

ORDINANCE NO 244

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEVEN POINTS, TEXAS TO AMEND CHAPTER 2, ANIMAL CONTROL; PROVIDE FOR A PENALTY AS PROVIDED FOR IN CHAPTER 1, SECTION 5 OF THE CODE OF ORDINANCES FOR VIOLATION; PROVIDE FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDE FOR A SEVERABILITY CLAUSE; AND PROVIDE FOR AN EFFECTIVE DATE;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS:

THAT CHAPTER 2, OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

CHAPTER 2

ANIMAL CONTROL

SECTION 1: DEFINITIONS

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

- A. Owner: Any person, firm or corporation who has right of property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of ten (10) days.
- B. Harboring: The act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter or care for a period of ten (10) days.
- C. Domestic Animal: Shall include all species of animals commonly and universally accepted as being domesticated.
- D. Wild Animal: Shall include 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. Including but not limited to snakes, elephants, bears, leopards, monkeys, skunks, tigers or other such animals.

E. Pet Animal: Shall include dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet but shall not include skunks, non-human primates and any other species of wild exotic or carnivorous animal that may be further restricted in this law.

F. Dog: Shall mean any live or dead dog (canis familiaris).

G. Cat: Shall mean any live or dead cat (felis catus).

H. Vicious Animal: Shall mean any individual animal or any species that has on two (2) previous occasions without provocation attacked or bitten any person or other animal, or any individual animal which the local health authority has reason to believe has a dangerous disposition, or any species of animal which the local health authority has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

I. Stray Animal: Any animal for which there is no identifiable owner or harborer.

J. Running At Large: Shall mean 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. An animal within an automobile or other vehicle of its owner shall not be deemed "running at large".

K. Vaccinated: Means properly injected with a 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.

L. Currently Vaccinated: Means 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 thirty (30) days have elapsed since the initial vaccination;
- (3) Not more than twelve (12) months have elapsed since the most recent vaccination.

M. Local Health Authority: A person designated by the city to receive reports of animal bites, investigate bite reports, ensure quarantine of possibly rabid animals, carry out provisions of the Texas law pertaining to control and eradication of rabies, and other duties entailed by this ordinance.

N. Livestock: Shall include cows, horses, goats, sheep, swine, mules and all other domesticated animals kept outside, except dogs and cats.

O. Fowl: Shall include chickens, hens and similar birds.

P. Beehive: Shall mean any box, groups of boxes, or any other thing or object adapted to the keeping of bees.

SECTION 2: RABIES CONTROL

A. Vaccinations: Every owner of a dog or cat three (3) months of age or older shall have such animal vaccinated against rabies. All dogs or cats vaccinated at three (3) months of age or older shall be re-vaccinated at one (1) year of age and annually thereafter. Any person moving into the city from a location outside of the city shall comply with this section 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 (10) day observation period.

B. 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. 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.

C. Rabies Tags: Concurrent with the issuance and delivery of the certificate of vaccination referred to in section 2B, 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.

D. Duplicate Tags: In the event of loss or destruction of the original tag provided in section 2C, the owner of the dog or cat shall obtain a duplicate tag. Vaccination certificates (and tags) shall be valid only for the animal for which it was originally issued.

E. Proof: 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 any person charged with the enforcement of this section.

F. Harboring Unvaccinated Animals: 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.

G. 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 local health authority 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 re-vaccinated immediately and confined according to the method prescribed by the local health authority for a period of not less than ninety (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 local health authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than six (6) months. A re-vaccination shall be done one (1) month prior to release from quarantine.

H. Notice to Keeper of Animal Suspected of Having Rabies: Whenever the

health officer has good reason to believe that any dog or cat, or other animal is infected with rabies he shall notify the keeper, harborer or person(s) claiming any such animal of his belief and it shall thereafter be unlawful for any person having such notice to in any manner interfere with such officer or his authorized representative in taking possession of animal for the purpose of examination to determine if such animal is in fact infected with rabies.

SECTION 3: REPORTING HUMAN BITES FROM ANIMALS

- A. Any person having knowledge of an animal bite to a human will report the incident to local health authority 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 section 4 under the supervision of the local health authority.
- C. The local health authority will investigate each bite incident, utilizing standardized reporting forms provided by the Texas Department of Health.
- D. Human bites from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this section.

SECTION 4: QUARANTINE PROCEDURES FOR ANIMALS

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 (10) day observation period will begin on the day of the bite incident. The animal must be placed in the animal control facilities specified for this purpose. However, the owner of the animal may request permission from the local health authority 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 local health authority;
- (2) The animal is currently vaccinated against rabies;
- (3) The local health authority and 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 local health authority 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 law 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 shall be submitted to a Texas Department of Health certified laboratory for rabies diagnosis.

B. It shall be unlawful for any person to interrupt the ten (10) day observation period.

C. No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely destroyed in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of Health certified laboratory for rabies diagnosis.

SECTION 5: ANIMAL REGISTRATION

A. No owner shall have within the city any dog or cat three (3) months of age or older unless such dog or cat is currently registered with animal control. A current metal registration certificate issued by animal control or a veterinarian authorized by animal control to issue the certificate, must be affixed to a collar or harness that must be worn by the dog or cat at all times. Animals over the age of six (6) months shall have a current rabies vaccination to receive a city license.

(1) 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 five dollars (\$5.00), unless the cat or dog being registered has been neutered or spayed and proof of such surgical sterilization can be shown to an animal control officer or a veterinarian authorized to issue such registration, then the fee will be two dollars (\$2.00). If the original current registration certificate is lost or destroyed, the owner may obtain a duplicate registration from the supervisor of animal control by paying a fee of one dollar (\$1.00). Animals may be exempted from sterilization provision upon written recommendation from a veterinarian that such

alteration would be harmful or dangerous to the animal.

(2) Registration certificates shall be renewed annually. The registration period will be from January 1 to December 31. Certificates for the new period shall be available for sale at least thirty (30) days in advance of, and sixty (60) days following, January 1st and shall constitute a valid registration upon issuance.

(3) Registration and/or vaccination certificates (and tags) shall be valid only for the animal for which it was originally issued.

(4) If there is a change in ownership of a registered dog or cat, the new owner shall have the registration transferred to his name. There shall be no charge for said transfer. Application for such transfer shall be made to animal control in writing or in person.

(5) Fee-exempt registrations may be issued for the following:

- (a) Police or sheriff's department dog, and
- (b) Dogs trained to assist the audio or visually impaired person.

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

B. Every person having care, control, or custody of any dog which has received guard dog training must register such dog with the supervisor of animal control. Any dog which has received guard dog training may be destroyed when such dog is found running at large. The owner(s) or keeper(s) of guard dogs shall be subject to the other provisions of this section. An ID collar identifying the dog as a guard dog must be worn at all times and the dog must wear a muzzle when out of confinement.

SECTION 6: RUNNING AT LARGE

A. It shall be unlawful for an owner of a dog, livestock, fowl or other animal, or any other person who has such animal under his or her possession or care, to allow or permit such animal to run at large. It shall not be a violation of this section for a dog to run at large while under the direct supervision of its owner or other person responsible for its care.

B. The animal control officer is authorized to impound such animal(s) running at large, other than a cat, and may impound a cat under conditions specified in section 10 of this chapter, or when he has received a complaint that the cat has caused a nuisance or hazard to the health or welfare of human or animal population.

SECTION 7: ANIMAL NUISANCE

The commission of any of the following acts, or permitting any of the following conditions to exist on or to one's property within the City of Seven Points, shall constitute a nuisance to the health, safety, and general welfare of the city and its inhabitants and shall be unlawful, to-wit:

A. The keeping of an animal enclosure that emits foul and offensive odors which are obnoxious to any person of ordinary sensitivity in the vicinity.

B. The keeping of bees that endanger the health and welfare of persons in the vicinity.

C. The keeping of a cat that enters the property of another and commits any act that disturbs any person of ordinary sensitivity.

D. The parking on or along any highway, street, or alley within the City of Seven Points, any vehicle used for hauling animals or fowl that emits odors obnoxious to any person of ordinary sensitivity in the vicinity.

E. Whenever any complaint is made to the city as to the unsanitary condition or offensive odors resulting from the keeping of such livestock, or if such shall come to the attention of the city without complaint, the city shall investigate the same, and if such unsanitary condition is found to exist, the same shall constitute a nuisance. The city may give the owner or possessor of such livestock instructions as to how to clean up such premises and abate the nuisance, and if such unsanitary condition is not remedied within twenty-four (24) hours thereafter, complaint shall be filed against such owner, keeper or possessor for maintaining a nuisance in the City of Seven Points.

SECTION 8: PROHIBITED ANIMALS

A. It shall be unlawful for any person to sell, offer for sale, barter, or give away as toys, premiums or novelties, baby chickens, ducklings, or other fowl

under three (3) weeks old, rabbits under two (2) months old, unless the manner or method of display is first approved by the local health authority.

B. 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.

C. It shall be unlawful for any person to keep, house, or maintain any wild animal inside the city. Wild animals in transit, in circuses and/or carnivals are exempt from the prohibition of this section provided such animal is restrained within an adequate enclosure or by chain or other restraint which is sufficient to restrict the uncontrolled movement of such animal to the extent that such animal shall not pose or constitute any danger or threat to the safety of any person.

D. It shall be unlawful for any owner and any person in control or possession of a wild or vicious animal to release or allow such animal to run at large in the city.

SECTION 9: VICIOUS ANIMALS

A. Any vicious animal found running at large may be destroyed by any peace officer or animal control officer in the interest of public safety.

B. All vicious animals must be confined by a building, wall or fence of sufficient strength or construction to retain the animal. Chains, ropes and/or leashes may not be used as restraints for vicious animals.

C. The animal control officer may order any owner or person having care, control or custody of any vicious animal to take such animal permanently from the city. This animal must be removed immediately following receipt of such an order, even if an appeal is initiated. This order may be appealed in writing within ten (10) days to a committee made up of the chief of police or his representative, the mayor or his representative, and the city attorney or his representative. Such committee may uphold, reverse or modify the animal control officer's order, and may stipulate restrictions on the animal as a condition to allowing the animal to remain in the city. If the committee upholds the animal control's order, the owner or person having care, control, or custody shall not bring the animal back inside the city limits.

D. If the owner or person having care, custody or control of a vicious animal fails to remove such animal as provided for in subsections A and B of this section, such animal may be impounded and/or destroyed.

E. The owner or person having care, custody or control of a vicious animal must report the disposition and relocation of such animal to the animal control officer in writing, within (10) days after the expiration date for removal of such animal from the city. Each day thereafter such information is not provided shall constitute a separate offense.

F. The animal control officer shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the city for being vicious has not been so removed.

SECTION 10: IMPOUNDMENT

A. The following animals may be impounded:

- (1) Cats and dogs not exhibiting evidence of being vaccinated as described in section 2 or registered as described in section 5.
- (2) Any animal infected or kept under conditions which could endanger the public or animal health.
- (3) Any animal that creates a nuisance, as defined in section 7.
- (4) Any animal running at large, as stipulated in section 6.
- (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 provisions of this chapter.

B. If any of the animals named in this chapter are 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. 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. Reasonable effort may include a telephone call and/or written form. However, final responsibility for location of an impounded animal is that of the owner.

D. The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees, and any veterinary bills incurred by animal control 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 animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.

F. 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. The police chief shall select and establish a place for impounding all animals impounded under any provision of this chapter.

H. Any animal, except vicious or wild animals, not reclaimed by the owner may be humanely euthanized after being impounded for seventy-two (72) hours, except that any animal wearing a current registration tag shall be impounded for fifteen (15) days.

I. Any impounded vicious or wild animal, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the animal control officer.

J. 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. 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 written waiver supplied by animal control allowing the animal to be immediately euthanized in a humane manner, provided that no dog or cat that has bitten a human being shall be

ethanized before expiration of the ten (10) day quarantine period.

L. Any impounded animal that appears to suffer from extreme injury or illness may be euthanized or given to a non-profit humane organization for the purpose of veterinary medical care, as determined by the animal control officer.

SECTION 11: IMPOUNDMENT FEES

A. Impoundment fees shall be set by the Humane Society. Impoundment fees are the responsibility of the animal owner.

B. Records and Disposition of Money Collected.

(1) The animal control officer shall keep such records as required to show in detail the disposition of all animals impounded and the money collected by him and such other records as required by the director of finance. All money collected shall be delivered to the city secretary, who will deposit in the general fund with which the city secretary shall pay the impoundment fees and other related fees out of the general fund.

(2) The animal control officer shall file such reports under oath as are required by this ordinance.

SECTION 12: KEEPING OF BEES

A. No person shall keep bees in any area of the City of Seven Points except in those areas where the bee hives will be located five hundred feet (500') or more from the nearest dwelling, which shall not apply to the dwelling of the owner of the bees.

B. No person shall keep bees in excess of two (2) hives where the hives are located between five hundred (500') and seven hundred fifty feet (750') from the nearest dwelling. Further, it shall be unlawful to have bees, irregardless of the above limitation, in such numbers that they congregate in excessive numbers on property other than that of the owner of the bees in such a way as to interfere with the peaceful occupation of that property by its owner.

SECTION 13: LIVESTOCK AND FOWL

A. Requirements as to Pens, Barns, or Sheds: All pens and enclosures

wherein hogs or swine are kept shall be maintained and kept in such manner as not to become unsanitary, offensive or disagreeable to persons residing or working in the vicinity thereof, nor shall they be so maintained or kept as to breed flies or in any manner cause any injury to the health of the public or any person residing in the vicinity of the said pen or enclosure.

All pens and enclosures wherein one (1) or more cows, horses, goats, sheep or mules are kept shall be maintained and kept in such condition as not to become unsanitary, offensive or disagreeable to persons residing in the vicinity thereof, nor shall they be so maintained or kept as to permit the breeding of lies or in any manner cause injury to the health or comfort of the public or any person working or residing in the vicinity of the said pen or enclosure. Every cow lot, horse lot, goat, sheep or mule lot, wherein a cow, horse, sheep, goat or mule is kept or maintained shall be cleaned of droppings at least twice in each week, and the manure on such lot, pen or enclosure shall be promptly removed after each cleaning.

C. Location of Pens: Hogs or swine shall be kept in a suitable pen or enclosure situated not less than two hundred fifty feet (250') and no pigs or swine can approach closer than two hundred fifty feet (250') and no pigs or swine can approach closer than said distance to such inhabited dwelling; provided that this distance requirement shall not apply to the dwelling of the owner himself.

It shall be unlawful for any person, firm or corporation to keep, harbor or raise any cow, horse, goat, sheep or mule in a pen or enclosure situated on any point closer than two hundred fifty feet (250') to any inhabited dwelling; provided that this distance requirement shall not apply to the dwelling occupied by the owner himself.

D. Number of Hogs Limited: It shall be unlawful for any person, firm or corporation to keep, harbor or raise more than two (2) hogs or swine within the corporate limits where the pen or enclosure is less than one (1) acre of ground. It shall be unlawful for any person, firm or corporation to keep, harbor or raise more than ten (10) hogs or swine within the corporate limits where the pen or enclosure is less than five (5) acres of ground.

SECTION 14: ENFORCEMENT

A. Enforcement of this chapter shall be the responsibility of the local health

authority and/or the animal control officer.

B. The local health authority and/or the animal control officer shall have the authority to issue citations for any violation of this chapter.

C. If the person being cited is not present, the local health authority and/or the animal control officer may send the citation to the alleged offender by registered or certified mail.

D. It shall be unlawful for any person to interfere with the local health authority or animal control officer in the performance of duties.

E. The animal control officer or authorized deputies shall have the right, at any reasonable time to inspect any dog or cat to determine if it has been vaccinated and/or licensed and shall have the authority to enter any premises for such purpose, and it shall be unlawful for any person to refuse entrance to such animal control officer or his/her deputies or to impede, obstruct or exclude such animal control officer or his/her deputies when attempting to enter such premises for the purpose of inspecting such dog or cat, and any person who shall be guilty of a misdemeanor.

F. Any person may take up and deliver to the animal control facility any animal which the animal control officer is, by the provisions of this division, required to impound. Any animal found trespassing or running at large on any private property may be taken up by any person and delivered to the poundkeeper. Every person that takes up any animal under the provisions of this division shall immediately thereafter give notice thereof to the animal control officer and every such person, or any person in whose custody such animal may in the meantime be placed, shall deliver such animal to the animal control officer without fee or charge, and the animal control officer shall thereupon hold and dispose of such animal as though such animal had been found running at large and impounded by him/her.

G. The animal control officer, deputy and city police officers are hereby authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing and impounding any animal running at large thereon.

H. It shall be unlawful for anyone to overdrive, willfully overload, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, or needlessly mutilate or kill any animal or carry any unsecured animals in open

vehicles or otherwise in a cruel or inhumane manner, or cause or procure the same to be done, for anyone in charge or custody of any animal to unnecessarily fail to provide it with proper food, drink, or to cruelly abandon it.

SECTION 15: BARKING DOGS

It shall be unlawful for any person to harbor or keep on his/her premises or in or about the premises, or premises under his/her control, any dog which, by loud or unusual barking or howling, shall cause the peace and quiet of the neighborhood or the occupants of adjacent premises to be disturbed. Such person shall be guilty of a misdemeanor and, upon conviction, shall be fined as provided in section 17. Violations of this section 16 on different days shall constitute separate offenses.

SECTION 16: GENERAL PENALTY OF THE CODE OF ORDINANCES

Whenever in this code or in any ordinance of the city, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine not to exceed five hundred dollars (\$500.00), except for violations of municipal ordinances that govern fire safety, zoning and public health and sanitation including dumping of refuse, in which cases a fine not to exceed two thousand dollars (\$2,000.00) is hereby authorized; provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.¹

SECTION 17: SAVING CLAUSE

It is hereby declared to be the intention of the city council of the City Seven Points, Texas, that the sections, paragraphs, sentences, clauses and phrases of this chapter are severable; and, if any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this chapter since the same would have been enacted by the city commission without the incorporation in this chapter of any such

¹Cross Reference--Ordinance No. 216 amending Ordinance No. 188

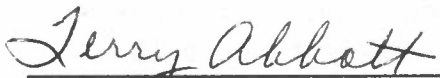
unconstitutional or invalid phrase, clause, sentence, paragraph or section.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Seven Points, Texas this the 9th day of April, 1996.

APPROVED:


Marian Hill
Mayor

ATTEST:


Terry Abbott
City Secretary