



**CITY OF BRADY  
CITY COUNCIL WORK SESSION AGENDA  
SEPTEMBER 19, 2017 AT 4:00 PM**

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at 4:00pm on September 19, 2017, at the City of Brady Municipal Court Building, located at 207 S. Elm Street, Brady, Texas, for the purpose of considering the following items. The City Council of the City of Brady, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas

Tony Groves  
Mayor

Jim Griffin  
Mayor Pro Tem, Place 5

Rey Garza  
Council Member, Place 1

Shelly Perkins  
Council Member, Place 2

Jeffery Sutton  
Council Member, Place 3

Jane Huffman  
Council Member, Place 4

Kim Lenoir  
City Manager

Tina Keys  
City Secretary

Lisa Remini  
Director of Finance

Steve Miller  
Director of Public Works

Peter Lamont  
Director of Community  
Services

Steve Thomas  
Chief of Police

Brian Meroney  
Chief of Fire/EMS

Shannon Kackley  
City Attorney

**1. Call to Order, Roll Call and Certification of a Quorum**

2. Review and discuss proposed sign ordinance in accordance with P&Z recommendations.
3. Review and discuss proposed animal ordinance changes as directed by City Council on August 16.
4. Review and discuss changes to paved parking lots requirements in Industrial and Commercial Districts before sending to P&Z for review.
5. Discuss 72 hour Stray Hold Facility location across from FFA Barns at GRW Complex.
6. Discuss grand reopening and dedication for Brady Creek Trail.
7. Discuss a contest to rename the park/trail stop on Richards Street.

**6. Discuss and plan future work session dates and topics**

**7. Announcements**

**8. Adjournment**

*I certify that this is a true and correct copy of the City of Brady City Council Meeting Agenda and that this notice as posted on the designated bulletin board at Brady City Hall, 201 E. Main St., Brady, Texas 76825; a place convenient and readily accessible to the public at all times, and said notice was posted on \_\_\_\_\_ by 6:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.*

*Tina Keys, City Secretary*

In compliance with the American with Disabilities Act, the City of Brady will provide for reasonable accommodations for persons attending public meetings at City Facilities. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 325-597-2152 or [citysec@bradytx.us](mailto:citysec@bradytx.us).

**Attendance by Other Elected or Appointed Officials:** It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes written interpretation of the Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.114(c) and the meeting is conducted by all participants in reliance on this opinion.



# CITY COUNCIL SIGN SURVEY

## \*RED P&Z Recommendations

**Signs allowed in all Districts:**

- Government Signs
- Traffic Control Devices
- Official Notices/Advertisements
- Signs not Visible to the Public
- Signs within ballparks and Athletic Fields
- Real Estate Signs \_\_\_\_\_
- Campaign signs \_\_\_\_\_

**Signs prohibited in all Districts:**

- Snipe Signs  No (Staff Recommends \_\_\_\_\_)
- Off-premises (billboards)  No(Staff Recommends \_\_\_\_\_)
- \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)
- \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)
- \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)

**RESIDENTIAL DISTRICTS (Single Family, Two-Family, Multi-Family, and Manufactured Homes)**

**Signs allowed in Residential Districts:**

- Window Signs: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)
- 8.5" x 11" \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)
- Permit: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)
- Restrictions: \_\_\_\_\_

- Temporary Signs:  No (Staff Recommends \_\_\_\_\_)
- Total Number: \_\_\_\_\_ (Staff Recommends \_\_\_\_\_)
- Total Size: \_\_\_\_\_ (Staff Recommends \_\_\_\_\_)
- Permit: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)
- Restrictions: Garage sale signs allowed one week prior to day and takedown immediately after sale

- Subdivision Identification: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)
- Total Number: \_\_\_\_\_ (Staff Recommends \_\_\_\_\_)
- Size: \_\_\_\_\_ (Staff Recommends \_\_\_\_\_)
- Total Size: \_\_\_\_\_ (Staff Recommends \_\_\_\_\_)
- Permit: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)
- Restrictions: \_\_\_\_\_

**Flags:** \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Total Number: \_\_\_\_\_ (Staff Recommends \_\_\_\_\_)  
Size: \_\_\_\_\_ (Staff Recommends \_\_\_\_\_)  
Permit: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Restrictions: \_\_\_\_\_

**Flag Pole:** \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Total Number: \_\_\_\_\_ (Staff Recommends \_\_\_\_\_)  
Size: \_\_\_\_\_ (Staff Recommends \_\_\_\_\_)  
Restrictions: \_\_\_\_\_

**Sign Location Restrictions:**

Not in side yard or within 10' of ROW  X  Yes (Staff Recommends \_\_\_\_\_)  
\_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
\_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)

**Sign Height:**

If ground mounted, not over 4'  X  Yes/No (Staff Recommends \_\_\_\_\_)  
If Building mounted, flush mounted and not project above the roof line  
\_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)

**Commercial uses lawfully operating in Residential Districts shall comply with**  
\_\_\_\_\_ (Staff Recommends \_\_\_\_\_)

**Signs not allowed in Residential Districts:**

Highway Signs: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Portable Signs: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Marquees Signs: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Digital Billboards: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Banners: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Projecting Signs: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Suspended Signs: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)

**OFFICE, RETAIL AND COMMERCIAL DISTRICTS**

**Signs allowed in Office, Retail and Commercial Districts:**

**Window Signs:**  Yes/No (Staff Recommends )  
10% glass space  (Staff Recommends )  
Permit:  Yes/No (Staff Recommends )  
Restrictions: \_\_\_\_\_

**Menu (Rest.):**  Yes/No (Staff Recommends )  
Total Number:  (Staff Recommends )  
Total Size:  (Staff Recommends )  
Permit:  Yes/No (Staff Recommends )  
Restrictions: \_\_\_\_\_

**Temporary Signs:**  Yes  
Total Number:  (Staff Recommends )  
Total Size:  (Staff Recommends )  
Permit:  No (Staff Recommends )  
Restrictions: Must be brought in during non-business

hours  
Banners for no more than six (6) months at a time, must  
be suspended from all four corners and kept in good  
repair

**Commercial Signs:**  Yes

Total Number:  1 (Staff Recommends )  
Size:  (Staff Recommends )  
Total Size:  (Staff Recommends )  
Permit:  Yes (Staff Recommends )  
Restrictions: grandfathered until damaged or 10 years to be removed.

**Types of Commercial Signs:**

Freestanding Sign (On Premises)  Yes  
Flat Wall Sign  Yes/No (Staff Recommends )  
Face Building Mounted Sign  Yes/No (Staff Recommends )  
Ground Mounted Signs  Yes/No (Staff Recommends )  
Marquee Signs  Yes/No (Staff Recommends )  
Projecting Signs:  Yes/No (Staff Recommends )  
Suspended Signs:  Yes/No (Staff Recommends )

Flags: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Total Number: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Size: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Permit: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Restrictions: \_\_\_\_\_

Flag Pole: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Total Number: \_\_\_\_\_ (Staff Recommends \_\_\_\_\_)  
Size: \_\_\_\_\_ (Staff Recommends \_\_\_\_\_)  
Restrictions: \_\_\_\_\_

Car lot Flags: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Total Number: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Size: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Permit: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Restrictions: \_\_\_\_\_

Sign Location Restrictions:  
\_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
\_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)

Sign Height:  
If ground mounted, not over **4' Yes/No** (Staff Recommends \_\_\_\_\_)  
Pole Signs Allowed, **not over 40' in height and 32 SF in size**  
If Building mounted, flush mounted and not project above the roof line  
\_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)

Signs not allowed in Office, Commercial and Retail Districts:

Highway Signs: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Portable Signs: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)  
Digital Billboards: **X** Yes/No (Staff Recommends \_\_\_\_\_)  
Banners: \_\_\_\_\_ Yes/No (Staff Recommends \_\_\_\_\_)

**CENTRAL BUSINESS DISTRICT – do when we have a Main Street Program**

**INDUSTRIAL DISTRICT**

## CHAPTER 2

### ANIMAL CONTROL

#### **REDLINE to remove fees and prohibit goats and sheep in city limits, permit 4-H Animals**

#### ARTICLE 2.100 IN GENERAL

##### Sec. 2.101 Definitions

As used in this chapter the following terms mean:

Animal. Any living creature except human beings, and including (without limiting the generality thereof) animals, birds, reptiles and fish, except the word “animal” shall mean only a mammal when referring specifically to the control of rabies.

Animal Control Authority or Animal Control Officer. The city animal control officer, or his or her designee, with authority over the city limits within which the dog, cat or animal is kept.

Animal Control Center or Center. Facility in which the division of animal and rabies control is housed.

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

Breeder. Any person licensed by the city to keep, harbor, breed and/or raise in excess of four (4) dogs or four (4) cats, six (6) months of age or older, on any premises used or zoned for residential purposes and less than two acres in area.

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

Current Vaccination. Vaccinated and satisfying the following:

- (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 thirty-six months have elapsed since the most recent vaccination.

**Dangerous Dog.** A dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the dog enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

**Department.** The police department of the city.

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

**Humanely Destroy.** To cause death of an animal by a method which:

- (1) Rapidly produces unconsciousness and death without visible evidence of pain or distress; or
- (2) Utilizes anesthesia produced by an agent that causes painless loss of consciousness, and death following such loss of consciousness.

**Including.** The term including is not a term of limitation. It means “including but not limited to.”

**Kennel.** A place where animals are bred and boarded that has been approved by the animal control officer.

**License.** A document issued by the officer or any other employee of the city that shows that the owner is entitled to keep an animal as required by this chapter.

**Officer.** Any animal warden or animal quarantine investigator employed by the city police department.



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

Person. The term person is defined in section 1.104 of this code.

Person. The word “person” shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals.

Pet Shelter. A facility that is approved to keep and care for animals by the animal control officer. The facility houses homeless, lost or abandoned animals: primarily a large variety of dogs and cats. The animals are kept at the shelter until they are either reclaimed by an owner, adopted by a new owner, placed with another organization, or if necessary, humanely destroyed.

Secure Enclosure. A fenced area or structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the animal control officer.

Tag. A small identifying mark that must be kept on each dog or cat at all times.

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

Veterinarian. A doctor of veterinary medicine who holds a valid license to practice his profession.

## **Sec. 2.102 Enforcing Officer Designated**

(a) The[SKI] governing body of the city designates the animal control officer for the city. The animal control officer shall be designated at least annually at the beginning of the fiscal year. It

shall be the duty of the animal control officer and the city police department to enforce the provisions of this chapter.

(b) It shall be the duty of the city police department to keep, or cause to be kept, accurate records pertaining to bite incidents and investigations thereof, impoundments and dispositions thereof, and any other information as deemed necessary by the governing body.

#### **Sec. 2.103 Noise**

Determination by court; If such court shall determine that any dog or other animal disturbs the peace and quiet of the neighborhood or occupant or any adjacent premises by loud, unusual or prolonged barking or howling, the court may order that such dog or other animal be removed permanently beyond the city corporate limits or delivered to the animal control officer, and failure or refusal to do so within twenty-four (24) hours after receiving said order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose therefor, personally delivered or enclosed in a correctly addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than ten (10) days prior to the date of such hearing, shall be deemed sufficient and proper notice. (Ordinance 1194 approved 5-3-16).

#### **Sec. 2.104 Reward Offered**

(a) A reward is hereby offered by the city in the sum of fifty dollars (\$50.00<sup>SK21</sup>) to any person, who shall furnish testimony or evidence leading to the conviction of any person or persons who shall willfully poison any animal within the city.

(b) The finance officer is directed, upon recommendation of the city manager, to pay said reward to such person as shall be entitled to receive the same.

#### **Sec. 2.105 Treatment of Animals**

An animal's owner shall keep the animal in a clean, sanitary, and healthy condition. An animal's owner or handler shall provide for the animal:

1. regular and adequate amounts of nutritious food that is appropriate for the species and maintains the animal in good health.
2. a constant and adequate supply of clean, fresh water that keeps the animal hydrated for current environmental conditions
3. care and medical treatment for injuries, parasites and diseases that is sufficient to maintain the animal in good health and minimize suffering.

An animal's owner shall provide the animal with shelter that:

1. is large enough for the animal to enter, stand, turn around, and lie down in a natural manner
2. keeps the animal dry
3. provides the animal with shade from direct sunlight
4. protects the animal from excessive heat and cold and other adverse weather conditions

An animal's owner shall regularly maintain the animal and its shelter to prevent odor or a health or sanitation problem. (Ordinance 1194 approved 5-3-16)

 **Sec. 2.106 Abandoning**

It shall be unlawful for any person to abandon or dump any animal in the city. Abandoning an animal is a crime. After leaving notice, animal control officer has the authority to impound any animal that appears to be abandoned. (Ordinance 1194 approved 5-3-16)

 **Sec. 2.107 Report of Animals at Large**

It shall be the duty of every person to report immediately to the department the location and description of any animal which is not under the owner's direct control by a leash or tether in violation of Section 2.110 or Section 1.208 [sic]. Any animal that is not on a leash or under the owner's direct control by leash or tether as reasonably determined by the animal control officer is deemed an unlawful animal at large and the animal's owner may be cited as in violation of this chapter. (Ordinance 1194 approved 5-3-16)

 **Sec. 2.108 City-Sponsored Clinics Authorized**

The city manager or designee is authorized to arrange for city-sponsored vaccination-registration clinics when and where deemed necessary and approved by the city council.

 **Sec. 2.109 Restraint of Animals and Birds**

(a) Every person owning or having charge, care, custody or control of any domestic animal or bird shall keep said animal or bird under his control by means of physical restraint as follows:

- (1) Confined on the premises of the owner within a fence or enclosure;
- (2) Fastened or picketed by a lead, rope, or chain so as to keep the animal on the premises, and not less than ten feet away from any public utility meter;
- (3) Under the control of a person by a leash;
- (4) On or within a vehicle being driven or parked.

(b) Any domestic animal or bird in violation of this section may be seized and impounded by the department.

 **Sec. 2.110 Animals Registered to be Vaccinated**

It shall be unlawful for the owner of animals over the age of six (6) months to possess, keep or maintain within the city any animals that are not currently registered or vaccinated for rabies.

Failure to comply is an offense.<sup>(SK3)</sup> may result in a citation and court appearance. Vaccinations must be valid for the entire licensing period. (Ordinance 1194 approved 5-3-16)

### **Sec. 2.111 Notice of Impoundment**

Reasonable efforts must be made by the department to promptly notify the owner of any impounded animal. No impounded animal shall be redeemed unless approved for redemption by the animal control officer. To obtain approval for redemption, the owner shall provide proof of vaccinations and registration and pay all applicable fees, cost and expenses incurred in the seizure, impoundment and redemption of the animal including an impoundment fee, daily boarding fees, and fees for alteration, vaccination and registration. (Ordinance 1194 approved 5-3-16)

### **Sec. 2.112 Right to Redeem Impounded Dog**

The owner of an impounded dog has the right shall be entitled to redeem possession of any impounded dog within the timeframe specified below upon payments of all applicable fees, cost, and expenses incurred in the seizure, impoundment, and redemption of the dog including impoundment fees, daily boarding fees, and fees for alteration, vaccination and registration and proof of vaccination and registration. The owner of an impounded dog has the right to redeem an impounded dog who is wearing a tag required by this chapter within 120 hours of impoundment. The owner of an impounded dog has the right to redeem an impounded dog who is not wearing a tag required by this chapter within 72 hours of impoundment. An owner and the animal control officer may extend the time to redeem the impounded dog by written agreement if an agreement is made during the 120 hour or 72 hour period, as applicable, and the agreement does not exceed ten days of total impoundment time. (but not limited to) impoundment fee, daily boarding fees, and fees for alteration, vaccination and registration and payment of all required fees is made within 120 hours after impoundment if the dog is wearing a tag as required by this chapter and 72 hours after impoundment if the dog is not wearing a tag as required by this chapter, or within such time after impoundment as may be agreed to by the animal control officer and such owner, if such agreement is made within such 120 or 72 hour period as applicable, provided such addition time does not exceed ten days of total impoundment time. To obtain approval for redemption, the owner shall provide proof of vaccinations and registration and pay all applicable fees, costs and expenses incurred in the the seizure, impoundment and redemption of the dog. No impounded animal shall be redeemed unless approved for redemption by the animal control officer or designee. (Ordinance 1194 approved 5-3-16)

### **Sec. 2.113 Right to Redeem Other Animals**

The owner of an impounded animal other than a dog Any impounded animal other than a dog may be reclaimed redeem possession of the animal by the owner upon payment of all applicable fees, cost, and expenses incurred in the seizure, impoundment, and redemption of the animal including impoundment fees, daily boarding fees, and fees for alteration, vaccination and registration and proof of vaccination and registration. impoundment and daily board fees and compliance all other legal requirements for keeping of the animal.

**Sec. 2.114 Redemption of Quarantined Animals**

If any dog or other 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 or observation by a veterinarian, and after payment of all fees necessary for such release. The payment of fees may be deferred until the animal is eligible for release.

**Sec. 2.115 Disposition of Unredeemed Dogs**

Any dog impounded and not reclaimed by the owner as set forth in Section 2.112 above may be humanely destroyed after being held for at least 120 hours if such dog is wearing a tag and 72 hours after impoundment if such dog is not wearing a tag. If the animal control officer determines that any unclaimed dog is reasonably healthy, currently vaccinated against rabies, and should not constitute a threat to the public or the health of the animals in the community, he may, after the applicable 120 or 72 hour holding period, offer the dog for adoption. If the dog is not adopted, it will be humanely destroyed, or relinquished to approved 501(c)3 non-profit rescue service. Prospective adopting persons must show proof of reasonable facilities for caring for an adopted animal before being permitted to adopt. (Ordinance 1194 approved 5-3-16)

**Sec. 2.116 Disposition of Unredeemed Animals Other Than Dogs**

If any impounded animal, other than a dog, is not reclaimed by the owner as set forth in Section 2.113 within 120 hours if wearing a tag or 72 hours if not wearing a tag, the animal shall be held for such time as the animal control officer deems reasonable, considering the animal's probable value, condition of health and suitability for use. Upon expiration of such reasonable time, the animal control officer may offer the animal, if suitable, to be sold by posting the date of sale, animal's description and sale location for five (5) days on the city hall bulletin board, on the courthouse door and on one other public place in the city. Animals not suitable for sale will be humanely destroyed.

**Sec. 2.117 Destruction of Sick or Injured Impounded Animals After 120 or 72 Hour Period**

Any animal impounded and suffering from serious injuries, in great pain with probability of recovery remote, or having a communicable or infectious disease which would endanger the health of people or other animals, may be humanely destroyed after reasonable efforts to determine ownership have failed. However, no animal under quarantine or observation for a bite incident or under suspicion of having rabies shall be destroyed until it has been released from said quarantine or destruction for rabies testing. (Ordinance 1194 approved 5-3-16)

**Sec. 2.118 Destruction of Impounded Animals Prior to 120 or 72 Hour Period**

Notwithstanding the prescribed impoundment periods, the animal control officer shall have the discretion to dispose of an animal determined to be at risk due to a state of illness, injury or infancy in the most humane manner as possible to avoid prolonging its suffering or transfer an animal determined to be at risk due to a state of illness, injury or infancy to an approved 501(c)3 non-profit animal rescue service. (Ordinance 1194 approved 5-3-16)

**Sec. 2.119 Fees (Listed in consolidated fee schedule)**

(a) An impoundment fee shall be twenty-five dollars (\$25.00) collected for the each occurrence first offense, forty-five dollars (\$45.00) for the second offense, and one hundred dollars (\$100.00) for all subsequent offenses by the same owner or person.

(b) A daily board fee of fifteen dollars (\$15.00) shall be charged for every day or fraction thereof that an animal shall be confined.

(c) A fee of thirty dollars (\$30.00) shall be charged for animal pickup service requested by the owner of the animal.

**Sec. 2.120 Redeemed Dogs to be Vaccinated and Registered**

Any dog redeemed by or released from quarantine to an owner shall be required to meet the vaccination requirements of this chapter prior to release.

**Sec. 2.121 Vicious Animals to be Confined**

The owner shall confine within a building or enclosure every fierce, dangerous or vicious animal. A dog is "confined" as the term is used in this section if such dog is securely confined indoors or confined in a secure enclosure which meets the following requirements:

(1) The enclosure must have secure sides and a secure top, or all sides must be at least eight (8) feet high;

(2) The enclosure must have a bottom permanently attached to the sides or sides embedded into the ground not less than one (1) foot; and

(3) The enclosure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own. (No person who owns, possesses, keeps or exercises any control over a dangerous dog shall permit such dog to be on the premises of such person without being confined.

No person who owns, possesses, keeps or exercises any control over a dangerous dog shall permit such dog to go beyond the premises of such person unless the dangerous dog is securely leashed and muzzled. (Ordinance 1194 approved 5-3-16)

**Sec. 2.122 Authority of Animal Control Officer Over Vicious Animals**

The animal control officer may cause the muzzling, secure confinement, removal from the city or humane destruction of any animal for any of the following reasons:

- (1) Whenever an animal has committed an unprovoked attack upon any person or animal on more than one occasion.
- (2) Whenever a lawful patron or visitor of a business is jeopardized by a guard dog which is not securely confined during the time said business is open to the public.

(Ordinance 996 adopted 5/2/07)

 **Sec. 2.123 Tethering Animals to Meters Prohibited**

Dogs, cats and all other animals may not be chained, leashed or otherwise tethered to any city property or to a city water meter, gas meter, electrical meter or to any other object that allows the animal to reach the meter while tethered, chained, or leashed. An animal may not be tethered in any manner so as to interfere with the reading of a meter. Any person found to be in violation will be liable for a fine not to exceed \$250.00 for the first violation and \$500.00 for any subsequent violation. (Ordinance 1079 adopted 3/15/11)

 **Sec. 2.124 Keeping Animals in Front Yards Prohibited**

Dogs and cats may not be kept in the front yard of an owner's property unless they are fenced, leashed or kenneled, or the specific written permission of the animal control officer. Electronic fencing shall be considered fencing for the purposes of this section, but is not a secured enclosure for purposes of this chapter. Any animals not compliant with Sec 1.124 is subject for impoundment. (Ordinance 1194 approved 5-3-16)

 **ARTICLE 2.200 ANIMALS SUSPECTED OF RABIES**

 **Sec. 2.201 Reports of Human Exposure to Rabies**

- (a) Any person having knowledge of an animal bite to a human will report the incident to the animal control officer and the police department as soon as possible, but not later than twenty-four (24) hours from the time of the incident.
- (b) The animal control officer and the police department will investigate each bite incident, utilizing standardized reporting forms provided by the Texas Department of Health (T.D.H.), the animal control officer shall, immediately upon receiving such report, relay the same to the city health officer and be guided by such health officer's instructions as to impoundment and restraint.

 **Sec. 2.202 Report of Rabies Suspects, Quarantine Method and Testing**

(a) It shall be the duty of every veterinarian to report immediately to the department his diagnosis of any animal observed by him as a rabies suspect and to make disposition of such confirmed cases of rabies as herein provided.

(b) When a dog or cat which has bitten a human has been identified, the owner will be required to place the animal in quarantine. The ten-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, if available. However, the owner of the animal may request permission from the animal control officer 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 animal control officer.

(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 animal control officer 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 Texas Department of Health certified laboratory for rabies diagnosis.

(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 TDB certified laboratory for rabies diagnosis.

### **Sec. 2.203 Quarantine of Animals Suspected of Rabies**

Every animal that bites a human or other animal, or has rabies or is under suspicion of having rabies will be immediately confined by the owner, who must promptly notify the police department, or a police officer, who must notify the department of the place where such animal is confined and the reason therefor. The owner may not permit such an animal to come in contact with any other person or animal. The owner must surrender possession of the animal to the department when the department demands supervised quarantine of the animal. Supervised quarantine shall be in a veterinary hospital; or by any other method of adequate confinement approved by the animal control officer. The quarantined period must last at least ten days immediately following the time of the bite incident and must be under the supervision of a veterinarian. A release from quarantine may be issued if no signs of rabies have been observed during the quarantine period. Payment by owner the charges for the



quarantine period must be made to the veterinarian directly as a prerequisite to the animal's release. The city will pay the charges if the owner refuses to do so and if the owner determines that he or she wishes that the animal be disposed of as provided for in this chapter under the direction of the animal control officer.

**Sec. 2.204 Supervision of Quarantine**

Any animal quarantined must be observed by a veterinarian throughout the entire required quarantine period in the same manner as outlined in Section 2.203 above. The owner of an animal that is quarantined must immediately notify the department as to the veterinarian supervising the quarantine.

**Sec. 2.205 Quarantine on Order of Animal Control Officer**

If the animal control officer orders quarantine, the owner is responsible for confining the animal as designated by the animal control officer to prevent further exposure to humans or animals during the quarantine period. The animal control officer will also be required to obtain the same veterinary supervision of the animal and release from quarantine as required in a veterinary hospital.

**Sec. 2.206 Quarantine of Guard or Police Dogs**

Any guard or police dog currently vaccinated that is involved in a bite incident while in the expressed performance of guard or police duties will be allowed to continue on duty under quarantine. The owner of the dog is responsible for having the dog observed during the quarantine and released from quarantine by a veterinarian.

**Sec. 2.207 Violation of Quarantine**

The violation of quarantine by any person is just cause for seizure and impoundment of the quarantined animal by the department.

**Sec. 2.208 Investigation of Bite Reports**

All animal bite reports shall be investigated by personnel of the department.

**Sec. 2.209 Removing Biting Animal from the City**

Without permission of the animal control officer, it is unlawful for any person to kill or remove from the city limits any animal that has bitten a human or another animal, or that has been placed under quarantine, except when it is necessary to kill the animal to protect any person or other animal.

**Sec. 2.210 Supervision of Destruction of Animals Suspected of Rabies**

The animal control officer will direct the disposition of any animal found to be or suspected of being rabid.

**Sec. 2.211 Surrender of Carcass of Animal Suspected of Rabies**

The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the department.

**Sec. 2.212 Bitten Animals to be Confined**

Every animal that has been bitten by another animal must be immediately confined by the owner who shall promptly notify the department of the place where the animal is confined and the reason therefor. The owner may not permit such an animal to come in contact with any other person or animal.

**Sec. 2.213 Handling of Animals Exposed to Rabies**

Any animal exposed to rabies must be handled in one of the following ways:

- (1) Humane destruction with notification to, or under the supervision of the department.
- (2) If not currently vaccinated, quarantine for at least 90 days immediately following the date of exposure. The animal must be vaccinated 30 days prior to release.
- (3) If currently vaccinated, immediately placed in quarantine for at least 45 days immediately following the date of exposure.
- (4) No person shall fail or refuse to surrender an animal for supervised quarantine or humane destruction as required herein for rabies control when demand therefor is made by the department.
- (5) Any person having possession of or responsibility for any quarantined animal shall immediately notify the department 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 body to the department for diagnostic purposes.
- (6) No animal may be released until all fees are paid in accordance with Sections 2.119 and 2.222 [sic] of this chapter.

(Ordinance 996 adopted 5/2/07)

## **ARTICLE 2.300 LICENSING AND VACCINATION**

### **Sec. 2.301 License and Fees**

(a) All dogs and cats four months or older that are kept, harbored or maintained within the corporate limits of the city must be licensed. To receive a license, the owner must show proof of a current rabies vaccination, the form of a rabies vaccination certificate, and pay for the licensing fee for each animal. The license will be valid for exactly one year from the issue date if the dog or cat is receiving its first vaccination. After the dog or cat's second vaccination, a license will be valid for a period of three years. The license may be obtained from the city or any licensed veterinarian. If the city or veterinarian determines that a license should be granted, the owner will be given a written document that contains the date of vaccination, the date that the license is granted and how long the license is good for, the owner's name and a brief description of that dog or cat. A pet shelter does not have to comply with the licensing, vaccination, or tag requirements in this chapter as long as it obtains approval from the animal control officer on an annual basis to serve as a pet shelter in accordance with this chapter and all applicable state law.

(b) The license city shall charge a license fee for registration of dogs and cats. shall be collected \$3.00 per dog and \$2.00 per cat.

(Ordinance 1020 adopted 1/16/08)

### **Sec. 2.302 Dogs and Cats to be Vaccinated**

(a) No person shall own, keep or harbor within the city limits any dog or cat four months of age or older unless such dog or cat has a current vaccination. A dog or cat will have a current vaccination for the remainder of the month during which it is first vaccinated at an age of 4 months or less and for the following 12 months. After a dog or cat's second vaccination, the dog or cat will only be required to obtain a vaccination once every 36 months. The dog or cat must be revaccinated before the expiration of the first and each subsequent current vaccination period.

(b) Official current vaccination certificates issued by the vaccinating veterinarian must contain certain standard information as designated by the Texas Department of Health. Information required is as follows:

- (1) Owner's name, address, and telephone number;
- (2) Animal identification. Species, sex, age (3 months to 12 months, 12 months or older);
- (3) Vaccine used, producer, expiration date and serial number;
- (4) Date vaccinated;
- (5) Rabies tag number; and

- (6) Veterinarian's signature and license number.

**Sec. 2.303 Dogs and Cats Exempted from Vaccination**

Vaccination will not be required for any dog or cat that a veterinarian determines should not be inoculated for valid medical health reasons.

**Sec. 2.304 Licenses and Tags**

A tag will be issued to each licensed pet that must be displayed on a dog or any other animal except a cat at all times. Tags for cats do not have to be displayed on the cat, but must be immediately available upon request from an owner. Replacement tags for lost or stolen tags may be obtained by presenting the receipt for the current year's license fee and by paying a replacement tag fee. If the owner does not have a receipt for the current license fee, the license fee must be paid in order to obtain a new license and the new tag that will accompany it. Tags are not transferable and no refunds will be made. Tags are not required for dogs that are being used for hunting, during the time when the dogs are hunting. At all other times, hunting dogs must have tags to show that they are licensed.

**Sec. 2.305 Assistance Guide Dog Animal May Accompany Master**

Any assistance animal dog trained to guide a person with a disability blind person may shall be admitted to any public facility with the person with the disability blind person when accompanying the blind person to any public place or vehicle that the blind person has the lawful right to enter, if the dog assistance animal is currently vaccinated.

**Sec. 2.306 Late Fee**

(a) For the purpose of this chapter, a late fee may be assessed under the following conditions:

- (1) Failure to obtain a license for a dog or cat that is over four months of age;
- (2) Failure to renew a license within 30 days of expiration of a current license;
- (3) Failure to obtain a license within 30 days of taking up residence in the city;
- (4) All late fees will be assessed by the animal control officer.

(b) The city will create a brochure that will accompany the initial utility bill sent to all new customers that will notify the new customers that dogs and cats must be licensed in the city.

**Sec. 2.307 Revocation of License**

The department may revoke any cat or dog license after a hearing for any one or more of the following reasons:

- (1) Impoundment of a cat or dog by the city more than three times during a 12-month period;
- (2) If the dog or cat in question has been involved in a conviction of an offense under this chapter violating this article more than three times;
- (3) Any combination of subsections (1) and (2) totaling three incidents;
- (4) Upon the determination that an animal dog is a dangerous dog as defined in this chapter.

**Sec. 2.308 Inspections**

The animal control officer is authorized to inspect the property of the person to whom a license is granted or will be granted either before a license is authorized or after a license is granted on the property of the person to whom a license is or will be granted at any time between the hours of 8:00 a.m. and 7:00 p.m.

**ARTICLE 2.400 KEEPING LIVESTOCK AND EXOTIC ANIMALS**

**Sec. 2.401 Leaving Stock Unhitched**

Any person who leaves standing a horse, mare, mule or ox on a public street or alley within the city is guilty of a misdemeanor.

**Sec. 2.402 Hitching Stock on Sidewalks**

Any person who hitches or ties a horse, ass, mule, or cow to a shade tree, fence or house on or along any sidewalk in the city is guilty of a misdemeanor.

**Sec. 2.403 Restrictions on Keeping Horses**

a. No person shall keep a horse on any premises, if:

- 1) the overall area within which the horse is kept is less than one acre6,500 square feet for each horse kept,;

- 2) the premises are unsanitary or keep more horses than can be cared for under sanitary conditions; or
- 3) the premises are a public nuisance.

b. No person shall keep a horse in violation of the zoning ordinance.

c. The requirements of this section do not apply to the G. Rollie White Complex or to any veterinary facility.

and not create a public nuisance and in no event exceed the permitted number of adults, and their foals up to six (6) months of age. The number of horses permitted shall not exceed one horse per each sixty-five hundred (6500) square feet acre of space in the enclosure where kept. The person in lawful possession of the premises, as owner or tenant, may keep thereon horses belonging to others, but limitation to number of horses on the premises and the area and distance requirements of this article shall still apply; and the keeping of horses for others shall not be done as a business in violation of the zoning ordinance. The permit may include reasonable conditions, including total number of horses authorized, determined by the animal control officer to prevent a nuisance, and all conditions of a permit are subject to review and revision. These requirements will not apply to the G. Rollie White Complex, or to any veterinary facilities.

d. The manure and debris incident to the maintenance and care of horses shall be scraped from the floor and raked from pens or areas with such frequency as to prevent the same from serving as breeding places for insects and from emitting noxious odors. The manure and debris scraped or raked, as provided above, shall immediately be collected and either placed and kept in a waterproof and insect proof container until removed from the premises. The inside walls, ceilings, roosts, and floors of the structure in which the horses are housed shall be treated and kept treated with effective material manufactured and sold for the control of flies, mites, and lice and applied according to the manufacturer's directions. (Ordinance 1194 approved 5-3-16)

 **Sec. 2.404 Keeping Swine, Goats, and Sheep Prohibited (or add horses and cows)**

No person shall keep within the city any hog, sow or pig, goats, or sheep. These requirements do not apply to the G. Rollie White Complex or to any veterinary facilities.

 **Sec. 2.405 Permit Required for Exotic Animals and 4-H/FFA Animals not located at GRW Complex**

No person shall keep within the city, any wild or exotic species of land animals or birds, warm-or-cold-blooded (except caged pet rodents, caged pet birds and animals in aquariums) unless a permit therefore is obtained from the animal control officer in accordance with the provisions in this chapter. This section does not apply to animals located at the G. Rollie White Complex.

**Sec. 2.406 Application to Keep Exotic Animal and 4-H/FFA Animals; Fee**

Application for any permit required in Section 2.408 shall be made in writing to the animal control officer, accompanied by payment determined by city council of twenty-five dollars (\$25.00) which is hereby assessed to pay part of the cost of enforcing this article chapter and is not to be prorated or refunded. The application shall state the name and residence of the applicant, the location of the premises where such animals or birds are to be kept, the number and kind of such animals or birds, and the kind of enclosure within which they are to be kept.

**Sec. 2.407 Renewal, Amendment of Permit to Keep Exotic Animal and 4-H/FFA Animals**

The permit required by Section 2.4058 shall be renewed annually by the last day of the month year in which the permit was issued the previous year, accompanied by payment of a fee of fifteen dollars (\$15.00). If ownership of the place in which the animal or bird is kept is changed, the permit may be changed accordingly upon written verified application and payment of a fee of fifteen dollars (\$15.00) for amending the permit.

**Sec. 2.408 Findings Prerequisite to Permit for Exotic Animal and 4-H/FFA Animals**

(a) The animal control officer shall determine, by inspection or otherwise, whether the keeping of animals or birds as proposed is in violation of any law or ordinance, and whether the keeping of such animals or birds will constitute a nuisance. In making such determination, the animal control officer shall consider the following factors and be guided by the following standards:

- (1) The area of the premises on which the animals or birds are to be kept;
- (2) Whether the immediate neighborhood is residential or other;
- (3) Whether the keeping of animals or birds will endanger the public health or cause orders or noises offensive to persons of ordinary sensibilities residing in the vicinity; and
- (4) Whether the keeping of such animals or birds considering all the circumstances, is likely to endanger persons or property.

(b) The animal control officer shall verify the information in the his approval or disapproval of the application and shall issue or refuse the permit accordingly. The permit may include reasonable conditions determined by the animal control officer to be necessary to prevent a nuisance, such as the number and kind of animals or birds to be kept thereon. All conditions of a permit are subject to review and revision by the animal control officer.

#### **Sec. 2.409 Suspension, Revocation, Alternation of Permit**

After reasonable notice and opportunity to be heard, the animal control officer may suspend or revoke any permit issued under Section 2.4085 for violation of this chapterarticle by the permittee. After issuing a permit, the animal control officer may add denying the permit on an original application he may review and alter conditions or restrictions ofto the permit if investigation indicates any changes since the original permit was issuedapplication.

#### **Sec. 2.410 Sanitation**

(a) All animals and birds (except dogs, cats, caged pet rodents, caged pet birds, and fowl and rabbits the keeping of which is otherwise regulated herein) shall be kept in a secure pen or enclosure which shall not be less than one hundred (100) feet from any inhabited dwelling (except that of the owner or person keeping such animals or birds) or any hotel, apartment house, tenement house, hospital, church or school.

(b) Fowl and rabbits shallwill be kept in a secure pen or enclosure that is at least 30 feet from any inhabited dwelling that is not the owner's dwelling, or any hotel, apartment houses, tenement houses, hospital, church or school; provided, the pen or enclosure may be within 20 feet of such buildings if separated therefrom by a public alley and by a solid fence or wall at least six feet high between the pen or enclosure and the alley; and provided, further, homing pigeons may be released from the pen or enclosure for the purpose of supervised flights.

(c) The word "kept" as used in this section does not prevent the temporary removal of the animal or bird from the pen for any normal use or purpose. In the case of animals or birds for which a permit is issued, the animal control officer may waive the requirements as to distance from dwellings or other buildings if keeping the animal or bird in a dwelling house or close by will not endanger the public health or create a public nuisance.

(d) The owner or person in possession of the pen or enclosure must keep it in such a manner as not to give off odors offensive to persons residing in the vicinity, or to breed or attract flies, mosquitoes, or other noxious insects, or in any manner to endanger the public health or create a public nuisance.

(e) All persons keeping such animals and birds must comply with the following regulations:



- (1) Manure and droppings must be removed from pens, stables, yards, cages and other enclosures at least twice weekly and handled or disposed of in such a manner as to keep the premises free of any nuisance;
- (2) Mound storage of droppings or manure between such removals will only be permitted under such conditions as to protect against the breeding of flies and to prevent migration of fly larvae (maggots) into the surrounding soil;
- (3) Feed troughs may be provided for the feeding of vegetables, meat scraps, or garbage and such feeding must be done only in containers or on an impervious platform;
- (4) Watering troughs or tanks may be provided that will be equipped with adequate facilities for draining the overflow, as to prevent the breeding of flies, mosquitoes, or other insets; and
- (5) No putrescible material may be allowed to accumulate on the premises, and all such material used as feed that is unconsumed must be removed daily and disposed of by burial or other means approved by the animal control officer.

(f) For the purpose of enforcing this article, the animal control officer must make inspections of all places where animals or birds are kept; and the making of an application for or the issuing of any permit under this article constitutes consent for entry and inspection of the officer or his or her appointed agent(s) at all reasonable times.

#### **Sec. 2.411 Exceptions to Permit Requirements**

The permit requirements of this article do not apply to animals or birds kept for scientific purposes by any educational or scientific institution, nor to animals or birds belonging to a licensed circus or animal shows exhibited in the city temporarily, nor to animals or birds kept by the city for exhibition in a public park or zoo. Such animals or birds, however, shall be so kept as not to constitute a nuisance or a danger to the public health or safety of any person, or group of persons within the city.

#### **Sec. 2.412 Importation of Certain Animals**

(a) The following animals, because they have a high probability of carrying rabies and constitute a danger to public health if brought into the state, will be excluded from importation as domestic pets:

- (1) Skunk.
- (2) Fox.
- (3) Raccoon.

- (4) Ringtail.
- (5) Coyote.
- (6) Bobcat.
- (7) Marten.

(b) These animals may be imported if they are designed for a research institute or public display as in zoos or organized entertainment units.

## **ARTICLE 2.500 DANGEROUS DOGS**

### **Sec. 2.501 Requirements for Owners of Dangerous Dog**

(a) Not later than the 30th days after a person learns that the person is the owner of a dangerous dog, the person must:

- (1) Register the dangerous dog with the animal control officer for the area in which the dog is kept;
- (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure.
- (3) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control officer for the area in which the dog is kept; and
- (4) Comply with an applicable municipal or county regulation, requirement, or restriction on dangerous dogs.

(b) The owner of a dangerous dog who does not comply with subsection (a) shall deliver the dog to the animal control officer not later than the 30th day after the owner learns that the dog is a dangerous dog.

(c) If, on application of any person, a justice court, county court, or municipal court finds, after notice and hearing as provided in this article, that the owner of a dangerous dog has failed to comply with subsection (a) or (b), the court shall order the animal control officer to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.

(d) The owner shall pay any cost or fee assessed by the municipality or county related to the seizure, acceptance, impoundment, or destruction of the dog. The governing body of the municipality or county may prescribe the amount of the fees.

(e) The court shall order the animal control officer to humanely destroy the dog if the owner has not complied with subsection (a) before the 11th day after the date on which the dog is seized or delivered to the authority. The court shall order the authority to return the dog to the owner if the owner complies with subsection (a) before the 11th day after the date on which the dog is seized or delivered to the authority.

(f) The court may order the humane destruction of a dog if the owner of the dog has not been located before the 15th day after the seizure and impoundment of the dog.

(g) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

(1) The owner knows of an attack described in Section 2.101;

(2) The owner receives notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog; or

(3) The owner is informed by the animal control officer that the dog is a dangerous dog under Section 2.101.

(h) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure and dangerous dog must be identified with yellow designated dangerous dog collar provided by the Animal Control Department. (Ordinance 1194 approved 5-3-16)

#### **Sec. 2.502 Determination that Dog is Dangerous**

(a) If a person reports an incident described by Section 2.101, the animal control officer may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control officer determines the dog is a dangerous dog, it shall notify the owner of that fact.

(b) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control officer to a justice, county, or municipal court of competent jurisdiction. An owner may appeal the decision of the justice, county, or municipal court in the same manner as appeal for other cases from the justice, county, or municipal court.

#### **Sec. 2.503 Reporting of Incident**

(a) The city elects to be governed by Health and Safety Code Section 822.0422 et seq.

(b) A person may report an incident described by Section 2.101 to a municipal court, a justice court, or a county court. The owner of the dog shall deliver the dog to the animal control officer not later than the fifth day after the date on which the owner receives notice that the report has

been filed. The authority may provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

(c) If the owner fails to deliver the dog as required by subsection (b), the court shall order the animal control officer to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog. The owner shall pay any cost incurred in seizing the dog.

(d) The court shall determine, after notice and hearing as provided in this article, whether the dog is a dangerous dog.

(e) The court, after determining that the dog is a dangerous dog, may order the animal control officer to continue to impound the dangerous dog in secure and humane conditions until the court orders disposition of the dog under this section and the dog is returned to the owner or destroyed.

(f) The owner shall pay a cost or fee assessed by the city.

#### **Sec. 2.504 Hearing**

(a) The court, on receiving a report of an incident under Section 2.503 or on receiving an application under this chapter, will set a time for a hearing to determine whether the dog is a dangerous dog or whether the owner of the dog has complied with Section 2.501. The hearing must be held not later than the 10th day after the date on which the dog is seized or delivered.

(b) The court shall give written notice of the time and place of the hearing to:

- (1) The owner of the dog or the person from whom the dog was seized; and
- (2) The person who made the complaint.

(c) Any interested party, including the county or city attorney, is entitled to present evidence at the hearing.

(d) An owner or person filing the action may appeal the decision of the municipal court, justice court, or county court in the manner provided for the appeal of cases from the municipal, justice, or county court.

#### **Sec. 2.505 Registration**

(a) An animal control officer for the area in which the dog is kept shall annually register a dangerous dog if the owner:

- (1) Presents proof of:
  - (A) Liability insurance or financial responsibility, as required by Section 2.501;

- (B) Current rabies vaccination of the dangerous dog; and
  - (C) The secure enclosure in which the dangerous dog will be kept; and
- (2) Pays an annual registration fee of \$50.00.

(b) The animal control officer shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

(c) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the animal control officer for the area in which the new address is located. On presentation by the current owner of the dangerous dog's prior tag and payment of a fee of \$25.00, the animal control officer shall issue a new tag to be placed on the dangerous dog's collar.

(d) An owner of a registered dangerous dog shall notify the office in which the dangerous dog was registered of any attacks the dangerous dog makes on people.

#### **Sec. 2.506 Attack by Dangerous Dog**

(a) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.

(b) An offense under this section is a class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a class A misdemeanor.

(c) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person listed in Section 822.003 of the Health and Safety Code.

(d) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000. An attorney having civil jurisdiction in the county or an attorney for a municipality where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the county or municipality.

#### **Sec. 2.507 Violations**

(a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with Section 2.501 or Section 2.502 or an applicable municipal or county regulation relating to dangerous dogs.

(b) Except as provided by subsection (c), an offense under this section is a class C misdemeanor.

(c) An offense under this section is a class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this section.

**Sec. 2.508 Defense**

- (a) It is a defense to prosecution under Section 2.506 or Section 2.507 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.
- (b) It is a defense to prosecution under Section 2.506 or Section 2.507 that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.
- (c) It is a defense to prosecution under Section 2.506 or Section 2.507 that the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Occupations Code.

**ARTICLE 2.600 NUMBER OF DOGS AND CATS  
ALLOWED**

**Sec. 2.601 Number of Dogs and Cats Allowed**

- (a) Unless specific written permission is obtained by the animal control officer, the city hereby limits ownership of cats and dogs within the city limits to a total of four cats or four dogs or any combination thereof. More than four cats or dogs or a combination thereof, may be allowed by the animal control officer, but such approval must be in writing and obtained from the animal control officer based on the standards set forth in subsection (c) of this section.
- (b) Exceptions to subsection (a) above are hereby made for breeders as provided for in this chapter, pet shelters, kennels, and new litters of dogs or cats that are less than 30 days old or less than 90 days old, provided that each of these exceptions must be approved in writing by the animal control officer.
- (c) If an applicant requests permission to keep more than a total of four cats or four dogs or any combination thereof, the animal control officer may inspect the property where the dogs or cats are to be kept to determine whether written approval should be granted to the applicant. Written approval may not be granted to the applicant if it is found that the animals cannot be maintained without creating noise or odor nuisances or otherwise being detrimental to the public health, safety or welfare. The animal control officer may deny the applicant's request if he or she determines in writing that there is a reasonable probability that the additional animals would not be maintained in a healthy or sanitary environment. The animal control officer may revoke written permission for a multi-animal permit at any time as long as he or she makes a written finding of necessity of revocation within 10 business days

**Sec. 2.602 Pet Shelters and Kennels**

Pet shelters and kennels that meet applicable state law and the requirements in this chapter will be allowed to exceed the limit of four dogs and cats or any combination thereof, if they obtain permits from the officer on an annual basis to serve as a pet shelter or kennel. Pet shelters and kennels will not be required to obtain permits for each additional animal, but instead will be required merely to obtain one license to operate as a pet shelter from the animal control officer on an annual basis. The animal control officer may inspect a pet shelter or kennel at his or her reasonable discretion during weekday business hours from 9 a.m. to 5 p.m. Monday through Friday.

## **ARTICLE 2.700 BREEDERS**

### **Sec. 2.701 Breeder License**

Upon approval of the city council, the animal control officer shall issue annual breeder licenses, subject to the terms and conditions of this article.

### **Sec. 2.702 Breeder License Application**

The initial application for an annual dog or cat breeder license, and any application for its renewal, shall at a minimum contain the following information:

- (1) Name and permanent address of the applicant and, if different, the location and/or address of the subject property or premises;
- (2) The maximum number of dogs or cats that the applicant will keep, harbor, breed and/or raise on the subject property or premises; and
- (3) A drawing showing the dimensions of the subject property or premises and identifying all structures on the premises, all fenced or enclosed areas, and the proximity of adjacent property owners and public streets.

### **Sec. 2.703 Public Hearing on Application for Breeder License**

The city council shall hold a public hearing on any application for either a breeder license or its renewal. Public notice of the hearing shall be given by depositing a written notice in the mail addressed to all owners of real property located within 200 feet of the subject property or premises, as determined from the last approved city tax roll, and by its publication in a newspaper of general circulation in the city. Both the mailed and published notices shall be given at least ten (10) days prior to the date set for the hearing. Such notice shall state the date, time and place of the public hearing; adequately identify the location and/or address of the subject property or premises; state the nature of the application to be considered; and state that any party may

appear in person or by attorney or agent. The public hearing procedure prescribed in this section shall apply to the initial application for any such license and any application for its renewal.

**Sec. 2.704 Breeder License Fee**

An annual license and inspection fee of twenty-five dollars (\$25.00) shall be paid to the city prior to the issuance of any breeder license or annual renewal. The city council may increase the fee as needed from time to time.

**Sec. 2.705 Licensee Requirements**

Requirements to be met by licensees are as follows:

- (1) The dogs or cats shall be housed in cages or pens inside a residence or a completely enclosed accessory structure.
- (2) The dogs or cats shall be kept, harbored, bred and/or raised so as to not be a nuisance or detriment to any adjoining property or adjacent neighbors.
- (3) The dogs or cats shall not bark, howl, or create noises that cause the peace and quiet of the neighborhood or the adjacent premises to be disturbed, or create a public nuisance.
- (4) The cages or pens in which the dogs or cats are housed shall be maintained in a sanitary condition, so as not to create any hazards to the general health and welfare of the community. The cages or pens in which the dogs or cats are housed shall be maintained in a sanitary condition so as not to produce odors or unclean conditions sufficient to create a public nuisance. All excrements shall be disposed of in such a manner so as to prevent them from becoming a public nuisance.
- (5) The subject property or premises shall provide an enclosed or fenced area for the exercise of the dogs or cats that will be kept, harbored, bred and/or raised thereon containing a minimum area equal to or greater than 500 square feet multiplied by the number of dogs or cats six (6) months of age or older.
- (6) The enclosed area in which the dogs or cats are to be housed shall be of adequate size, height and construction to prevent the dogs or cats from running at large.
- (7) The subject property or premises shall be subject to inspection by the animal control officer, as the term is defined in Section 2.101 of this code, between the hours of 8:00 a.m. and 7:00 p.m.

**Sec. 2.706 Penalty**



Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, fined in accordance with the general penalty provision set forth in Section 1.109 of this code, except that a first offense shall be punishable by a fine not exceeding two hundred and fifty dollars (\$250.00).

🐾 **ARTICLE 2.800 SEIZURE OF CRUELLY TREATED ANIMALS**

🐾 **Sec. 2.801 Seizure of Cruelly Treated Animal**

A peace officer or Tthe animal control officer may apply to the municipal court or to the applicable county court for a warrant to seize thea cruelly treated animal. If the animal control officer provides sufficient proof of probable cause, the court shallmust issue a warrant and set a hearing within 10 days of issuance of the warrant to determine if the animal has been cruelly treated. The animal control officer shallwill be impounded the animal and provide notice must be provided to the owner in accordance with Chapter 821 of the Texas Health and Safety Code.

(Ordinance 996 adopted 5/2/07)

**Sec. 2.802 Penalty**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, fined in accordance with the general penalty provision set forth in Section 1.109 of this code, except that a first offense shall be punishable by a fine not exceeding two hundred and fifty dollars (\$250.00).