

**ORDINANCE 04-09
ANIMAL CONTROL
AMENDMENT 09/14/2021**

ORDINANCE ADOPTING AN AMENDMENT TO THE ALREADY ESTABLISHED ANIMAL CONTROL REGULATIONS, DESIGNED TO PROTECT THE PUBLICS HEALTH AND SAFETY. PROVIDNG FOR ANIMAL CONTROL OFFICERS, REQUIRING PROOF OF VACCINATION OF DOGS AND CATS AS WELL AS PROVIDING FOR IMPOUNDING AND DISPOSITION OF ANIMALS RUNNING AT LARGE OR OTHERWISE IN VIOLATION OF THIS ORDINANCE; PROVIDING PROCEDURES FOR RABIES REPORTING AND CONTROL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, it has been determined by the City Council of Throckmorton that certain provisions of the City's Animal Control Ordinance #0-00-09, should be revised and amended;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THROCKMORTON, TEXAS THAT:

ARTICLE 1 IN GENERAL

SEC. 1 SHORT TITLE This ordinance shall be known and may be cited as the "Animal Control Ordinance".

SEC. 2 DEFINITIONS For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not consistent with the context, words used in present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "Shall" s always mandatory and not merely directory.

1. Animal: Every non-human species of warm-blooded animal, both domestic and wild.
2. Animal at-large: Any Animal not under restraint (as defined below) of a person capable of controlling the animal on or off the premises of the owner.
3. Animal control officer: Any person designated by the Public Works Director who is qualified to perform such duties as required by this ordinance and/or state law.
4. Animal Shelter: Any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or state law for care, confinement, return to owner, adoption, or euthanasia.
5. Bite: Puncturing or tearing of the skin by an animal's teeth.
6. Cat: Any live or dead Felis catus.
7. Circus: A commercial variety show featuring animal acts for public entertainment.
8. Currently vaccinated: Vaccinated and satisfying the following criteria:
 - a. The animal must have been at least three months of age at the time of vaccination.

- b. At least 30 days have elapsed since the initial vaccination.
 - c. Not more than 12 months have elapsed since the most recent vaccination.
9. Dangerous dog: A dog that:
- a. Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than the enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving enclosure on its own; or
 - b. commits unprovoked acts in a place other than an enclosure in which being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to believe that the dog will attack and cause bodily injury to that person.
10. Dog: Any live or dead *Cannes Familiaris*.
11. Domestic animal: Tame, domesticated animal, of or pertaining to the family or household.
12. Fowl: a bird of any kind; domestic cock or hen (*Gallus Gallus*).
13. Grooming shop: A commercial establishment where animals are bathed clipped plucked or otherwise groomed.
14. Guard dog: Any dog trained or used to protect person, premises, or property by attacking or threatening to attack any person found within the area patrolled by the dog. Persons who work with dogs for this purpose must register through the Animal Control Officer and abide by the requirements as set by state law.
15. Kennel or cattery: 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; and/or a facility for keeping more than five (5) animals of the same species.
16. Licensed veterinarian: A veterinarian licensed to practice veterinary medicine in one or more of the 50 states.
17. Livestock: Shall include any horse, donkey, stallion, mare, gelding, filly, colt, mule, ginny, jack, all species of swine, sheep, goat, ratite, or any species of cattle.
18. Local Health Authority or Rabies Control Officer: The City Animal Control Officer shall be designated as the Rabies Control Officer and shall handle all the duties required under the Rabies control Act of 1981 and all amendments to that act.
19. Observation period. The ten (10) days following a bite incident during which the biting animal's health status must be monitored. The 10-day observation period will begin on the day of the bite incident.
20. Other animal: Shall include any goose, chicken, duck, rabbit, guinea, pigeon, bird, fowl, or any other animal of domestic barnyard variety not listed as a wild or domestic animal.
21. Owner: Any person, partnership, or corporation owning, keeping, harboring, or controlling

(Contractually or physically) one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more, or any person who is the owner's agent left in charge of the animal.

22. Possible exposure to rabies: Receipt of a bite or scratch from any warm-blooded animal, animal to human or animal-to-animal, is reason to suspect exposure to rabies.
23. Provocation: Any purposeful act that causes an animal to bite, scratch, or attack in protection of self, owner, or owner's premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with city ordinances would be considered provocation, irrespective of the reason for such entrance.
24. Public Nuisance: Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:
 - (1) Is repeatedly at large or stray.
 - (2) Damages the property of anyone other than the owner.
 - (3) Molests or intimidates pedestrians or passerby.
 - (4) Trespasses on school grounds.
 - (5) Chases vehicles.
 - (6) Excessively makes disturbing noises, including but not limited to a continued repeated howling, barking, whining or other utterances causing a unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
 - (7) Causing fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others on close proximity to the premises where the animal is kept or harbored.
 - (8) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
 - (9) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained.
 - (10) Attacks other domestic animals.

Steps to remove nuisance animal if owner refuses to abide by the ordinance;

- (1) 1st offense – verbal warning
- (2) 2nd offense – Certified letter
- (3) 3rd offense – Impound/Seize animal

25. Quarantine: Strict confinement, for the purpose of preventing the spread of disease, under restraint by closed cage, isolation kennel, rabies chamber, padlock, or in any manner

approved by the local health authority on the private premises of the owner or at a facility approved by the Texas Department of Health.

26. Quarantine period: That portion of the observation period during which a biting animal is physically confined for observation as provided under the method and testing section of this ordinance.

27. Rabies: An acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite or saliva.

28. Restraint: Any animal secured by a leash or lead and under the control of a responsible person and obedient to that person's commands. At all other times, a dog or other animal shall be confined to the realty or premises of the owner of such dog or other animal by a substantial fence of sufficient strength and height to prevent such dog or other animal from escaping there from. Or inside a house on such premises, or secured on such premises by a leash consisting of a material of sufficient strength to prevent said dog or other animal from escaping from such premises. It shall be unlawful for a leash to be arranged in a manner that allows the dog or other animal to get on or within eight feet of any sidewalk, public way, place or building when such lease is stretched to its full length. Any animal so arranged shall be considered dangerous to the public in general and declared a nuisance, and shall be impounded. Although cats shall be exempt from the leash requirement while on the premises of the owner, any cat straying on the property of anyone except its owner shall be deemed a public nuisance animal and will be subject to impoundment.

29. Scratch: A scrape left by the claws or nails of an animal and of sufficient severity to break the skin and draw blood.

30. Sick animal: Any animal that appears to be suffering from an infectious, contagious, or communicable disease, or that is showing evidence of physical disorder, or traumatic injury, or that has an elevated temperature.

31. Stray: Animal running free at large, with no physical or verbal restraint

32. Unowned animal: Any animal for which an owner has not been identified.

33. Vaccinated: Properly injected with a rabies vaccine licensed for use in that species by the United State Department of Agriculture and administered by or under the direct supervision of a licensed veterinarian.

34. Veterinary hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis. and treatment of disease and injuries of animals.

35. Wild Animal: Any animal except the common domestic species (including, but not limited to dogs, cats, horses, cattle, swine, sheep, and goats) regardless of the state or duration of captivity.

36. Wildlife: Any animal that occurs naturally in the wild state.

ARTICLE 11 CONTROL OF DOGS, CATS AND ANY OTHER ANIMALS

SEC. 1 ANIMAL CONTROL OFFICER

An Animal Control Officer shall be appointed by the Public Works Director to enforce all provisions of this ordinance, and is hereby empowered to enter upon any land, premises, or public place and to take up and impound any animal which is observed by such officer to be running at large. No officer of the city shall enter a private residence without first receiving permission from the lawful adult occupant of such residence.

SEC. 2 INTERFERENCE WITH ANIMAL CONTROL OFFICER

It shall be unlawful for any person to interfere with or hinder the Animal Control officer, or his/her designee, in the performance of his official duty.

SEC. 3 CALLS OUTSIDE THE CITY LIMITS

The Animal Control Officer may respond to emergency situations outside the city limits of Throckmorton. An emergency situation being defined as a dog bite, suspected rabid animal, or a situation involving imminent bodily injury. The Sheriff or a deputy of the Throckmorton Sheriff's Department must accompany the Animal Control officer.

SEC. 4 USE OF TRANQUILIZER GUN

The Animal Control Officer or his/her authorized designee may, at his/her discretion, make use of a tranquilizer gun.

SEC. 6 PROHIBITED AT LARGE

(A) No animal shall run at large upon any public highway, street, alley, park or any other public grounds or property within the city limits.

FEE \$35.00 FOR THE FIRST EMPOUNDMENT,
\$55.00 FOR THE SECOND, THIRD TIME EMPOUNDED, ANIMAL IS PROPERTY OF THE CITY OF THROCKMORTON WHICH GIVES THE CITY AUTHORITY TO EUTHANISE OR ADOPT.

(B) No owner of an animal shall allow their animal to be at large upon any unfenced lot or tract or parcel of land within the city limits without being under restraint of leash or under the direct oral command by such person capable of controlling such animal.

SEC. 7 ANIMAL TAGS

Any person owning, keeping, harboring, or having custody of any dog or cat over three months of age within the city limits must obtain a vet tag and must provide written proof of vaccination records from veterinarian. Animal Control Officer may request this information at any given time.

SEC. 8 RESTRAINTS

- (A) All dogs, cats and other animals shall be kept under restraint and not allowed to run at large as a stray.
- (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) Any dog within the city that has been deemed to be dangerous as defined by this ordinance under Article VI. Section. 1

SEC. 9 NUISANCE ANIMAL

It is against this City Ordinance for any person to own, harbor, keep, or maintain an animal in such a manner as to constitute a public nuisance as defined by this ordinance under Article I. Section 2. Number 24.

ARTICLE 111 CARE AND KEEPING OF ANIMALS

SEC. 1 ANIMAL CARE

- (A) No owner shall fail to provide his animals with sufficient and nutritious food and water in sufficient quantities. to provide adequate ventilation, shelter space and protection from the weather. to provide veterinary care when needed to prevent suffering, and to provide humane care and treatment.
- (B) No person shall beat, cruelly treat, torment, overwork, or otherwise abuse a animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- (C) No owner of an animal shall abandon such animal. If an owned animal has been impounded by the Animal Control Officer, no owner shall allow the animal to remain at the animal shelter beyond the 120-hour maximum for a tagged animal or 72 hour maximum for an untagged animal, for the purpose of adopting the animal at a lower cost than the fees.

ARTICLE IV RABIES CONTROL

SEC. 1 RABIES VACCINATION

- (A) No person shall own, keep, harbor, or have custody or control of a dog or cat over three (3) months of age within the city limits of "Throckmorton unless such dog or cat is currently vaccinated against rabies by the injection of anti-rabies vaccine by or under the direct supervision of a licensed veterinarian.
- (B) Every owner of a dog or cat immunized against rabies as required herein shall procure a rabies vaccination certificate from the veterinarian administering the vaccine and a metal tag bearing a number corresponding to the number corresponding to the number placed on the certificate, and with lettering showing immunization and the year thereof. This tag shall be attached to the properly fitted collar or harness of the dog or cat for which it was issued, and shall be worn at all times in a conspicuous place on the collar or harness.
- (C) Persons having knowledge of any animal exhibiting symptoms of or exposed to rabies, or that has bitten, scratched or otherwise attacked an individual or other animal, or that the person suspects to be rabid or could foresee as capable of transmitting rabies, shall report the animal or incident to the Animal Control Officer as soon as possible, but no later than twenty-four (24) hours from the time of the incident.

SEC. 2 QUARANTINE PROCEDURES FOR ANIMALS

- (A) Every animal which bites or scratches a person shall be securely quarantined at the direction of the Animal Control Officer for a period of ten (10) days from the date of the bite or scratch, and shall not be released from such quarantine except by written permission of the Animal control Officer. Such quarantine may be on the premises of the owner if allowed by the animal Control Officer or in a Texas Department of Health approved quarantine facility, or in a veterinary hospital of his choice at the owner's

option and expense. In the case of stray animals, or animals whose ownership is not known, such quarantine shall take place at a Texas Department of Health approved facility.

- (B) Should the owner or keeper of any animal which has bitten or scratched a person within the city fail to allow the impound of such animal pursuant to this section, or attempt to interfere with such impoundments, the Animal Control Office may use reasonable means to accomplish such impoundments.
- (C) No person shall knowingly give or cause to be given, during the observation period, any anti-rabies treatment to the animal impounded for observation which may modify the course of rabies or interfere with clinical or observatory diagnosis of rabies.

SEC. 3 QUARANTINE METHOD AND TESTING

- (A) A licensed veterinarian shall observe animals quarantined at a veterinary clinic at least on the first and last days of the quarantine period. If the veterinarian determines that the animal has clinical signs of the disease of rabies, the animal shall be humanely killed, and the head submitted for testing. If the veterinarian determines that the animal does not exhibit the clinical signs of the disease of rabies, the Animal Control Officer shall supply a report form to the veterinarian to sign certifying that the animal has been found to be free of the clinical sings of rabies at the end of the quarantine period. This form shall be returned to the Animal Control Officer at the end of the quarantine period.
- (B) 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 facility 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 and possess a current City of Throckmorton license tags (if the licensing requirement of this ordinance is applicable).
 - (3) The animal was not in violation of any laws or ordinance at the time of the incident.
 - (4) The bite or scratch was a provoked attack.
 - (5) A licensed veterinarian must observe the animal at least on the first day and the last day of the quarantine period. If the animal becomes ill during the home quarantine period, the veterinarian and Animal Control officer must be notified.
 - (6) It shall be unlawful to violate the provisions and conditions of the home quarantine as required by the Animal Control officer. If the owner fails to abide by all the provisions and conditions required by the Animal Control Officer when the home quarantine was granted and the animal is found in violation of these conditions, the animal shall be impounded and quarantined for the remainder of the observation period at a Texas Department of Health approved quarantine facility.
- (D) No dog or cat shall be released from the quarantine unless:
 - (1) The owner has a valid rabies vaccination certificate.

A licensed veterinarian at the owner's expense vaccinates the animal against rabies.

- (E) No wild animal will be placed in quarantine. All wild animals involved in the biting incidents will be humanely killed 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.

ARTICLE V IMPOUNDMENT

SEC. 1 ANIMAL ON PRIVATE PROPERTY

If any animal is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal temporarily pending its release to the Animal Control Officer.

SEC. 2 RECORDS

The Animal Control officer or his/her designee shall make a complete registry entering the breed, color, sex, of each animal and the place and time taken into custody. If the animal has tags with name of the owner, the city will attempt to contact them.

SEC. 3 REDEMPTION OF IMPOUNDED ANIMALS

The owner of a animal impounded may redeem said animal during regular business hours by payment of the reclaim fee of \$35.00 for the first offense, \$55.00 for the second offense, plus a board and general care fee of \$5.00 per day after the first day of impoundment. If no proof of vaccination is shown, owner must make arrangements with Animal Officer to take animal to local Vet and obtain required rabies shots and obtain a certificate issued by licensed veterinarian. This will have to be done before the animal can be fully released from shelter. The owner will be responsible for paying for the veterinarian fees for vaccination of the animal.

SEC. 4 BREAKING INTO ANIMAL SHELTER

Whoever shall break into, open, pull down the enclosure of, or make any opening into any enclosure belonging to or used by the City of Throckmorton for the purpose of impounding animals, or release any animal from traps shall be deemed guilty of a misdemeanor.

Fee \$200.00

SEC. 5 DISPOSITION OF ANIMALS

After the impounding of an animal, if not redeemed within the required time frame, the Animal Control Officer will place the animal out for adoption or humanely perform euthanasia on said animal.

Any animal which has been impounded by the Animal Control officer and wearing tags, shall be held up to 120 hours before disposition is met: providing that the animal is healthy and that the Animal Control Officer has made an attempt to contact the owner of said animal prior to disposition being met.

- (A) Any animal which has been impounded by the Animal Control officer without current tags or brought to the shelter shall be held 72 hours before disposition is met. If the unclaimed animal is not adopted the Animal Control officer has the right to humanely euthanasia said animal.

- (B) Any person volunteering an animal to the Animal Control officer shall sign a statement giving the officer full rights to disposition of said animal.
- (C) The Animal Control officer may perform euthanasia on any animal, which is not weaned, injured. its cure is considered by the Animal Control Officer to be impracticable. or if death is imminent. Such procedures may be done immediately.

SEC. 6 STERILIZATION OF ADOPTED ANIMALS

No dog or cat shall be adopted from the animal shelter without written agreement from the adopter guaranteeing that such animal will be sterilized within thirty (30) days.

SEC. 7 CONFIRMATION OF STERILIZATION

- (A) Each new owner who signs a sterilization agreement under section 6 of this article shall deliver to the Animal Control Officer a letter signed by the veterinarian who performed the surgery.
- (B) The letter must be delivered in person or by mail no later than the seventh day after the date on which the animal was sterilized.
- (C) The letter must state that the animal has been sterilized, briefly describe the animal, and provide the date of sterilization.

SEC. 8 NOTICE OF FAILURE TO RECEIVE LETTER

If the Animal Control Officer does not receive a letter under section 7 of this article before the expiration of the seventh day after the sterilization completion date agreed under section 6 of this article shall cause a complaint to be filed against the new owner.

SEC. 9 RECLAMATION

If the Animal Control Officer does not receive a letter stating that the animal was sterilized, lost, stolen, or that the animal has died after the expiration of the seventh day after the sterilization completion date agree to under section 6 of this article may promptly reclaim the animal from the owner.

ARTICLE VI DANGEROUS DOGS

SEC. 1 DANGEROUS DOGS

The Animal Control Officer may receive a complaint from any police officer, humane officer, animal control officer, or citizen concerning an animal which he/she has reason to believe has a dangerous disposition. The animal must make an unprovoked attack causing bodily injury on a person, and such attack or threat of attack must occur in a place other than the enclosed area where the dog is kept. The threat must suggest real danger of being bitten. The Animal Control Officer shall investigate the incident. If in the event the animal is found to be a "dangerous dog" as defined in this ordinance the Animal Control Officer shall:

- (A) Notify the owner, keeper of said animal by certified letter that his or her dog has been deemed "dangerous" and that the dog owner shall have thirty (30)days to appeal the decision through the Municipal Court Judge.

- (B) The Animal Control Officer shall decide the location of where the animal shall be held during the thirty days.

SEC. 2 REQUIREMENTS FOR OWNER OF DANGEROUS DOG

Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall;

- (1) Register the dangerous dog with the Animal Control Officer.
- (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure, and
- (3) Obtain liability insurance coverage or show financial responsibility in the amount of at least S 100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.

SEC. 3 REGISTRATION OF DANGEROUS DOG

- (A) The Animal Control Officer shall register a dangerous dog if the owner,

Presents proof of:

- (a) Liability insurance or financial responsibility, as required by section 2 of this article.
- (b) Current city license and current rabies vaccination of the dangerous dog, and
- (c) The secure enclosure in which a dangerous dog will be kept, and pays an annual registration fee of \$50.00.

- (B) The Animal Control Officer shall provide to the owner of the dangerous dog a registration collar (bright orange with dangerous dog printed on the material), and two signs warning the public of the dangerous dog. The owner must keep this collar on the dangerous dog at all times, and place the signs in a conspicuous place on the enclosure of where the dangerous dog is kept.

- (C) If an owner of the dangerous dog sells or moves to a new address, the owner, not later than the 14th day after the date of the sale or the move, shall notify the Animal Control Officer of the area in which the new address is located. On presentation by the current owner of the dog's prior registration tag or collar payment of a \$25.00 transfer fee, and proof of insurance or financial responsibility the Animal Control officer shall issue a new registration collar to be placed on the dangerous dog and two new signs to be placed on the enclosure where the dangerous dog is kept.

- (D) Every owner of a registered dangerous dog shall notify the Animal Control Officer of any attacks the dangerous dog makes on people.

SEC. 4 ATTACKS 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 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, the person may be subject to other criminal prosecution under the laws of the State of Texas in a court of competent jurisdiction.

- (A) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by the Animal Control Officer.
- (D) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed ten thousand dollars (\$10,000.00). The City Attorney may file suit in court of competent jurisdiction to collect the penalty. The City of Throckmorton shall retain penalties collected under this subsection.

SEC. 5 VIOLATIONS

- (A) A person who keeps custody or control of a dangerous dog commits an offense if the person fails to comply with section 2 of this article.
- (B) An offense under this section is a Class C misdemeanor.

SEC. 6 DEFENSE

It is a defense to prosecution under Section 4 or 5 of this article if:

- (A) The person is a veterinarian, a peace officer, a person employed by as recognized animal shelter, or a person employed by the state or 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; or
- (B) 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 of law enforcement or corrections purposes; or
- (C) The person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Securities Agencies Act (Article 4413 (29bb), Vernon's Texas Civil Statutes).

SEC. 7 RESERVATIONS OF THE CITY OF THROCKMORTON

The City of Throckmorton reserves the right at any time, to change, amend, alter, repeal, rescind, or add to these rules and regulations or any part thereof to adopt any new rule or regulation or any temporary exception with the respect to regulation of animals or anything pertaining thereto.

PASSED, APPROVED AND ADOPTED THE 14TH DAY OF SEPTEMBER, 2021.



ATTEST:

Angie Scarlett
Angie Scarlett, City Secretary

Will Carroll
Will Carroll, Mayor