

CHAPTER 2 ANIMAL CONTROL

ARTICLE 2.02 DOGS AND CATS**

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Division 1. Generally

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Sec. 2.02.001 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:

Abandonment. To desert or leave without care.

Animal. A dog or cat.

Animal control authority. The person designated to enforce this article.

Animal establishment. Any pet shop, grooming shop, animal auction, performing animal exhibit or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the United States Department of Agriculture under the provisions of United States Public Laws 89544 and 91579.

Animal shelter. A facility designed or recognized by the city for the purpose of impounding and caring for animals.

At large. A dog or cat off the property of the owner and not under restraint.

(1987 Code, sec. 4-16)

Board rules. Texas Administrative Code title 25, health services, part I, department of state health services, chapter 169, zoonosis control, subchapter A, rabies control and eradication, including any future amendments or revisions. The board rules are adopted as part of this article. (Ordinance adopting Code)

Humane manner. Care of an animal to include, but not be limited to, adequate heat, ventilation, and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Neutered. Rendered permanently incapable of reproduction.

Nuisance. A dog or cat which damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; chases vehicles; molests, attacks, or interferes with persons or other domestic animals on public property; is at large; or makes an unreasonable amount of noise, which is disturbing to persons of normal nervous sensibilities who are the occupants of neighboring properties.

Owner. A person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person for

more than seventy-two (72) hours.

Pet shop. An establishment engaged in the business of buying or selling, at retail, dogs or cats or other animals for profit-making purposes.

Restraint. A dog or cat within the real property limits of its owner and secured by a leash or lead or confined by a building, wall or fence of sufficient strength or construction to restrain the dog or cat or under the control of a responsible person.

Wild animal. Any mammal except the common domestic species, specifically, dogs, cats, horses, cattle, swine, sheep and goats.

(1987 Code, sec. 4-16)

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Sec. 2.02.002 Rabies vaccination*

(a) The owner or custodian of a dog or cat shall have the animal vaccinated for rabies by the time the animal is four months of age and at regular intervals thereafter as prescribed by board rule. A person commits an offense if the person is the owner or custodian of a dog or cat and fails or refuses to have each dog or cat owned by the person vaccinated against rabies as prescribed by board rule. (Ordinance adopting Code)

(b) A certificate of vaccination shall be issued to the owner of each animal vaccinated. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.

(c) Rabies tags must be attached to the collar or harness of the dog or cat and worn at all times. Such tags are nontransferable. Rabies vaccination records will be available to the animal control authority during business hours.

(1987 Code, sec. 4-17)

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Sec. 2.02.003 Designation of local rabies control authority*

(a) The city commission designates the animal control officer to act as the local rabies control authority for the purposes of this article.

(b) Among other duties, the local rabies control authority shall enforce:

- (1) Chapter 826 of the Texas Health and Safety Code and the board rules that comprise the minimum standards for rabies control;
- (2) The ordinances or rules of the city that the local rabies control authority serves; and
- (3) The rules adopted by the state board of health under the area rabies quarantine provisions of section 826.045 of the Texas Health and Safety Code.

(Ordinance adopting Code)

Sec. 2.02.004 Owner responsibility

- (a) All dogs and cats shall be kept under restraint.
- (b) No dog or cat shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every act of such dog or cat proscribed by the provisions of this article.

(1987 Code, sec. 4-18)

Sec. 2.02.005 Impoundment and adoption of impounded animals

- (a) The following may be impounded:
 - (1) Any dog or cat not exhibiting evidence of being currently vaccinated;
 - (2) Any dog, cat or wild animal at large, or not under restraint;
 - (3) Any animal that has bitten a human being or needs to be placed under observation for rabies determination by the animal control authority.

(b) Immediately upon impounding a dog or cat, the animal control authority shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs and cats not exhibiting a current vaccination tag and not claimed by their owners within a period of three (3) full days in which the shelter is open to the public shall become the property of the city. For any dog or cat exhibiting a current vaccination tag, the period shall be six (6) full days in which the shelter is open to the public.

(1987 Code, sec. 4-19)

(c) When a dog or cat is found running at large and its ownership is verified by the animal control authority, the authority may exercise the option of serving the owner with a citation and/or impounding the animal. (Ordinance 1509 adopted 8/11/09)

(d) If the animal control authority finds dogs or cats to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or euthanize them when necessary to prevent further suffering. Return to the owner may be withheld until the owner shall have made full payment for all expenses so incurred.

(e) Disposal of an animal by any method specified in this section does not relieve the owner of liability for violations and any accrued charge.

(f) Any animal being held under quarantine or observation for rabies shall not be released to the owner until the animal has been released from such quarantine.

(1987 Code, sec. 4-19)

(g) Any impounded dog or cat may be given up for adoption following the expiration of the applicable waiting period set forth in subsection (b) above, except those under quarantine. A rescue organization, such as the Humane Society or a similar organization shall have a preferential right to adopt the impounded dog or cat. (Ordinance 1527, sec. 1, adopted 8/10/10)

(h) An owner who no longer wishes responsibility for an animal or believes the animal to be in an ill or injured condition may sign a waiver, supplied by the animal control authority, allowing the animal to be immediately humanely destroyed; provided, that no warm-blooded animal that has bitten a human being shall be destroyed before the expiration of the quarantine period. An owner also may authorize the adoption of an unwanted animal prior to the expiration of the impoundment period by signing a waiver. (1987 Code, sec. 4-19)

(i) An adoption fee shall be paid as set forth in [section 2.02.010](#). If the adoption is by the Humane Society or similar rescue, nonprofit organization, the fee will be waived. (Ordinance 1527, sec. 2, adopted 8/10/10)

(j) No dog or cat shall be released for adoption as a pet without being neutered or without written agreement from the adopter guaranteeing that the animal will be neutered within a specified time. Vaccination fees and veterinary costs may be assessed above and beyond the adoption fee. (1987 Code, sec. 4-19)

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Sec. 2.02.006 Rabies control

(a) The animal control authority shall have the authority to order the quarantine of animals responsible for bite incidents, or suspected of having any zoonotic disease considered to be a hazard to the human population or other animals.

(b) Every animal that bites a human being or attacks another animal, or has rabies or any other zoonotic disease, shall be immediately confined by the owner, who shall promptly notify the animal control authority of the place where such animal is confined and the reason for the confinement. The owner shall not permit such animal to come in contact with any other person or animal. The owner shall surrender possession of such animal to the animal control authority on demand for supervised quarantine. Supervised quarantine shall be at the animal shelter or a veterinary hospital, or by any other method of adequate confinement approved by the supervisor or animal control authority. The quarantine shall be for not less than ten (10) days and shall be under the supervision of a veterinarian or the local health authority. A release from quarantine may be issued if no signs of rabies or other diseases have been observed during the quarantine period.

(1) Any animal quarantined other than at the animal shelter shall be observed by a veterinarian throughout the entire required quarantine period, and the owner shall immediately notify the animal control authority as to the name of the veterinarian supervising the quarantine.

(2) If the animal control authority orders quarantine other than in the animal shelter, the owner shall be responsible for confining the animal. The owner shall also be required to obtain the supervision of the animal by a veterinarian and release from quarantine as would be required at the animal shelter.

(c) The violation of quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by the animal control authority. It shall be unlawful for any person to interrupt the observation period.

(d) All animal bite reports shall be investigated by the animal control authority. Without permission of the authority, it shall be unlawful for any person to kill or remove from the corporate limits of the city any animal that has bitten a person or other animal, or that has been placed under quarantine, except when it is necessary to kill such animal to protect the life of any person or other animal.

(e) The animal control authority shall direct the disposition of any animal suspected of being rabid or having any other zoonotic disease considered to be a hazard to any other animal or human being.

(f) The carcass of any dead animal exposed to rabies or suspected of having been rabid shall, upon demand, be surrendered to the animal control authority.

(1987 Code, sec. 4-20)

(g) Every animal that has been bitten by another animal shall be immediately confined by the owner, who shall promptly notify the animal control authority 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 person or animal. Any animal exposed to rabies shall be handled in the following manner:

(1) Not currently vaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be:

(A) Humanely killed; or

(B) If sufficient justification for preserving the animal exists, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for 90 days, and given booster vaccinations during the third and eighth weeks of isolation. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture for the vaccine administered.

(2) Currently vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal shall be:

(A) Humanely killed; or

(B) If sufficient justification for preserving the animal exists, the exposed vaccinated animal shall be given a booster rabies vaccination immediately and placed in strict isolation for 45 days.

(Ordinance adopting Code)

(h) No person shall fail or refuse to surrender an animal for supervised quarantine or humane destruction, as required in this section for rabies control, when demand therefor is made by the animal control authority.

(i) Any person having possession of, or responsibility for, any quarantined animal shall immediately notify the animal control authority if such animal escapes, or becomes or appears to become sick, or dies, and in case of death of the animal while under quarantine, shall immediately surrender the dead animal to the animal control authority for diagnostic purposes.

(1987 Code, sec. 4-20)

Division 1. Generally

Sec. 2.02.007 Interference

No person shall interfere with, hinder or molest any agent of the animal control authority in the performance of any duty as provided in this article. (1987 Code, sec. 4-21)

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Sec. 2.02.008 Appeals

Appeals to the city commission may be taken by any person aggrieved or affected by any administrative decision of the administrative officer on the denial or revocation of any permit. Such appeal must be upon written notice filed with the administrative officer from whom the appeal is taken and with the city secretary

within ten (10) days after the date of the decision being appealed. (1987 Code, sec. 4-22)

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Sec. 2.02.009 Abandonment

It shall be unlawful to abandon, desert or dump any animal in the city. (1987 Code, sec. 4-23)

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Sec. 2.02.010 Fees

The following fees shall be levied and collected pursuant to this article:

- (1) Annual permit for an animal establishment: \$10.00. If the application for a permit is a reapplication after the revocation of a permit, the annual permit fee shall be \$10.00.

(1987 Code, sec. 4-24)

- (2) Impoundment fees:

- (A) Dogs and cats:

- (i) First impoundment during preceding 12 months: \$15.00*; and \$25.00* if not sterilized.
- (ii) Second impoundment during preceding 12 months: \$30.00*; and \$50.00* if not sterilized.
- (iii) For each impoundment after the second during the preceding 12 months: \$60.00*; and \$100.00* if not sterilized.

* Plus a daily handling fee as set forth below and cost of rabies vaccination.

- (B) Daily boarding fee: \$8.00.

- (3) Adoption fee (each animal):

- (A) Felines: \$85.00.**

- (B) Dogs: \$95.00.**

** Includes spay or neuter, microchip and rabies vaccination.

(Ordinance 1509 adopted 8/11/09)

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Secs. 2.02.011–2.02.040 Reserved

ARTICLE 2.02 DOGS AND CATS**

Division 2. Animal Establishments

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Sec. 2.02.041 Permit required

- (a) No person shall operate an animal establishment without first obtaining a permit in compliance with this division.
- (b) The permit period shall begin on the first day of the fiscal year of the city and shall run for one (1) year. Renewal applications for permits may be made within sixty (60) days prior to the expiration date. Application for a permit to establish a new breeding animal establishment under the provisions of this section may be made at any time. The application shall set forth such information as may be required by the animal control authority, including name, and if trade name, owner's or manager's name, location of business, mailing address, and telephone number.
- (c) An annual permit fee in the amount set forth in [section 2.02.010](#) in this article shall be paid with the filing of the application.
- (d) Under the provisions of this section, no permit fee shall be required of any government-owned or -operated, or duly licensed, animal shelter. All other provisions shall apply, except as provided in [section 2.02.002](#).
- (e) A person who maintains a kennel of six (6) or more dogs or cats, or six (6) or more dogs and cats for breeding purposes, may pay an annual permit fee or may elect to register individual dogs or cats under this section. Every facility regulated by this division shall be considered a separate enterprise requiring an individual permit.

(1987 Code, sec. 4-36)

Division 2. Animal Establishments

Sec. 2.02.042 Inspection

It is a condition of issuance of any permit for an animal establishment that the city, by and through its animal control authority, shall be permitted to inspect any and all animals and premises where such animals are kept at any reasonable time during normal business hours. Such inspection shall be for the purpose of determining whether or not the animal establishment is keeping the animals in a humane manner. (1987 Code, sec. 4-37)

Division 2. Animal Establishments

Sec. 2.02.043 Notice of violation; revocation of permit

- (a) If the inspection by the city reveals that the animal establishment is in violation of any of the provisions of this article or any laws of the state governing the protection and keeping of animals, the animal establishment shall be given written notice by certified mail, return receipt requested, or by personal service of the violations found. If such violations are not corrected within ten (10) days from the date of the notice, the city may revoke the permit.
- (b) Where a permit is revoked for any cause, or pending appeal of any such action, the city shall have power of entry on the premises and into all areas where animals are being kept.

Division 2. Animal Establishments

Sec. 2.02.044 Reapplication for permit after denial, revocation

A person denied an animal establishment permit may not reapply for a permit for thirty (30) days after denial of such permit. A person whose permit has been revoked may not apply for a new permit for sixty (60) days after the revocation of such permit. Each such reapplication shall disclose any previous denial or revocation and shall be accompanied by the application fee as set forth in [section 2.02.010](#). (1987 Code, sec. 4-39)

Division 2. Animal Establishments

Sec. 2.02.045 Permit denial or revocation for withholding, falsifying information

If an applicant for an animal establishment permit withholds or falsifies any material information on the application for a permit, the city may refuse to issue such permit or may revoke such permit issued to the applicant upon written notice by certified mail, return receipt requested, or by personal service, stating the reasons for such revocation and the effective date of such revocation which shall be not less than ten (10) days from the date of the notice. (1987 Code, sec. 4-40)

Division 2. Animal Establishments

Secs. 2.02.046–2.02.070 Reserved

ARTICLE 2.02 DOGS AND CATS**

Division 3. Dangerous Dogs*

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Sec. 2.02.071 State law adopted

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. (Ordinance adopting Code)