

# 79-101

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Vol II



ORDINANCE ON ANIMAL CONTROL

AN ORDINANCE REQUIRING LICENSING OF ANIMALS, KEEPING OF LIVESTOCK, REQUIRING PERMITS FOR COMMERCIAL ANIMAL ESTABLISHMENTS, PRESCRIBING RULES FOR THE LICENSE AND PERMIT INSTRUMENTS AND REVOCATIONS, REQUIRING RESTRAINT OF DOGS, PROVIDING FOR IMPOUNDMENT, VIOLATION NOTICES AND EUTHANIZATION, REQUIRING HUMANE ANIMAL CARE, PROVIDING FOR KEEPING OF WILD ANIMALS, PROVIDING FOR PERFORMING ANIMAL EXHIBITIONS, REMOVAL OF ANIMAL WASTE AND STERILIZATION OF ADOPTED UNCLAIMED DOGS OR CATS, PROVIDING FOR ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE TOGETHER WITH PENALTIES THEREOF, PROVIDING FOR CONFLICTING ORDINANCES AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, it is in the best interest of the City of DeLeon, Texas, to provide rules and regulations for animal control.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELEON, TEXAS:

SECTION 1. DEFINITIONS

As used in this ordinance the following terms mean:

Animal: Any live, vertebrate creature, domestic or wild;

Animal Shelter: Any facility operated by the humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this ordinance or state law;

Auctions: Any place or facility where animals are regularly bought, sold, or traded, except those facilities otherwise defined in this ordinance. This section does not apply to individual sales of animals by owners.

Circus: A commercial variety show featuring animal acts for public entertainment;

Commercial Animal Establishment: Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel;

Grooming Shop: A commercial establishment where animals are bathed clipped, plucked or otherwise groomed;

Humane Officer: Any person designated by the State of Texas, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this State;

Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats;

Livestock, Number of: Describing types and number of animals allowed (or prohibited) in City Limits.

Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more;

Performing Animal Exhibition: Any spectacle, display, act, or event other than circuses, in which performing animals are used;

Permits: Description of special or temporary permits for prohibited livestock;

Pet: Any animal kept for pleasure rather than utility;

Pet Shop: Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel, that buys, sells, or boards any species of animals;

Public Nuisance: Any animal or animals which:

1. Molests passersby or passing vehicles.
2. Attacks other animals.
3. Trespasses on school grounds.
4. Is repeatedly at large.
5. Damages private or public property.
6. Barks, whines, or howls in an excessive, continuous, or untimely fashion;
7. Deposits excreta on public walks on recreation area.
8. Creates odors or health hazards to general public.

Restraint: Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner;

Riding School or Stable: Any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule, or burro;

Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals;

Vicious Animal: Any animal or animals that constitute a physical threat to human beings or other animals;

Wild Animal: Any live monkey (non-human primate), raccoon, skink, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warmblooded animal which can normally be found in the wild state;

Zoological Park: Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation, or government agency;

## SECTION 2. LICENSING

- (a) Any person owning, keeping, harboring, or having custody of any dog or cat over three months of age within this municipality must obtain a license as herein provided.
- (b) Written application for licenses shall be made to the City of DeLeon which shall include name and address of applicant, description of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or anti-rabies clinic.
- (c) If not revoked, licenses for the keeping of dogs and cats shall be for a period of up to two years.
- (d) Application for a license must be made within thirty days after obtaining a dog or cat over three months, except that this requirement will not apply to a non-resident keeping a dog or cat within the municipality for no longer than sixty days.
- (e) License fees shall not be required for seeing eye dogs or governmental police dogs.
- (f) Temporary License (permits) may be issued for keeping of certain prohibited livestock within this municipality upon inspection of quarters where animals are to be kept, i. e., 4-H and FFA show animals and exemption of fees for such permits.
- (g) Upon acceptance of the license application and fee, the Licensing Authority shall issue a durable tag, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.
- (h) Dogs and cats must wear identification tags at all times when off the premises of the owners.

(i) The Licensing Authority shall maintain record of the identifying numbers of all tags issued and shall make this record available to the public.

(j) Application for license shall be made within 30 days from the effective date of this ordinance. Thereafter, applications for licenses shall be made within 90 days prior to May 1st of each odd numbered year. Application for licenses made after July 1st of even numbered years shall be required to pay 50% of the fee stipulated in this section.

(k) Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a fine of \$10.00.

(l) A license shall be issued after payment of the applicable fee:

	<u>2 years</u>
1. For each unneutered male dog . . . . .	\$6.00
2. For each unneutered male cat . . . . .	4.00
3. For each unspayed female dog . . . . .	6.00
4. For each unspayed female cat . . . . .	4.00
5. For each neutered male dog . . . . .	2.00
6. For each neutered male cat . . . . .	2.00
7. For each spayed female dog . . . . .	2.00
8. For each spayed female cat . . . . .	2.00

(m) A duplicate license may be obtained upon payment of a \$2.00 replacement fee.

SECTION 3. PERMITS

(a) No person, partnership or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.

(b) The Licensing Authority shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this ordinance and other applicable laws. The Licensing Authority may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

(c) Upon a showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the Licensing Authority, a permit shall be issued upon payment of the applicable fee.

(d) The permit period shall begin July 1st of each year and shall run for one year. Renewal applications for permits shall be made within 90 days prior to July 1st. Applications for permit to establish new commercial animal establishment under the provisions of this ordinance may be made at any time.

(e) If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a \$7.50 transfer fee.

(f) Annual permits only shall be issued upon payment of the applicable fee:

1. For each kennel and/or Grooming shop . . . . .	\$10.00
2. For each pet shop, riding stable, auction, zoological park, circus, performing animal exhibition . . . . .	25.00

(g) Every facility regulated by this ordinance shall be considered a separate enterprise and requires an individual permit.

(h) No fee may be required of any veterinary hospital, animal shelter, or government-operated zoological park.

(i) Failure to obtain a permit before opening any facility covered in this section shall result in a fine not to exceed \$200.00.

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(j) Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.

SECTION 4. LICENSE AND PERMIT ISSUANCE AND REVOCATION

- (a) The Licensing Authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this ordinance, the regulations promulgated by the Licensing Authority, or any law governing the protection and keeping of animals.
- (b) Any person whose permit or license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept or harbored by such person and no part of the permit or license fee shall be refunded.
- (c) It shall be a condition of the issuance of any permit or license that the Licensing Authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit or license of the refusing owner.
- (d) If the applicant has withheld or falsified any information on the application, the Licensing Authority shall refuse to issue a permit or license.
- (e) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- (f) Any person having been denied a license or permit may not reapply for a period of thirty days. Each reapplication shall be accompanied by a \$10.00 fee.

SECTION 5. RESTRAINT

- (a) All dogs shall be kept under restraint.
- (b) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- (c) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
- (d) Every vicious animal, as determined by the Commission, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

SECTION 6. IMPOUNDMENT AND VIOLATION NOTICE

- (a) Unrestrained dogs and nuisance animals shall be taken by the police, animal control officers, or humane officers and impounded in an animal shelter and there confined in a humane manner.
- (b) Impounded dogs and cats without collar identification tags shall be kept for not less than 3 calendar days.
- (c) Impounded dogs and cats bearing collar identification tags shall be kept for not less than 3 calendar days after notification to its owner has been made.
- (d) If by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or mail.
- (e) Any owner reclaiming an impounded cat shall pay a fee of \$4.00, plus \$2.00 for each day the animal has been impounded.
- (f) Any owner reclaiming an impounded dog shall pay a fee of \$6.00 plus \$3.00 for each day the animal has been impounded.

(g) Any owner reclaiming impounded livestock shall pay a reasonable fee, based on the municipality's cost of impoundment.

(h) Any animal without identification tag, and not reclaimed by its owner within 3 calendar days, shall become the property of local government authority, or humane society, and shall be placed for adoption in a suitable home or humanely euthanized.

(i) Any animal bearing identification tag and not reclaimed by its owner within 3 working days after receiving notification shall become the property of the local government authority, or humane society, and shall be placed for adoption in a suitable home or humanely euthanized.

(j) In addition to, or in lieu of, impounding an animal found at large, the animal control officer, humane officer, or police officer may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a penalty of \$10.00 which may be paid within 72 hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated before a magistrate and upon conviction of a violation of this ordinance, the owner shall be punished as provided in Section 13 of this ordinance.

(k) The owner of an impounded animal may also be proceeded against for violation of this ordinance.

(l) The Commission shall review automatically all licenses issued to animal owners against whom three or more ordinance violations have been assessed in a twelve month period.

#### SECTION 7. ANIMAL CARE

(a) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(b) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight or bullfight.

(c) No owner of an animal shall abandon such animal.

(d) No person shall crop a dog's ears, except a Licensed Veterinarian.

(e) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(f) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

(g) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his property common rat poison mixed only with vegetable substances.

#### SECTION 8. KEEPING OF WILD ANIMALS

(a) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(b) No person shall keep or permit to be kept any wild animal as a pet, which has been declared a nuisance.

(c) The Licensing Authority may issue a temporary permit for the keeping, care, and protection of an infant animal native to this area which has been deemed to be homeless.

(d) The Commission shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival.

#### SECTION 9. KEEPING OF LIVESTOCK

(a) No person shall keep or permit to be kept on his premises more animals or livestock than described below:

- (1) Not more than 2 horses, ponies, donkeys, mules or burros;
- (2) Not more than 2 bulls, steers, cows, heifers, calves;
- (3) No more than 2 goats;
- (4) No more than 2 sheep.

(5) No members of the swine family (pigs, hogs, etc.) will be allowed to be quartered or raised within this municipality, except as stated in Section 2, Subsection (f).

#### SECTION 10. PERFORMING ANIMAL EXHIBITIONS

(a) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause physical injury or suffering.

(b) All equipment used on a performing animal shall fit properly and be in good working condition.

#### SECTION 11. STERILIZATION

No unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized.

#### SECTION 12. ENFORCEMENT

The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this ordinance to interfere with a humane officer in the performance of his duties.

#### SECTION 13. PENALTIES

Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$200.00. If any violation be continuing, each day's violation shall be deemed a separate violation. If any person be found guilty by a court of violating Section 8, his permit to own, keep, harbour, or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

#### SECTION 14. CONFLICTING ORDINANCES

All other ordinances of the City of DeLeon that are in conflict with this ordinance are hereby repealed to the extent of such conflict.


#### SECTION 15. SEVERABILITY CLAUSE

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.


Passed on first reading this the 13th day of March, 1979.

Passed on second reading this 27th day of March, 1979.

Passed on third and final reading this the 10th day of April, 1979.

  
MAYOR

ATTEST:

  
City Secretary

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Enforcement of This Ordinance will  
Commence 30 days After Publication or  
ON MAY 3rd 1979