety Code, sec. 826.833.

#### **Sec. 6.80.05 Nuisances; area/sanitation requirements: keeping livestock, fowl or small animals**

- (a) Nuisances generally. The following acts are hereby declared to be nuisances and constitute violations of this chapter:
- (1) The keeping of any animal which, by causing frequent or long-continued barking, cry, or noise, shall disturb any person of ordinary sensibilities in the vicinity.
  - (2) The keeping of any animal in such a manner as to endanger the public health, to annoy neighbors of ordinary sensibilities by the accumulation of animal wastes which cause foul and offensive odors, or are considered to be a hazard to any other animal or human being, or by continued presence on the premises of another.
  - (3) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger personal health and welfare.
- (b) Accumulations of manure. It shall be unlawful to keep or permit to be kept any stable, stall, shed or apartment, or any yard or appurtenance thereof, in which any horse, cattle, cow, swine, emu, ostrich, rhea, or any other animal shall be kept, or any other place within the city in which manure or liquid discharges of such animals shall collect or accumulate in an unclean and unsanitary condition which allows offensive smells to a person with ordinary sensibilities to escape therefrom; provided that nothing in this subsection shall be so construed as to include manure deposits upon any private property for the purpose of cultivating same, when such deposits are maintained so as to prevent the breeding of flies.
- (c) Area requirements for keeping horses, cows, etc. It shall be unlawful to keep, possess or maintain any horse, donkey, mule, or other animal of the equine family or any cow, calf, steer or bull or other member of the bovine family or any sheep, ram, ewe, lamb, or any goat, billy, nanny, or kid or an emu, ostrich, or rhea on any parcel of land unless such parcel of land shall have a minimum area of seven thousand five hundred (7,500) square feet for one (1) such animal, and seven thousand five hundred (7,500) additional square feet for each additional animal. It shall be unlawful to keep, possess or maintain any horse, mule, donkey, cow, calf, steer, bull, sheep, ram, ewe, lamb, goat, billy, nanny, or kid, or an emu, ostrich, or rhea within seventy-five (75) feet of any residence or building used for human habitation (other than that of the keeper or owner of such animal), any restaurant, cafe, or other public eating place or any church, school or hospital. If such animal is kept in or confined by any building or structure such as a stable, barn, shed, pen, or fence, such distance of 75 feet shall be measured in a straight line from the nearest point of such building or structure, to the nearest point of such residence or building used for human habitation, restaurant, cafe other public eating place or church, school, or hospital.
- (d) Keeping rabbits, chickens or other small animals or fowl.
- (1) It shall be unlawful to keep, possesses, or maintain any rabbit, guinea pig, pigeon, chicken, turkey, goose, duck, peafowl, or other fowl in any pen, enclosure or other structure within fifty (50) feet of any residence, church, school, hospital, convalescent home, or nursing home, other than the residence of the keeper, possessor or owner of such animal or fowl, such distance of fifty (50) feet to be measured in a straight line from the nearest point of any pen, enclosure or other structure in which such fowl or animal is kept to the nearest point of such residence, church, school, convalescent home or nursing home.
  - (2) All litter and droppings from any animal or fowl shall be collected daily in a container or receptacle of such type that when closed is rat-proof and fly-tight, and after each collection, such container or receptacle shall be kept closed, rat-proof, and fly-tight. Such keeper shall maintain such container or receptacle in such condition as to prevent the escape of odor therefrom. Such litter or droppings so collected shall be disposed of in a way as not to permit fly or rat breeding.

**Sec. 6.80.06 Coloring fowl or rabbits**

It shall be unlawful to color, dye, stain, or otherwise change the natural color of any chickens, ducklings, other fowl, or rabbits, or to possess for the purpose of sale or to be given away any of the above-mentioned animals which have been so colored.

**Sec. 6.80.07 Keeping wild animals**

It shall be unlawful to keep any wild animal inside the city.

**Sec. 6.80.08 Wild or vicious animals running at large**

It shall be unlawful to release or to allow to run at large any wild or vicious animal.

**Sec. 6.80.09 Restraint or tethering of dogs**

No dog or puppy may be restrained by a fixed point chain or tether for more than three hours in a 24-hour period. Any restraint used for a longer period shall be at least ten feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten feet in length and mounted no more than seven feet above the ground. Any tethering employed shall not allow the dog or puppy to leave the owner's property. No chain or tether shall weigh more than one-eighth of the dog or puppy's weight. No chain or tether used for any restraint shall utilize a pinch, prong or choke-type collar and must be attached to a properly fitting collar or harness worn by the animal.

**State law reference**—Unlawful restraint of dog, V.T.C.A., Health, and Safety Code, sec. 821.076 et seq.

**Sec. 6.80.10 Selling or giving away animals in public place**

(a) In this section, the term "public place" shall mean any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public rights-of-way, sidewalks, open-air markets, flea markets, trade days, parking areas and parking lots, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

(b) A person commits an offense if he sells, offers for sale, barter, trades, exchanges, or gives away an animal in a public place as defined herein.

(c) It is an exception to the provisions of subsection (b) hereof that the person or entity is an authorized animal shelter maintained by a governmental entity or recognized animal welfare organization and offers the animals for adoption at no profit.

(d) The animal control authority shall have authority to remove or cause to be removed from the premises on which any animal is offered for sale, barter, trade, exchange, donation or adoption any animal which, in the determination of the animal control authority, poses a risk to the health or safety of the public or of other animals.

### **Sec. 6.80.11 Animal Traps**

- (a) Subject to execution of an agreement by any adult resident of the city and payment of the fee established therefor, a city-owned animal trap may be borrowed for a period of up to seven (7) days for placement on the borrower's property.
- (b) Once an animal has been trapped, a borrower must notify animal services to request removal of the trapped animal before 2:00 p.m. Tuesdays through Fridays and Saturday until 1:00 p.m.
- (c) Traps shall not be set on Saturdays or Sundays or on the night before or on the days of a city, state or national holiday or if the outside temperature is predicted to fall below 32 or above 90 degrees Fahrenheit. Traps shall not be set after 12:00 noon Friday afternoons and may be reset Sunday evening.
- (d) The borrower shall check the trap daily and shall not lend the trap to another or release animals from a trap without the approval of animal services.
- (e) Animal services shall have authority to enter any property for the purpose of checking or picking up a trap. All animals captured in a trap must be turned over to animal services. The city shall not be liable for any damages resulting from the use of a trap. Violation of any of the provisions of this section regulating the use of a trap or failure to return the trap within seven (7) days will result in the immediate removal of the trap by animal services.

## **ARTICLE 6.92 ENFORCEMENT**

### **Sec. 6.80.12 Issuance of citations**

- (a) The animal control officer and any police officer shall have the authority to issue citations for any violation of this chapter.
- (b) If the person being cited is not present, the city or the animal control officer may send the citation to the alleged offender by registered or certified mail.

### **Sec. 6.80.13 Interference with animal control officer**

It shall be unlawful for any person to interfere with the city animal control officer in the performance of his or her duties.

### **Sec. 6.80.14 Penalty**

Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in accordance with the general penalty provisions of the municipal court of the city or Reno. Each day any such violation shall be allowed to continue shall constitute a separate violation and is punishable hereunder.

## **ARTICLE 6.81.00 RABIES CONTROL**

### **Division 1. General**

#### **Sec. 6.81.01 Vaccination required**

Every owner of a dog or cat four months of age or older shall have such animal vaccinated against rabies. All dogs or cats vaccinated at four months of age or older shall be revaccinated at one year of age and every two to three years, as provided by state law, thereafter. Any person moving into the city from a location outside of the city shall comply with this article within ten (10) days after having moved into the city. If the dog or cat has inflicted a bite on any person or another animal within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten-day observation period.

#### **Sec. 6.81.011 Rabies Control Authority Designated**

The Mayor or his designee shall be the 'Rabies Control Authority' as designated by Texas State Law.

#### **Sec. 6.81.02 Certificate of vaccination**

Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat, as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy of such certificate. Such certificate shall contain the following information:

- (1) The name, address, and telephone number of the owner of the vaccinated dog or cat;
- (2) The date of vaccination;
- (3) The type of rabies vaccine used;
- (4) The year and number of rabies tag; and
- (5) The breed, age, color and sex of the vaccinated dog or cat.

#### **Sec. 6.81.03 Issuance of tag; wearing of tag**

Concurrent with the issuance and delivery of the certificate of vaccination referred to in section 6.81.02 above, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate number, and bearing the year of issuance and the name of the issuing veterinarian and his address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by his dog or cat at all times while outdoors.

#### **Sec. 6.81.04 Duplicate tags**

In the event of loss or destruction of the original tag provided for in section 6.81.03 above, the owner of the dog or cat shall obtain a duplicate tag. A vaccination certificate (and tag) shall be valid only for the animal for which it was originally issued.

#### **Sec. 6.81.05 Proof of vaccination**

It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to the animal control authority, a licensed peace officer in the performance of their duties, a code enforcement officer, or any other persons charged with the enforcement of this article.

#### **Sec. 6.81.06 Harboring unvaccinated animal**

It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.

### **Sec. 6.81.07 Animals exposed to rabies**

Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies must immediately report such knowledge to the city, giving any information which may be required. For any animal known to have been, or suspected of being, exposed to rabies, the following rules must apply:

- (1) Animals having a current vaccination must be revaccinated immediately and confined according to the method prescribed by the city for not less than 90 days.
- (2) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the city, confine the said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than six (6) months. A revaccination shall be done one (1) month prior to release from quarantine.

## **Division 2. Bites From Animals**

### **Sec. 6.81.08 Report and investigation**

- (a) Any person having knowledge of an animal bite to a human will report the incident to the city as soon as possible, but not later than twenty-four (24) hours from the time of the incident.
- (b) The owner of the biting animal will place that animal in quarantine as prescribed in this article under the supervision of the city.
- (c) The local health authority will investigate each bite incident, utilizing standardized reporting forms provided by the department of state health services.
- (d) Human bites from rodents, rabbits, birds, and reptiles are excluded from the reporting requirements of this section.

### **Sec. 6.81.09 Quarantine procedures**

- (a) When a dog or cat which has bitten a human has been identified, the owner will be required to produce the animal for ten (10) days' confinement at the owner's expense. Refusal to produce said dog or cat constitutes a violation of this section, and each day of such refusal constitutes a separate and individual violation. The ten-day observation period will begin on the day of the bite incident. The animal must be placed in an animal control facility specified for this purpose, if available. However, the owner of the animal may request permission from the city for home quarantine if the following criteria can be met:
  - (1) Secure facilities must be available at the home of the animal's owner and must be approved by the city administrator or mayor.
  - (2) The animal is currently vaccinated against rabies.
  - (3) The animal control officer or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the city must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing.
  - (4) The animal was not in violation of any laws at the time of the bite.
  - (5) If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a department of state health services certified laboratory for rabies diagnosis.
- (b) It shall be unlawful for any person to interrupt the ten-day observation period.
- (c) No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a department of state health services certified laboratory for rabies diagnosis.



## ARTICLE 6.82.00 KENNELS

### Sec. 6.82.01 Location restrictions

- (a) No person shall construct or maintain any dog or cat kennel within three hundred (300) feet of a structure which is used as a habitation and which is located on another person's property.
- (b) No person shall construct or maintain any dog or cat kennel closer than one hundred (100) feet from premises which are zoned as residential or which are used for residential purposes.
- (c) Distances in this section shall be measured as follows:
  - (1) For the purpose of subsection (a) hereof, measurement of the three hundred foot distance shall be in a straight line without regard to intervening structures or objects, from the nearest portion of an existing habitation to the nearest portion of the kennel.
  - (2) For the purpose of subsection (b) hereof, measurement of the one hundred foot distance shall be made in a straight line without regard to intervening structures or objects, from the nearest portion of the property line of a residentially zoned property or premises used for residential purposes to the nearest portion of the kennel.

### Sec. 6.82.02 Number of dogs and cats restricted without a permit

No person shall keep, house or maintain more than three (3) dogs or three (3) cats at the person's residence without a valid permit issued by the mayor, city administrator, or animal control authority on behalf of the city to do so. Issuance of such permit does not exempt the holder from any other section of this code. This permit may be revoked with thirty (10) days written notice from the city with the mayor, city administrator, or animal control authority finding that the continued application of such permit is a nuisance or public health threat.

### Sec. 6.82.03 Permit required to operate a kennel

No person shall operate or maintain any dog or cat kennel without first securing a permit therefor from the city secretary, identifying the location and paying a fee as provided for in the general fee schedule of the city of Reno adopted to this code by the city council.

## ARTICLE 6.83.00 VICIOUS OR DANGEROUS ANIMALS

### Sec. 6.83.01 Vicious animals

(a) A vicious animal that is found running at large in the city may be destroyed by any peace officer or animal control officer if necessary to provide for the safety of the public.

(b) Any person may file a complaint of a vicious animal with the municipal court. The municipal court shall inform the owner of any animal involved in the complaint that the complaint has been filed. The owner of an animal alleged to be a vicious animal shall deliver the animal to the animal control authority within 72 hours after receiving notice that a complaint has been filed. If the owner or person having care, custody or control of the animal fails to deliver the animal as provided for in this section, the municipal court shall order that an animal control officer or police officer seize the animal and shall issue a warrant authorizing the seizure. The municipal court shall hold a hearing no later than 10 days after the animal is taken into custody to determine whether the animal is a vicious animal. If the judge determines that the animal is not a vicious animal, the judge shall sign an order that the animal is released to its owner. If the judge determines that the animal is a vicious animal, the judge shall enter an order finding that the animal is a vicious animal and order that the owner or the person having care, custody or control of the vicious animal, shall remove the animal from the city and shall not bring the animal back inside the city limits.

(c) The owner or person having care, custody or control of a vicious animal shall remove the animal from the city within 15 days after becoming aware that the animal is a vicious animal. The owner or person having care, custody or control of a vicious animal must report the disposition and relocation of the animal to the animal control officer in writing within twenty (20) days after becoming aware that the animal is a vicious animal. An owner or person having care, custody or control of a vicious animal becomes aware that an animal is a vicious animal upon the receipt of an order, signed by the municipal court judge, finding that the animal is a vicious animal.

(d) A vicious animal that is not removed from the city as required by this section may be impounded and/or destroyed. If the owner or person having care, custody or control of a vicious animal fails to remove the animal as provided for in this section, the municipal court shall order that the animal control officer or police officer seize the animal and shall issue a warrant authorizing the seizure. If the owner or person having care, custody or control of the animal does not provide the municipal court proof of arrangements to remove the animal from the city within ten (10) days after the animal is taken into custody, the court shall order that the animal be destroyed.

### Sec. 6.83.02 Dangerous dogs

(a) Dangerous dogs, as defined in V.T.C.A., Health and Safety Code, section 822.041, shall be regulated in accordance with the provisions of V.T.C.A., Health, and Safety Code, chapter 822, subchapter D.

(b) The city hereby elects to be governed by V.T.C.A., Health and Safety Code, section 822.0422.

**State law reference**—Dangerous dogs, V.T.C.A., Health, and Safety Code, sec. 822.041 et seq.

### Sec. 6.83.03 Order for immediate impoundment

Notwithstanding any other provision in this article, upon receipt of a report of an unprovoked attack by an animal on a person outside the animal's enclosure that causes bodily injury to the person, the mayor, city administrator, or their designee may order that the animal is immediately impounded. Upon service of the order for immediate impoundment under this section, the owner of the animal shall immediately release the animal into the custody of the animal control authority or a police officer. If the owner fails to immediately release the animal as required by this section, the court shall order the animal control authority or a police officer to seize the animal and shall issue a warrant authorizing the seizure. The owner of the animal shall pay any cost or fee incurred by the animal control authority or the city in connection with the seizure of the animal or in obtaining the warrant for seizure. The animal shall remain impounded with the animal control authority until the appropriate proceeding under this article is completed.

## ARTICLE 6.84 IMPOUNDMENT

### Sec. 6.84.01 Generally

- (a) Animals subject to impoundment. The following animals may be impounded:
- (1) Cats and dogs not exhibiting evidence of being vaccinated as described in this section.
  - (2) Any animal infected or kept under conditions which could endanger the public or animal health.
  - (3) Any animal that is kept in violation of this section.
  - (4) Any animal running at large as prohibited by this section.
  - (5) Any animal treated in a manner determined by the animal control officer to be cruel or inhumane.
  - (6) Any animal that has bitten a human being or needs to be placed under observation for rabies determination, as determined by the local health authority.
  - (7) Any animal violating any provision of this section.
- (b) Confinement by a private person. If any of the animals named in this chapter is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify the animal control officer to come and impound such animal. When so notified, it shall be the duty of the animal control officer to have such animal impounded as herein provided.
- (c) Notification of owner. Reasonable effort shall be made by the animal control officer to contact the owner of any animal impounded which is wearing a current vaccination tag; however, final responsibility for the location of an impounded animal is that of the owner.
- (d) Redemption of an animal by owner. The owner can resume possession of any impounded animal upon payment of impoundment fees, and any veterinary bills incurred by the animal control officer for the welfare of the animal, and upon compliance with the vaccination and registration provisions of this chapter, except where prohibited in subsections (e) and (f) of this section.
- (e) Disposition of cruelly treated animals. Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by a court of competent jurisdiction.
- (f) Disposition of animals held under quarantine. If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.
- (g) Impoundment facilities. The mayor or city administrator shall select and establish a place for impounding all animals impounded under any provision of this section.
- (h) Destruction of unclaimed animals. Except as otherwise provided in this section, any animal not reclaimed by the owner may be humanely euthanized after being impounded for five (5) days.
- (i) Disposition of vicious or wild animals. Any impounded vicious or wild animal, unless there is a reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the animal control officer.
- (j) Destruction of nursing baby animals. Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.
- (k) Disposition of ill or injured animals. Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined by the animal control officer.

**State law reference**—Disposition of cruelly treated animals, V.T.C.A., Health, and Safety Code, sec. 821.021 et seq.

### **Sec. 6.84.02 Fees**

- (a) Impoundment fees shall be as provided for in the fee schedule found in appendix A of this code.
- (b) A daily handling fee, as provided for in the fee schedule found in appendix A of this code, shall be charged after the first day for every day, or fraction thereof, that an animal is at the animal shelter.
- (c) The owner of any cat or dog held in quarantine for observation shall be charged a fee as provided for in the fee schedule found in appendix A of this code for every day or fraction of a day an animal is at the animal shelter. This is in addition to any impoundment fee.
- (d) Dogs and cats adopted from the animal shelter shall be sterilized, vaccinated for rabies and microchipped. Fees established in appendix A for such services shall be charged the adoptee. Failure of an adoptee to either have the procedures performed by the city or its contractor or a veterinarian of the adoptee's choosing shall be a violation punishable as a misdemeanor.

### **Sec. 6.84.03 Animal Health & Safety Advisory Committee**

The city council shall appoint an advisory committee to assist in complying with the requirements of chapter 833 [823], Texas Health and Safety Code. Such committee shall be composed of at least one licensed veterinarian, one municipal official, one peace officer, a and one representative from an animal welfare organization. The Animal Health and Safety Advisory Committee shall meet annually during the month of January. Additional meetings will be at the discretion of the mayor, city administrator, or the committee. The committee must conform to all Texas Public Information Act rules, regulations, and laws.

### **Sec. 6.84.04 Tracking chip**

As a condition of release of impounded animals to owners or to persons adopting unclaimed animals, such animals shall be implanted with a computer readable tracking chip containing identifying information unless such animal has an existing implant

## CHAPTER 6.80 APPENDIX A

### ANIMAL CONTROL RELATED FEES

- (a) Impoundment.
  - (1) Outside the city limits: \$25.00.
  - (2) First impoundment in twelve (12) months: \$25.00.
  - (3) Second impoundment in twelve (12) months: \$50.00.
  - (4) Third impoundment in twelve (12) months: \$100.00.
  - (5) Fourth impoundment in twelve (12) months: \$500.00.
  - (6) Implant fee: \$15.00.
- (b) Daily handling.
  - (1) Dog or cat: \$5.00.
  - (2) Livestock or other animals: Actual cost with a \$5.00 minimum.
- (c) Quarantine for observation: \$10.00 per day.
- (d) Kennel permit: \$25.00 / YEARLY
- (e) Animal tag fee, per animal: \$5.00.
- (f) Other charges.
  - (1) Live trap set and pickup: \$25.00.
  - (2) Rabies testing: Actual cost.
  - (3) Surrender fee inside city limits: \$25.00.
  - (4) Surrender fee outside city limits: \$40.00.
- (g) Animal adoption fees.
  - (1) Sterilization, rabies vaccination, and microchip if done through city service provider: \$80.00.
  - (2) If done by adoptee's veterinarian, a refund of \$55.00 shall be made to the adoptee upon proof of rabies vaccination to animal control.
- (h) Borrowing of an animal trap: \$50.00 each.

**PART 2. SEVERABILITY CLAUSE.**

If any section, subsection, clause, phrase or portion of this ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

**PART 3. REPEAL.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**PART 4. PUBLICATION.**

The City Secretary is authorized and directed to publish the caption and penalty prescribed by this ordinance in accordance with State Law.

**PART 5. EFFECTIVE DATE.**

This ordinance shall be in force and effect from and after its publication.

PASSED AND APPROVED on third and final reading this the 15<sup>th</sup> Day of October 2018.

UPON MOTION OF COUNCILMEMBER \_\_\_\_\_,

SECONDED BY COUNCILMEMBER \_\_\_\_\_,

THAT THE ORDINANCE BE ADOPTED UPON PUBLISHING.

AYES: \_\_\_\_\_ NAYES: \_\_\_\_\_

MOTION CARRIES: \_\_\_\_\_

MOTION FAILS: \_\_\_\_\_

\_\_\_\_\_  
ERIC HUNTER  
MAYOR

ATTEST:

\_\_\_\_\_  
RAMAH BURNS  
CITY SECRETARY