

ORDINANCE NO. 06.04.08

AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCES OF THE CITY OF SMILEY, TEXAS ENACTING NEW PROVISIONS AS OUTLINED IN EXHIBIT A, FOR THE REGULATION OF ANIMALS WITHIN THE CITY LIMITS OF THE CITY OF SMILEY, TEXAS; REPEALING OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith, AND FIXING THE PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SMILEY, TEXAS, that; for the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEFINITIONS:

ABANDONED ANIMAL. Any animal that has not been provided with one or more of the necessities of life including air, food, water or protection from the sun and other elements of nature or has been left in the custody of another person without their consent.

ADULT ANIMAL. An animal that is six (6) months of age or older.

ANIMAL CONTROL OFFICER. The individual(s) designated by the City of Smiley to receive reports of animal bites, investigate bite reports, ensure quarantine of possibly rabid animals and otherwise carry out provisions of the state law pertaining to control and eradication of rabies.

ANIMAL, DOMESTIC. Those which are naturally tame and gentle or which by long association with man have become thoroughly domesticated and are now reduced to such a state of subjection to his will that they no longer possess a disposition or inclination to escape.

ANIMAL, PET. Dogs, cats, rabbits, rodents, birds, reptiles and any other species of animal which is sold or retained as a household pet and dependent on people for food and shelter. Pets shall not include skunks, nonhuman primates and any other species of wild exotic or carnivorous animal that may be further restricted in this law.

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 Chapter or state law for care, confinement, return to owner, adoption or euthanasia.

ANIMAL, STRAY. Any animal for which there is no identifiable owner or harborer.

ANIMAL, WILD. All species of animals which commonly exist in a natural, unconfined state and are usually not domesticated. This shall apply regardless of state or duration of captivity.

ANIMAL, VICIOUS. Any individual animal or any species that has on two previous occasions without provocation attacked or bitten any person or other animal, or any individual animal which the animal control officer has reason to believe has a dangerous disposition, or any species of animal which the animal control officer has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

CAT. Any live or dead cat (*felis catus*).

CITY/CITY LIMITS. The jurisdictional area of the City of Smiley including the extraterritorial jurisdiction outside the established city limits.

COMMERCIAL BREEDER.

- Any person who breeds dogs or cats; and

- Sells or otherwise transfers possession of the offspring of a breeding dog or cat to another person for the purpose of breeding, show, personal pet or resale to a third person; and
- Sells or otherwise transfers possessions of more than 12 dogs or 12 cats or more than 2 litters (whichever is greater) or any combination within any 12 month period for the purpose breeding, show, personal pet or resale to a third person.

CURRENTLY VACCINATED. Vaccinated against rabies and satisfying the following criteria:

1. The animal must have been at least 3 months of age at the time of vaccination;
2. At least 30 days have elapsed since the animal was vaccinated;
3. Not more than 12 months have elapsed since the date of the most recent vaccination of the animal.

DOG. Any live or dead dog (canis familiaris).

FERREL COLONY CAREGIVER. Any person who engages in harboring stray cats.

GUARD DOG. Any professionally trained dog that will detect and warn its handler that an intruder is present in or near an area that is being secured.

HARBORING. The act of keeping and caring for an animal or of providing premises to which the animal returns for food, shelter or care.

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.

LIVESTOCK. All domesticated animals, including but not limited to horses, cows, mules, goats, sheep, pigs, hogs, rabbits, and pigeons, and does not include dogs and cats.

MICRO-CHIP. A computer chip that is preprogrammed with a unique alphanumeric combination code which is inserted into the animal.

NOTICE. Whenever notice is required it shall mean notice by personal service, certified mail return receipt requested, or a written notice left at the entrance to the premises where the animal is harbored.

OBSERVATION PERIOD. The 10 days following a bite incident during which the biting animal's health status must be monitored. Day one of the observation period will begin on the day of the bite incident.

OWNER. Any person, firm or corporation who has the right of property in an animal or who harbors an animal or allows an animal to remain about his/her premises.

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.

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.

PUBLIC NUISANCE ANIMAL shall mean and include, but is not limited to, any animal that:

- Is repeatedly at large or stray
- Damages the property of anyone other than its owner
- Molests or intimidates pedestrians or passersby
- Trespasses on school grounds

- Chases vehicles
- Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored
- Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored
- Causes unsanitary conditions in enclosures or surroundings where the animal or animals are kept or harbored
- Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained
- Attacks other domestic animals.

QUARANTINE. Strict confinement, for the purpose of preventing the spread of disease, under restraint by closed cage, isolation kennel, rabies chamber, paddock, or in any other 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.

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

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; or inside a house on such premises; or secured on such premises by a leash consisting of a material of sufficient strength to prevent the dog or other animal from escaping from such premises. It shall be unlawful for the leash to be arranged in a manner that allows the dog or other animal to get on or across or within six feet of any street, park, or other public land or within six feet of any sidewalk, public way, place or building when such leash 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.

RUNNING AT LARGE.

Off Premises.

- Any animal which is not restrained by means of a leash of sufficient strength and not more than six (6) feet in length to control the actions of such animal while off the owner's property and under direct supervision of the owner. An animal within an automobile or other vehicle of its owner shall not be deemed RUNNING AT LARGE.

On Premises.

- Not completely confined by a building, wall or fence of sufficient strength or construction to restrain the animal.

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

SECURE ENCLOSURE. A fenced pen, kennel or structure that is:

- Locked
- Capable of preventing the entry of the general public, including children
- Capable of preventing the escape or release of a dog

- Clearly marked as containing a dangerous dog; and
- In conformance with the requirements for enclosures established by the local . (Tex. Health & Safety Code, § 822.041)

SICK ANIMAL. Any animal that appears to be suffering from an infectious, contagious, or communicable disease; or that is showing evidence of a physical injury, physical disorder, or traumatic injury; or that has an elevated temperature.

STRAY. An animal running free or at large, with no physical or verbal restraint.

UNOWNED ANIMAL. Any animal for which an owner has not been identified.

VACCINATED. Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the state.

VACCINATED, CURRENTLY. Vaccinated and satisfying the following criteria.

- The animal must have been at least three months of age at the time of vaccination.
- At least thirty days must have elapsed since the initial vaccination.
- Not more than twelve months shall have elapsed since the most recent vaccination.

VICIOUS ANIMAL. Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or an individual animal which the local health authority has reason to believe has a dangerous disposition, likely to be harmful to humans or other animals.

REGULATIONS: HUMANE ANIMAL CARE AND KEEPING.

No owner shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, adequate ventilation, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment as set forth in this section:

1. No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any cockfight, bullfight, or other combat between animals or between animals and humans.
2. 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 in the animal shelter beyond the 120-hour maximum for a licensed animal or the 72-hour maximum for an unlicensed animal, for the purpose of adopting the animal at a lower cost than the fine and fee(s).
3. Chickens, ducklings, or rabbits younger than eight weeks of age may not be sold in quantities of fewer than 25 to a single purchaser during traditional holiday times of the year.
4. No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game or other competition; as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
5. No person shall expose any known poisonous substance, whether mixed with food or not, so that the substance shall be liable to be eaten by any animal; provided, that it shall be lawful for a person to expose on his own property common rat poison mixed only with vegetable substance.
6. No person, except a person licensed by the state parks and wildlife department, shall place or set out steel jaw leg and/or neck traps with the intent of trapping any animal.
7. Any person who, as the operator of a motor vehicle, strikes a domestic or nondomestic animal shall as soon as practicable report such injury or death to the animal control officer or the humane society so that the animal may be picked up.
8. No person shall possess, harbor or maintain care or custody of any animal for fighting contests, nor shall any person train, torment, badger, bait or use any animal for the reason of causing or encouraging the animal to attack human beings or domestic animals. State law references: Cruelty to animals, V.T.C.A., Penal Code § 42.09; V.T.C.A., Penal Code § 42.10.

ANY PERSON, OWNER, HANDLER, KEEPER OF A CAT OR DOG MUST PROVIDE HUMANE CONDITIONS FOR SUCH ANIMALS AS DESCRIBED IN THIS SECTION:

1. Any dogs confined within a fenced yard must have at least 100 square feet for two dogs maximum for the animal's use and exercise. Where dogs are kept or housed on property without a fenced yard, the owner of such dogs, or persons having custody of such dogs, shall provide an enclosure containing not less than 100 square feet for two dogs maximum for the animal's use and exercise. Such enclosure shall be constructed of chain link fencing or similar type materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of the enclosure shall be covered with materials to provide the dog with shade and protection from the elements.
2. The owner or other person having custody of an animal must provide a shelter for the animal. The shelter must be constructed and maintained in such a manner to allow the animal to remain dry and protected from the elements including sun. Such shelter shall be

- fully enclosed on three sides, roofed and have a solid floor with bedding appropriate to the season. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind and rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and maintained in good repair.
3. The owner or other person having custody of an animal must provide wholesome and nutritious food appropriate for the age and size of the animal. Fresh clean water must be available at all times. The water container must be of adequate size and affixed in a manner such that it cannot easily be accidentally emptied.
 4. No person shall, at any time, fasten, chain or tie any cat or dog or cause such cat or dog to be fastened, chained or tied while such animal is on the property where the it is normally kept or resides. (Exception: A cat or dog may be tethered to allow for the cleaning of its enclosure or while the owner is outside with the animal and is in visual contact with it at all times.)

PENALTIES FOR VIOLATIONS OF HUMANE CARE.

1. If the Animal Control Authority determines that any owner, harborer or keeper of an animal is in violation of these provisions relating to the humane care of the animals, he or she will notify the owner, harborer or keeper of the animal of the violation by door tag, personal service or certified mail to immediately remedy the violation, and specifying a time for compliance, not to exceed three (3) days.
2. If the person has not complied with the requirements of the Animal Control Authority, the person may be found guilty of a violation of this ordinance.
3. After the second conviction within any six (6) month period, the Animal Control Authority may apply to the Municipal Judge for a warrant to seize such animal. The animal will be impounded at the city Animal Control Facility.
4. The Municipal Judge will hold a hearing and determine the disposition of the impounded animal which shall be, in the judge's determination, to the owner of the animal, to a humane organization designated by the Animal Control Officer, or to the city Animal Control Facility for humane destruction, which destruction shall occur following any required appeal period has expired.

LIMITATION OF ANIMALS.

1. It shall be unlawful for any person to keep within the city limits more than five (5) adult dogs and one (1) litter; it shall further be unlawful for any person to keep within the city more than ten (10) dogs whether such dogs are adults or puppies. The provisions of this subsection shall not be applicable to any properly zoned veterinarian hospital, veterinarian clinic, kennel or place of scientific research.
2. It shall be unlawful for any person to keep within the city limits more than five (5) adult cats and (1) litter; ; it shall further be unlawful for any person to keep within the city more than ten (10) cats whether the cats are adults or kittens. However, the provisions of this subsection shall not be applicable to any person who has registered as a Ferrell Colony Caregiver.

FERREL COLONY REGISTRATION REQUIREMENTS.

1. Ferrel cats must be vaccinated, neutered and/or spayed.
2. Provide the City Secretary with proof that the above procedures have been completed as required.
3. The provisions of this subsection shall not be applicable to any properly zoned veterinary hospital/clinic, kennel or place of scientific research.

ANIMALS RUNNING AT LARGE.

- A. All animals must be kept under restraint. It shall be unlawful for any dog or other animal possessed, kept or harbored, other than a cat, to run at large.

- B. To run at large as used in this section, is to be free of restraint beyond the boundaries of the premises of the keeper. Any such dog when not upon the premises of its owner and which is controlled by a leash held by a competent person shall not be deemed running-at-large.
- C. The Animal Control Officer is authorized to impound animals running at large, other than a cat that has a current vaccination tag; HOWEVER,
- D. Cats may be impounded when he/she has received a complaint that the cat has caused a nuisance or hazard to the health or welfare of the human or animal population.
- E. In addition, any cat found running at large without a current vaccination tag will be considered without ownership and will be picked up and disposed of.

ANIMAL NUISANCES. The following shall be considered animal nuisances.

- 1. The keeping of any animal which by causing frequent or long continued barking, cry or noise that shall disturb any person or ordinary sensibilities in the vicinity.
- 2. The keeping of any animal in such a manner as to endanger the public health; to annoy neighbors by the accumulation of animal wastes which cause foul and offensive odors or are considered to be a hazard to any other animal or human being; or by continued presence on the premises of another.
- 3. All animal pens, stables or enclosures in which any animal may be kept or confined which from use have become offensive to a person of ordinary sensitivities.
- 4. The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger personal health and welfare.
- 5. Persistent laxness in supervision of cats so that their running at large results in disturbance to persons of ordinary sensibilities.

VICIOUS ANIMAL DECLARATION

- A. **Generally.** If the Animal Control Authority has cause to believe that an animal is vicious, the Animal Control Officer may find and declare that animal a vicious animal and order its confinement under the provisions of section (2) of this section or may order its destruction under the provisions of division (2), if applicable.
- B. **Notice.** Within 48 hours of declaring an animal vicious, the Animal Control Authority shall notify the animal's owner in writing of the declaration. The notice shall identify the requirements and conditions for maintaining a vicious animal as set forth in this chapter. If the owner cannot be located, the animal may be immediately impounded and notice shall be posted on the owner's property or sent by certified mail to the owner's last known address.
- C. **Hearing.** The owner of an animal declared vicious shall have the right to file, within 72 hours after receiving notice, a written request for a hearing to contest the vicious animal declaration. The hearing shall be held within five days after the Animal Control Authority receives the owner's written request.
 - 1. The owner shall meet informally with the Mayor, the Animal Control Authority, the City Secretary and any witnesses to present oral and written evidence, and may be represented by counsel and cross examine witnesses. Strict rules of evidence shall not apply.
 - 2. The City shall issue a decision within two days after the hearing and shall notify the owner in writing of the decision. The decision of the City is final.
 - 3. The Municipal Judge may uphold the vicious animal declaration, in event the owner shall comply with all the requirements and conditions for maintaining a vicious animal as set forth in this subchapter, or may unconditionally release the animal to its owner.

SPECIAL REQUIREMENTS FOR KEEPING DANGEROUS/VICIOUS ANIMAL.

- A. The provisions of Sections 822.001 through 822.005 (Subchapter A,) Section 822.011(Subchapter B,) and Sections 822.041 through 822.047 (Subchapter D) of the Health and Safety Code of the State of Texas are hereby adopted and incorporated in this

code as though the same were fully set out herein. Any future modifications of such laws of the State of Texas shall automatically be incorporated herein. References herein to any of said sections will mean the relevant sections of the Health and Safety Code of the State of Texas.

- B.** Whenever in the above incorporated sections reference is made to the Animal Control Authority, it shall refer to the Animal Control Authority of the City of Smiley or any Enforcement Officer as defined above.
- C.** The definition of "Dangerous dog" includes attacks on or injuries to other animals as well as persons, and such definition and the provisions of such sections shall include and be applicable to all animals in addition to dogs, but shall not be construed to permit animals to be kept where otherwise prohibited.
- D.** The time period for compliance with the requirements of this section is seventy two (72) hours, provided that the animal shall be immediately restrained as required in said section. An owner of a dangerous dog may, as an alternative to the provisions of this section, remove the dangerous animal from the City limits of the City of Smiley or surrender the animal for humane destruction within twenty four (24) hours after learning that the animal is dangerous or upon quarantine clearance, whichever is later.
- E.** The liability insurance required is to be in an amount of at least \$100,000.00, and shall be for bodily injury or property damage.
- F.** Any animal that has been determined to be dangerous, and is not destroyed, shall have inserted into the animal a micro-chip by a licensed veterinarian within 10 days from the date the animal is determined to be a dangerous animal at the owner's expense. The chip shall contain an alphanumeric combination code which code shall be provided to the City Secretary.
- G.** Within ten days from the determination that an animal is dangerous, the owner of the animal must furnish proof of micro-chipping to the City Secretary on a form furnished by the city. Failure to micro-chip, show proof of micro-chipping shall constitute separate offenses.
- H.** All owners of dangerous animals shall provide to the city two (2) color photographs of the animal in two (2) different poses showing the color and approximate size of the animal.
- I.** The owner of a dangerous animal is required to have the animal wear, at all times, the dangerous animal registration tag provided by the City Secretary.
- J.** No dangerous animal may be kept on a porch, patio, or in any part of a house or structure, even if restrained, that would allow the animal to exit such building of its own volition. In addition, no dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.
- K.** No person shall permit a dangerous animal to go outside its secure enclosure unless such animal is muzzled and securely leashed with an eighteen (18") inch traffic lead, and under the physical control of a person. No person shall permit a dangerous animal to be kept on a chain, rope, or other type of leash outside its secure enclosure unless a person is in immediate physical control of the leash. Such animal shall not be leashed to inanimate objects such as trees, posts, or buildings.
- L.** All owners of dangerous animals within the city shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware –Dangerous Animal". The sign is to be no smaller than twelve (12) inches by twelve (12) inches and shall not exceed eighteen (18) inches by twenty four (24) inches in size. In addition, a similar sign shall be posted on the kennel or pen of such animal.
- M.** All owners of registered dangerous animals shall, within ten (10) calendar days of the occurrence report the following in writing to the City Secretary:
 - 1. Removal from the city, or death of said animal;
 - 2. Written proof of new address if animal is sold and/or moves within the City of Smiley.
- N.** The new owner of a dangerous animal shall pay a registration fee established by City Council, and the City Secretary shall issue a new dangerous animal registration tag.
- O.** An owner of a dangerous animal shall notify the City Secretary of any attack the animal makes on any person or any animal.

- P. A dangerous animal may be destroyed during an attempt to seize or impound the animal, if impoundment cannot be made with safety, wherever the impoundment is attempted without liability to an owner of a dangerous dog.
- Q. Should any person, other than an Animal Control Officer desire to file a complaint concerning an animal which is believed to be a dangerous animal, a written complaint must first be filed with the City Secretary containing:
1. Name, address and telephone number of complainant and other witnesses;
 2. Date, time, and location of any incident involving the animal;
 3. Description of the animal;
 4. Name, address, and telephone number of the animal's owner, if known;
 5. A statement describing the facts of death or serious bodily or animal injury upon which such complaint is based; and
 6. A statement describing any incidents where the animal has exhibited dangerous propensities in past conduct, if known.
 7. After a written complaint is filed, it shall be referred to the Animal Control Officer and/or Municipal Court for processing and hearing in accordance with the provisions of the above referenced sections of the Health and Safety Code of the State of Texas.

DANGEROUS, MISCHIEVOUS DOGS; FEMALES IN HEAT.

- A. No dog of mischievous propensities or tendencies and no female dog in heat shall be allowed upon any street, avenue, highway, alley, sidewalk, parkway, park or other public place within the city, whether the dog is under the control of the owner or any other person, either by leash, cord, chain or otherwise.
- B. Any dog so found upon any of the public places shall be taken up and impounded and shall not be released except with the approval of the Mayor, or such person as may be designated by him/her, and by complying with all vaccination and registration tag requirement. However, if any dangerous, vicious, fierce or mischievous dog so found cannot be taken up and impounded with reasonable safety for the person attempting the same, such dog may be slain by any peace officer.
- C. If any dog bites or attempts to bite any person while the dog is at large, or not under the complete control of its owner, then the dog shall be conclusively presumed to be a dangerous dog and a dog of dangerous propensities and tendencies.
- D. If any dog attacks or attempts to attack any other dog or other animal while the dog is at large, or not under the complete control of its owner, then the dog shall be conclusively presumed to be a vicious dog and a dog having vicious propensities and tendencies.
- E. If any dog at large chases or otherwise attempts to catch a person, then the dog shall be conclusively presumed to be a fierce dog and to have fierce propensities and tendencies.
- F. If any dog at large, or not under the complete control of its owner, overturns a securely covered garbage container, or removes any garbage from any securely covered container, then the dog shall be conclusively presumed to be a mischievous dog and a dog of mischievous propensities and tendencies.

RABIES CONTROL

STATE STANDARDS ADOPTED BY REFERENCE.

Pursuant to Tex. Health & Safety Code, § 826.013, the state Board of Health's regulations and standards for rabies control are adopted by reference and incorporated as if set out at length herein.

VACCINATIONS.

1. Every owner of a dog or cat three months of age or older shall have the animal vaccinated against rabies. All dogs or cats vaccinated at three months of age or older shall be revaccinated at one year of age and annually thereafter.
2. Any person moving into the city from a location outside of the city shall comply with this chapter within ten days after having moved into the city.

3. If the dog or cat has inflicted a bite on any person or another animal within the last ten days, the owner of the dog or cat shall report the fact to the veterinarian, and no rabies vaccine shall be administered until after the ten-day observation period.

CERTIFICATE OF VACCINATION.

Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. The certificate shall contain the following information.

1. The name, address and telephone number of the owner of the vaccinated dog or cat.
2. The date of vaccination.
3. The type of rabies vaccine used.
4. The year and number of rabies tag.
5. The breed, age, color and sex of the vaccinated dog or cat.

UNVACCINATED DOGS OR CATS. It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.

1. Any dog or cat which is unvaccinated for the disease of rabies and is located within the jurisdictional limits of the city, except where such distance lies in an incorporated area of another city, is declared as being a nuisance.
2. The Animal Control Authority is authorized to impound any dog or cat found within such area, where such dog or cat is running-at-large or is kept unrestricted upon the premises of any person. Such animal shall be kept until the owner furnishes proof of vaccination or causes the animal to be vaccinated. If the owner of does not claim the animal or otherwise prove vaccination or provide vaccination, then the animal shall be humanely disposed of in accordance with the procedures of the Animal Control Authority.

RABIES TAGS.

Concurrent with the issuance and delivery of the certificate of vaccination, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance and the name of the issuing veterinarian and his/her address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by his/her dog or cat at all times.

DUPLICATE TAGS.

In the event of loss or destruction of the original tag, the owner of the dog shall obtain a duplicate tag. The vaccination certificate (and tag) shall be valid only for the animal for which it was originally issued.

PROOF.

It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his/her copy of the certificate of vaccination upon demand to any person charged with the enforcement of this chapter.

ANIMALS EXPOSED TO RABIES.

- A. Any person having knowledge of the existence of any animal known to have been or suspected of being exposed to rabies must immediately report such knowledge to the animal control officer, giving any information which may be required. For any animal known to have been, or suspected of being exposed to rabies, the following rules must apply:
 1. Animals having a current vaccination must be revaccinated immediately and confined for a period not less than 90 days.
 2. Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he/she may, at his/her expense and in a manner prescribed by the city health officer, confine the animal. The animal must be vaccinated immediately following exposure and quarantined for

not less than six months. A revaccination shall be done one month prior to release from quarantine.

PROCEDURE FOR ANIMAL BITES.

- A.** The Animal Control Authority may investigate reports in which animals have bitten persons or animals. It shall be the responsibility of such officer or other officer if he or she is not the investigating officer, to obtain details on the bite cases and to conduct a follow-up investigation of the biting animal, if he or she so determines, to determine if it is suffering from rabies.
- B.** The Animal Control Authority shall determine whether or not the animal suspected of biting is to be placed under quarantine and watched to determine if the animal is capable of transmitting or exposing humans or other animals to rabies. The quarantine for all animals shall be for a period not less than two hundred forty (240) hours.
- C.** The owner of the animal required to be quarantined under subsection (b) shall surrender the animal to the Animal Control Authority immediately, or otherwise arrange for the Officer to pick up and retain such animal, in a separate kennel at the animal control facility or in quarters supervised by a veterinarian for the period of the quarantine. After the animal has been released from quarantine, the owner may redeem the animal from the animal shelter or other quarters upon payment of the applicable fees, and verification by the City Secretary that the animal's vaccination and permit are current.
- D.** In lieu of animal quarantine at the animal shelter or other quarters, the Animal Control Authority may authorize the animal to be kept on the owner's premises (residence quarantine) upon the following conditions to be determined in the Animal Control Officer's sole discretion :
 - 1.** The animal was currently vaccinated at the time of the bite; and
 - 2.** The animal was not at-large at the time of the bite; and
 - 3.** When quarantined at home, the animal must be restrained in an area where it will not come in contact with any persons or animals; and
 - 4.** The animal must be made available to the for periodic inspections at his or her discretion; and
 - 5.** The owner agrees to observe the animal for any signs of illness or personality
 - 6.** changes and report such changes to the ; and
 - 7.** The animal may not be moved from the quarantine location without prior notification and approval of the ; and
 - 8.** The animal will remain under quarantine until the owner is notified that the final health inspection has been made, all outstanding fees are paid, and that the animal has been cleared by the . The may require a veterinarian's certificate stating that in his or her opinion such animal is not rabid and exhibits no symptoms of rabies, prior to release of the animal from quarantine. Contact may be made by phone, personal service, or certified mail; and
 - 9.** The animal may not receive a vaccination for rabies during the quarantine period.
 - 10.** Failure to comply with all of the above conditions of residence quarantine, or as directed by the Animal Control Authority, are a violation of this chapter and will result in the animal being impounded at the animal control facility for the duration of the quarantine period.
- E.** After the animal has been released from quarantine, the owner will have five days in which to have the animal registered with the city by the purchase of a city registration tag.
- F.** It shall be unlawful for any person to interfere with the enforcement of this section or to fail or refuse to surrender to an Animal Control Officer any animal involved or suspected of being involved in a bite case, or to otherwise fail to refuse to provide for the quarantine of animals as may be authorized by this chapter.
- G.** If an owner fails or refuses to surrender an animal to the Animal Control Authority for quarantine under this chapter, such Officer may apply to any judge of the municipal court of the city for a warrant to seize the animal. The Officer executing the warrant shall cause the animal to be impounded at the city animal shelter or other facility as the Officer shall determine.

- H. 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 State Department of Health certified laboratory for rabies diagnosis.
- I. Humans bitten by rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this action.

ANIMAL REGISTRATION REQUIRED; GUARD DOGS.

- A. No owner shall have within the city any dog or cat four months of age or older unless the dog or cat is currently vaccinated against rabies. A current metal tag issued by a veterinarian authorized by animal control must be affixed to a collar or harness that must be worn by the dog or cat at all times.
- B. Metal tags for proof against rabies shall be renewed annually.
- C. Vaccination tags shall be valid only for the animal for which it was originally issued.
- D. If there is a change in ownership of a vaccinated dog or cat, the new owner shall have the vaccination certification transferred to his/her name within five days. Application for the transfer shall be made to the original registering veterinarian in writing or in person.
- E. The animal control officer may revoke a permit of a cat or dog issued to any person who has been convicted in any duly authorized court of jurisdiction in the state, or resides with any person so convicted of any of the following:
 - 1. Cruelty to animals as defined in the Texas Penal Code, Art. 42.11, inhumane treatment, or negligence to an animal.
 - 2. Conviction of four or more separate and distinct violations of an animal control ordinance of a municipality in the state within any 12-month period. Any person denied such a registration may appeal the refusal to the City Council. The Council shall uphold or overturn the animal control officer's refusal to issue a registration certificate.
- F. Every person having care, control or custody of any dog which has received guard dog training must register the dog with the animal control officer. Any dog which has received guard dog training may be destroyed when the dog is found running at large. The owners or keepers of guard dogs shall be subject to the other provisions of this section. An ID collar identifying the dog as a guard dog must be worn at all times, and the dog must wear a muzzle when out of confinement.

KEEPING OF FOWL.

AREA REQUIREMENTS.

- A. It shall be unlawful for any person to keep, harbor, maintain or permit any person to keep, harbor, maintain or permit the presence of any lot or parcel of land within the city of more than one of any fowl of any kind, for each ten square feet of ground area available for such purpose.
- B. It shall be further unlawful for any person to keep, harbor, maintain or permit the presence on any lot or parcel of land within the city of more than six of any mature poultry of fowl of any kind, sex or description on any lot or parcel of land of one acre or less.
- C.

SANITARY REQUIREMENTS.

- A. Each place in the city used for feeding, harboring or keeping any poultry or fowl shall be maintained in a sanitary manner at all times and kept free of offensive odors, flies, rodents and other pests.

DECLARATION OF NUISANCE; COMPLAINT; VIOLATION; PENALTY.

- A. It shall be unlawful to keep any poultry or fowl in the city which by loud, frequent or habitual crowing or any other noise annoyance from such animal shall disturb the peace and quiet of any person of ordinary sensitivities.
- B. Any such person who believes that there has been a violation of this division shall have the right to file a complaint against the owner or keeper of such poultry or fowl at City Hall, whereupon a hearing within a reasonable time thereafter shall be held and a

determination made as to whether such loud, frequent or habitual crowing or other noise annoyed the peace of such person, and if so, the Animal Control Officer may declare such fowl to be a nuisance and order the owners or keeper to remove such fowl from the city limits.

- C. The failure to obey the order under this section shall constitute a class "C" misdemeanor. In addition, should there be a conviction for any other violation of this section, the party convicted shall be subject to a fine determined by the Animal Control Officer.

FOWL RUNNING-AT-LARGE PROHIBITED

It shall be unlawful for any person to permit or allow any fowl owned or possessed by him or under his control to run-at-large or to wader in or upon or invade the premises of any other person without such person's consent, within the corporate limits of the city.

INSPECTION OF PREMISES

Each person keeping animals or fowl within the corporate limits of the city that have been deemed a nuisance, shall upon request of the Animal Control Authority after proper identification and during reasonable times, permit access to the area or places of keeping of animals or fowl, for the purpose of carrying out the provisions of this chapter.

WILD, VICIOUS ANIMALS.

- A. It shall be unlawful to keep any wild animal inside the city.
- B. It shall be unlawful to release or allow to run at large any wild or vicious animal.
- C. Any vicious animal found running at large may be destroyed by any peace officer or animal control officer in the interest of public safety.
- D. The animal control officer may order any owner or person having care, control or custody of any vicious animal to take such permanently from the city. This animal must be removed immediately following receipt of such an order, even if an appeal is initiated. This order may be appealed in writing within ten days to the City Council. The Council may uphold, reverse or modify the animal control officer's order and may stipulate restrictions on the animal as a condition to allowing the animal to remain in the city. If the Council upholds the animal control's order, the owner or person having care, control or custody shall not bring the animal back inside the city limits.
- E. If the owner or person having care, custody or control of a vicious animal fails to remove the animal as provided for in division (B) of this section, the animal may be impounded and/or destroyed.
- F. The owner or person having care, custody or control of a vicious animal must report the disposition and relocation of the animal to the animal control officer, in writing, within ten days after the expiration date for removal of the animal from the city. Each day thereafter the information is not provided shall constitute a separate offense.
- G. The animal control officer or any police officer shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the city for being vicious has not been so removed.

LIVESTOCK AT LARGE.

- A. It shall be unlawful and illegal for any person owning or having control over any horse, mule, donkey, cow, bull, steer, hog, sheep, goat or any other livestock to permit the same to be at large unattended on any public property or on the property of another without the consent of such other person. Statutory reference: Estrays, see Tex. Agric. Code §§ 142.001 et seq.

HOGS PROHIBITED.

- A. It shall be unlawful for any person to keep any hog in any house, shed, pen, lot or pasture within the city. This section shall not apply to hogs or kept temporarily (not to exceed two

- days) in shipping pens for the purpose of shipment; or to hogs kept temporarily at auction or sales pens or barns for the purpose of sale.
- B. Nor does this section apply to those students participating in 4-H or FFA who engage in the raising of livestock or fowl for the purpose of showing them in a livestock show.
 - C. These persons shall be required, however, to register the keeping of such animals or fowl with the city Police Department.
 - D. There will be no fee for registering of livestock or fowl for the purpose of showing in a livestock show. Registration shall list the name and address of the student, the exact address and location where the animals or fowl are being kept, and period of time the animals or fowl will be kept at that location.

DEAD ANIMALS AND FOWL.

- A. It shall be unlawful for any person in the city to cause to be placed or place, or allow to remain in or near his/her premises or the premises or any other person, or in any of the streets or other public ways, any dead animal, either wild or domesticated or any dead fowl, either wild or domesticated.

PROMOTIONAL DISPLAYS; COLORING OF ANIMALS.

- A. It shall be unlawful for any person to sell, offer for sale, barter or give away toys, premiums or novelties, baby chickens, ducklings or other fowl under three weeks old; rabbits under two months old; unless the manner or method of display is first approved by the animal control officer.
- B. It shall be unlawful to color, dye, stain or otherwise change the natural color of any chickens, ducklings, other fowl or rabbits, or to possess for the purpose of sale or to be given away any of the above-mentioned animals which have been so colored.

TRAPS.

- A. Only humane live-animal traps may be used for capturing animals roaming, unrestrained in the city. The use of steel jaw traps to apprehend animals is prohibited.
- B. As an exception to this section, governmental agencies and entities shall be permitted to use such traps and equipment as necessary and permitted by state law or regulation. No person shall remove, alter, damage, or otherwise tamper with a trap or equipment set out by the Animal Control Authority.

ADMINISTRATION AND ENFORCEMENT

ENFORCEMENT.

- A. Primary enforcement of this chapter shall be the responsibility of the Animal Control Officer. Any person employed as an Animal Control Authority shall have the following authority:
 - 1. To issue citations for violations of this chapter; and
 - 2. To enter upon any and all premises within the city limits to enforce any and all provisions of this chapter, which authority shall be exercised only with reason and good discretion.
- B. The City Council shall appoint, for a period to be terminated at the Councils' pleasure, a qualified person who shall act in the capacity of Animal Control Authority. It shall be the duty of the Animal Control Authority to see that the provisions of this chapter are enforced. For his services, the Animal Control Authority shall receive such compensation as shall be fixed by the City Council. In the absence of an animal control officer, any department or official designated by the City Council shall have enforcement responsibilities and authority to issue warnings and/or citations for any violation of this chapter.
- C. The City Council may designate such person or persons as it sees fit to operate the animal shelter or city pound according to the desires of the City Council. Such person or

persons shall be directly responsible to the City Council. The Animal Control Authority or those persons designated by the City Council to run the animal shelter or city pound shall provide, at the cost of the city, sanitary and comfortable quarters and necessary sustenance for animals or fowl impounded pursuant to this chapter.

- D. If the person being cited is not present, the Animal Control Officer may send the citation to the alleged offender by registered or certified mail.

INTERFERENCE WITH ANIMAL CONTROL AUTHORITY.

No person shall interfere with, hinder, or molest any agent of the Animal Control Department in the performance of any duty of the agent, or seek or release any animal in the custody of the Animal Control Department or its agents

VIOLATION OF PROVISIONS; WARNINGS AND CITATIONS.

- A. When an animal is found in violation of a provision of this chapter and its ownership is known to the agent of the Animal Control Department, the animal need not be impounded by the agent. For a first violation of any portion of this ordinance the agent will issue a warning. If the owner does not correct the violation within 10 days of the warning, the agent may issue a citation. If the owner agrees to sign this citation shall require the person to appear in court within ten days to answer a charge of a violation of this chapter.
- B. Signing the citation shall only be a promise to appear and is not an admission of guilt.
- C. It shall be unlawful for any person upon being issued any citation to give the animal control employee a false name or address.
- D. It shall be unlawful to fail to appear in municipal court within ten days of the signing of the citation.
- E. When an animal is found in violation of a provision of this chapter, and its ownership is known to the agents of the Animal Control Department and the owner cannot be located or refuses to sign a citation, the agent may impound the animal or file a complaint against the owner in municipal court.
- F. When an animal is found in violation of a provision of this chapter and its ownership is not known to the agent of the Animal Control Department, the animal shall be impounded.

IMPOUNDMENT OF ANIMALS. The following animals may be impounded:

- Cats and dogs not exhibiting evidence of being vaccinated.
 - Any animal infected or kept under conditions which could endanger the public or animal health.
 - Any animal that creates a nuisance.
 - Any animal running at large.
 - Any animal treated in a manner determined by the Animal Control Officer and verified by a licensed veterinarian to be cruel or inhumane.
 - Any animal that has bitten a human being or needs to be placed under observation for rabies determination, as determined by the animal control officer.
 - Any animal violating any provisions of this chapter.
- A. If any of the animals named in this chapter are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine the animal in a humane manner until he/she can notify the animal control officer to come and impound the animal. When so notified, it shall be the duty of the animal control officer to have the animal impounded as herein provided.
- B. Reasonable effort shall be made by the animal control officer to contact the owner of any animal impounded which is wearing a current vaccination tag; however, final responsibility for location of an impounded animal is that of the owner.
- C. Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.
- D. If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.

- E. The City Council shall select and establish a place for impounding all animals impounded under any provision of this chapter.
- F. Any animal, except vicious or wild animals, not reclaimed by the owner may be humanely euthanized after being impounded for 72 hours, except that any animal wearing a current registration tag shall be impounded for six days.
- G. Any impounded vicious or wild animal, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the animal control officer.
- H. Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.
- I. An owner who no longer wishes responsibility for an animal, or believes the animal to be in an ill or injured condition, may sign a written waiver allowing the animal to be immediately euthanized in a humane manner, provided that no dog or cat that has bitten a human being shall be euthanized before expiration of the ten-day quarantine period.
- J. Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined by the animal control officer.

IMPOUNDMENT PROCEDURES.

- **Period of confinement.** A dog impounded as authorized in this section shall be confined in a humane manner for a period of not less than 72 hours.
 - **Vaccinated animals.** Upon impounding a dog found with current vaccination tags, the agents of the Animal Control Department shall make a reasonable effort to notify the owner that his animal has been impounded and the conditions whereby the owner may regain custody of such animals.
 - **Unvaccinated animals.** Any animal over the age of four months which does not have a current rabies vaccination may not be redeemed until it has been so vaccinated. Dogs or cats impounded, as authorized by division of this section, without a vaccination tag, shall become the property of the Animal Control Department after the expiration of two working days. If unclaimed and unredeemed the animal may be disposed of in a humane manner.
- A. The Animal Control Authority or any Enforcement Officer may take up and impound any animal found at large or otherwise in violation of this chapter. If the owner, keeper, or harbinger of such animal is known or can be readily ascertained the animal control officer shall notify him by telephone, personal service, certified mail, or door tag not later than twenty-four (24) hours following the beginning of the next business day after such impoundment or after obtaining owner information.
 - B. If impoundment of a dangerous animal is being attempted away from the premises of the owner and the impoundment cannot be made with safety, the animal may be destroyed without notice to the owner or harbinger. If a attempt is made to seize or impound a dangerous animal from the premises of the owner or harbinger and the impoundment cannot be made with safety, the owner or harbinger will be given twenty-four (24) hours notice that if the said animal is not surrendered to the animal control division for impoundment within said twenty-four hour period, then the animal will be destroyed wherever it is found. Notice under this section shall be in writing. A written notice left at the entrance to the premises where the dangerous animal is harbored will be considered valid notice under this section. In lieu of surrendering the animal to animal control an owner may permanently remove said animal from the city, if written proof of destination is provided to the .
 - C. The city shall comply with all sterilization laws as set forth in Chapter 828, Health and Safety Code of the State of Texas. Any impounded animal adopted from the Animal Control Facility, if not sterilized and vaccinated must be sterilized and vaccinated. The adoption fee includes the cost of sterilization. Adoptive Owners will pick up adopted animals from a city designated veterinarian's office following vaccination and sterilization.

REDEMPTION PROCEDURES.

- A.** The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees and any veterinary bills incurred by animal control for the welfare of the animal, and upon compliance with the vaccination and registration provisions of Section B of this code, except where prohibited as described in this section.
- B.** Any owner or person redeeming an animal from the Animal Control Facility must have the animal vaccinated and show proof of registration within five days of the release of the animal unless registration and vaccination are then effective and valid.
- C.** Any owner or person redeeming an unsterilized animal from the Animal Control Facility, for the fourth time within any twelve consecutive month period or for the second time within any twelve consecutive month period for any animal which has been determined to be a dangerous animal must have the animal sterilized. The cost of the sterilization shall be included in the fee required to redeem the animal from the animal control facility, and the owner will pick up animals from a city designated veterinarian's office following sterilization.

ADOPTION PROCEDURES:

- A.** Any owner or person adopting an animal from the Animal Control Facility of the City of Smiley must agree to pay the veterinarian charges for having the animal vaccinated, spayed and/or neutered and also be willing to pick the animal up after the procedures.
- B.** The decision as to whether or not an animal may be adopted by any particular person or entity is exclusively within the discretion of the Animal Control Authority.
- C.** No animal may be adopted or sold for purposes of research.

FEES.

The owner shall be entitled to resume the possession of any impounded dog or cat except as hereinafter provided in case of certain dogs or cats, upon proof of vaccination and tags, and the payment of the impoundment fees as described in this section.

IMPOUNDMENT FOR QUARANTINE.

- Ten (\$10.00) dollars per day.

IMPOUNDMENT OTHER THAN QUARANTINE.

- Twenty-five (\$25.00) impoundment fee plus ten (\$10.00) dollars per day after the first twenty four hour (24) period.

ADOPTION FROM CITY OWNED FACILITIES.

- **Cats**
 - Male: twenty six (\$26.00) dollars
 - Female: forty six (\$46.00) dollars, however if the animal is pregnant the fee is fifty six (\$56.00) dollars
- **Dogs**
 - Males: forty six (\$46.00) dollars- sixty (60) pounds and under
 - Males: fifty one (\$51.00) dollars- over sixty (60) pounds
 - Females: sixty one (\$61.00) dollars- sixty (60) pounds and under
 - Females: eighty six (\$86.00) dollars- over sixty (60) pounds

RECORDS TO BE KEPT. It shall be the duty of the Animal Control Department to keep, or cause to be kept, accurate and detailed records of:

- 1. Moneys received.** Records shall be kept of all moneys received under this chapter, shall be open to inspection at reasonable times by persons responsible for similar records of the city, and shall be audited by the City Auditor in the same manner as other city records which are audited. All moneys shall be turned in to the City Secretary.

- 2. Monthly reports.** The Animal Control Authority shall monthly, or at such times as may be required by the City Council, account to the city for all moneys received by him by virtue of his official duties. The Animal Control Authority shall at the same time render to the City Council a full statement of all animals or fowl received into the animal shelter during the month, showing the name of the owner, if known, the date of sale, all of those animals or fowl destroyed, and all of the moneys expended by him during the month for the maintenance of the pound.

PENALTIES.

- A.** Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in this Code. Any punishment provided for in the statutes of the State of Texas (for example cruelty to animals under Section 42.09 of the Penal Code of the State of Texas) or civil penalties permitted to be assessed, may be applied whenever a violation hereof is also a violation of State of Texas law.
- B.** In addition to the penalties provided above, procedures and penalties (both civil and penal) set forth in the laws of the State of Texas with regard to the treatment, registration, keeping or use of animals which are permitted to be adopted by municipalities are specifically adopted hereby by the City of Smiley. Each day a violation continues shall be deemed a separate offense.
- C.** The city shall be entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other ordinances or state law.

ENFORCEMENT.

- A.** The provisions of this chapter shall be enforced by any Animal Control Authority, and such persons shall have the authority to issue citations to persons violating the provisions of this chapter.
- B.** It shall be unlawful for any owner or person to interfere with an Animal Control Authority in the performance of his or her duties as prescribed by this chapter.
- C.** Those enforcing the provisions hereof shall have the right to pursue and apprehend animals running at large onto private property while enforcing the provisions of this chapter, and shall not be guilty of trespass while doing so.

PAYMENT OF FEES.

- A.** The City Secretary or his/her designee shall be responsible for collecting all fees established and levied in accordance with this chapter. The Mayor or his or her designee shall have the authority to refund or waive fees under this chapter. Any refund or waiver of fees shall be documented by the City Secretary or his or her designee. All fees applicable hereunder shall be established by ordinance of the City Council of the City of Smiley, and are set forth in the Code of Ordinances of the City of Smiley.
- B.** Fees imposed by this chapter shall not be required for dogs trained to assist auditory or visually impaired persons or for government police dogs.
- C.** Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted and each violation shall be punishable by a fine not to exceed \$2,000.

Passed and approved this 4th day of June 2008.

BY _____

Donnie Janicek, Mayor

ATTEST: _____

Eloise E Estes, City Secretary

EXHIBIT A: REVISIONS TO THE ANIMAL ORDINANCE ADOPTED 12/13/04

Definitions:

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- Abandoned Animal
- Adult Animal
- City/City Limits
- Commercial Breeder

Page 2

- Currently Vaccinated
- Ferrel Colony Caregiver
- Livestock
- Micro-Chip
- Notice

Page 3

- Running-at-Large
- Secure Enclosure

Page 5

- Section 8 Regulations: Humane Animal Care and Keeping

Page 6

- Penalties for violations of Humane Care
- Limitation of Animals
- Ferrel Colony Registration Requirements

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- Vicious Animal Declaration
- Special Requirements for Keeping Dangerous/Vicious Animals

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- Procedure for Animal Bites
- Keeping of Fowl; Area Requirements/ Sanitary Requirements/Declaration of Nuisance

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- Fowl Running-At-Large
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- Redemption Procedures
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- Fees
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