

ORDINANCE NO. 2085

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 3, ANIMAL CONTROL OF THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION I.

That the Revised Code of Ordinances of the City of Terrell, Chapter 3: Animal Control, Section 1 through 17 shall be deleted in its entirety and replaced with the following:

SECTION 1: DEFINITIONS:

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

- A.) **Animal control** means the animal control division of the police department.
- B.) **Animal control officer** means any person designated by the supervisor of animal control to represent and act for the city in the impounding of animals, controlling of animals running at large, and as otherwise required to enforce the provisions of this chapter and to enforce all regulations relating to animals as authorized by the state.
- C.) **Animal nuisance** means 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 is a hazard to any other animal or human being; or by the continued presence on the premises of another.
- D.) **Bee** means any state of the common domestic honeybee, *Apis mellifera* species.
- E.) **Dangerous Animal** means any animal that:
 - 1. Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or
 - 2. Commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person; or

- F.) **Animal shelter** means the city facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.
- G.) **Cruelty** means to inflict pain or suffering and includes any act of neglect or abandonment.
- H.) **Estray act** means the state requirement relating to livestock control.
- I.) **Farm/Ranch** means an area of five (5) acres or more which is used for growing usual farm products, vegetables, fruits, trees, and grains and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.
- J.) **Fowl** means all of those birds commonly called poultry, but not limited to chickens, ducks, geese, guinea fowl, turkeys, pigeons, and all the relatives of those birds which can be kept in pens, coops, cages, or enclosures of any kind.
- K.) **Humane trap** means a box cage for catching animals in a humane manner.
- L.) **Humanely destroy** means to cause the death of an animal by a method which:
- (1.) Rapidly produces unconsciousness and death without pain or distress; or
 - (2.) Utilizes anesthesia produced by an agent, which causes painless loss of consciousness with death following such loss of consciousness.
- M.) **Impound** means to seize and hold in the custody of the division of animal control.
- N.) **Kept within the city** means harboring or owning of animals; they being located or living at any location within the city regardless of where situated.
- O.) **Kennel** means any place or premises wherein any person boards, breeds, buys, lets for hire, trains for a fee, trades, or sells dogs or cats. This term shall not be construed to include an owner who sells a single dog or cat one year or older or an owner who sells a single litter of dogs or cats in any one calendar year which belongs to such owner as a private individual.
- P.) **Secured Enclosure** means a substantial fence or building of sufficient strength and height to prevent an animal from escaping therefrom.
- Q.) **Observation period** means the ten (10) days following a biting incident during which an animal's health status must be monitored.

- R) Owner** means any person having title to any animal, or a person who has, harbors, or keeps, or who causes or permits to be harbored or kept, an animal in his care, or who permits an animal to remain on or about his premises.
- S) Person** means an individual, corporation, firm, partnership, association, business trust, estate, or individual trust.
- T) Pet shop** means any establishment where dogs and cats are bought, sold, or traded. The term includes all establishments selling dogs or cats exclusively or buying, selling, or trading dogs or cats along with other animals or fowls.
- U) Provoke** means to arouse or stir up purposely, to incite or to invoke attack.
- V) Quarantine** means strict confinement under restraint by closed cage or padlock or in any other manner approved by the state board of health or its designee, or the city animal shelter.
- W) Quarantine period** means that portion of the observation period during which a biting animal is physically confined for observation.
- X) Restraint** means secured by a leash or lead of sufficient strength to control actions of animal.
- Y) Running at large** means:
- (1.) Off premises. Any animal which is not restrained and in control by a person or means of a leash or chain of sufficient strength, not more than six feet (6') in length, to control the actions of such animal while off the owner's property.
 - (2.) On premises. Any animal not confined on premises of owner by a substantial fence of sufficient strength and height to prevent the animal from escaping therefrom, or secured on the premises by a metal chain or leash sufficient in strength to prevent the animal from escaping from premises and so arranged that the animal will remain upon the premises and not come any closer than six feet (6') to a public walkway or sidewalk when the restraint leash is stretched to full length.
- Z) Supervisor of animal control** means the person or his authorized representative designated by the Chief of Police to supervise all aspects of animal control.
- AA) Vaccination** means an injection of United States Department of Agriculture approved rabies vaccine administered every twelve-(12) months by a licensed veterinarian.
- BB) Victim** means a person or any domestic animal that has been attacked or endangered by any animal.
- CC) Dangerous Wild animal** means any live animal, other than a common domestic species, regardless of the state or duration of captivity, which can be normally found in the wild state,

or may pose a potential threat to the public, or that is protected by international, federal, or state regulations, including but not limited to the following:

- (1.) **Class Reptilia.** Family Heldermatidea (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); Family Elapidae (coral snakes, cobras, mambas, and other elapids); the following listed species of Family Colubridae Dispholidus typus (boomslang), Hydrodynastes gigas (water cobra), Bioga (mangrove snake), and Theiotornis (African twig snake) only; Order Phidia, Family Boidae (racers, boas, water snakes, and pythons); and Order Crocadilla (crocodiles, alligators, caimans, and gavials);
- (2.) **Class Aves.** Order Falconforms (such as hawks, eagles, and vultures); Subdivision Ratitae (such as ostriches, rheas, cassowaries, and emus); and Order Stigiforms (such as owls);
- (3.) **Class Mamalia.** Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), except commonly accepted domesticated cats; Family Canidae (such as wolves, wolf-dog, hybrids, dingos, coyotes, and jackals), except domesticated dogs; Family Mustelidae (such as weasels, skunks, martins, mink, and badgers) except domestic ferrets (mustela putorius furo); Family Procyonidae (raccoon); Family Urisdae (such as bears) Order Marsupialia (such as kangaroos, wallabies, and common opossums); Order Edentata (such as sloths, anteaters, and armadillos); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees, and gorillas); Order Rodentia (such as porcupines); and Order Ungulata (such as antelope, deer, bison, and camels); unless the Order Ungulata are located on premises which meet the definition of the farm/ranch.
- (4.) **Animals not listed.** The supervisor of animal control may declare any species of animal not listed in this subsection as “prohibited”. This does not mean any bird kept in a cage or aviary that is not regulated by international, federal, or state law, or a gerbil, hamster, guinea pig, or laboratory mouse or rat.

DD) Wild state means living in its original, natural condition; not domesticated. Wildlife refers to animals living in such an environment. Wild animal refers to any mammal except the common domestic species (dogs, cats, horses, cattle, swine, sheep, and goats) regardless of state of duration or captivity.

Section 2: Enforcement of Animal Control Regulations

The chief of police, any police officer of the city, and animal control officers shall have the right to enforce any of the provisions of this chapter, and the chief of police is hereby delegated authority to appoint any person to aid and assist him in carrying out such enforcement.

Section 3: Payment of Fees Generally

The Animal Control Department shall be responsible for collecting all fees established and levied in accordance with this chapter. The chief of police or his designee shall have the authority to refund or waive fees under this chapter. The chief of police or his designee shall document any refund or waiver of fees. All fees applicable hereunder shall be provided for in Appendix 1: Fee Schedule of this code of ordinances. Money received for impounding and keeping all animals impounded shall be paid to the city and receipt taken therefor, such money to be credited to general fund of the City. Impoundment fees shall be set forth for impoundments in a 12-month period. A daily handling fee shall be charged for every day or fraction thereof, that an animal is at the animal shelter. The owner of any animal held in quarantine for observation purposes shall be charged a fee for every day or fraction of a day an animal is at the animal shelter. This fee is in addition to any impoundment fee.

Section 4: Exemptions from License and Permit Requirements

The following are exempt from license and permit requirements:

- (a.) Veterinary hospitals / clinics and government-operated shelters and government-operated zoological parks.
- (b.) A domestic animal brought into the city for not more than ten (10) days for breeding, trial, or show purposes.
- (c.) A circus, carnival, or zoo that is licensed under the Federal Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and that can furnish proof to the chief of police or his representative that is inspected by the federal agency administering the Act at least once each calendar year.
- (d.) A zoo that is operated by a political subdivision of the state or that is accredited by the American Association of Zoological Parks and Aquariums.
- (e.) Farm/ranch premises where nonindigenous ruminants are bred and raised.
- (f.) An organization sponsoring, and all persons participating in, exhibitions of domestic livestock shows and rodeos.
- (g.) Fees shall not be required for dogs trained to assist the auditory or visually impaired person nor for government police dogs.

Section 5: Dog and Cat – Generally

- (a.) It shall be unlawful for the owner or harbinger of any dog to permit such dog to run at large within the city limits of the city. Such dog must be under the control of the owner, a member of the owner's immediate family, or the owner's agent, by

means of a leash or chain of sufficient strength and length to control the actions of the dog. At all other times the dog shall be confined to the premises of the owner by a substantial fence of sufficient strength and height to prevent the dog from escaping therefrom, inside of a building, or secured on the premises by a leash or lead consisting of sufficient strength to prevent the dog from escaping from the premises and so arranged that the dog will remain upon the premises and not come any closer than six (6) feet of a public walkway or sidewalk when the leash is stretched to full length.

- (b.) It shall be unlawful for any person to keep within the city limits more than two (2) adult dogs and one (1) litter. For the purpose of this subsection, a “grown dog” shall be defined as any dog of six (6) months of age or over or any dog weighing more than thirty (30) pounds. The provisions of this subsection shall not be applicable to any properly zoned veterinary hospital, veterinary clinic, kennel, or place of scientific research.
- (c.) No female dog in heat shall be allowed upon any street, avenue, highway, alley, sidewalk, parkway, park, or any public place within the city unless under control of the owner.
- (d.) No dog of fierce, dangerous, or vicious propensities, whether licensed or not, shall be allowed in the city; provided, however, the dogs used by law enforcement authorized or approved by the animal control supervisor as watchdogs for business establishments and securely confined thereto shall not be deemed within this provision.
- (e.) It shall be unlawful for the owner or harbinger of any cat to permit such cat to run at large in such a manner or to such a degree that the cat disturbs another person of ordinary sensibilities.
- (f.) It shall be unlawful for any person to keep within the city limits more than two (2) adult cats and one (1) litter no more than six (6) months old. However, the provisions of this subsection shall not be applicable to any properly zoned veterinary hospital/clinic, kennel, or place of scientific research.
- (g.) No person shall willfully or knowingly harbor or keep on such person’s premises, or elsewhere, any cat that makes or creates an unreasonable disturbance of the peace of any person living in the immediate vicinity, or suffer, or permit such cat to make or create frequent noises by meowing or wailing, or otherwise.
- (h.) No person shall willfully or knowingly harbor or keep on such person’s premises, or elsewhere, any dog that makes or creates an unreasonable disturbance of the peace of any person living in the immediate vicinity, or suffer, or permit such dog to make or create frequent of long continued noises by barking or howling, or otherwise.

- (i.) It shall be unlawful for any person to own, keep, or harbor any dog or cat within the city, unless a current registration permit has been issued for such dog or cat in accordance with this section.
- (j.) The owner, keeper, or harbinger of any dog or cat within the city shall make application to the city secretary's office for a registration permit for such dog or cat. Such application shall contain information a description of the dog or/and cat, date of vaccination, and name, address, and telephone number of the owner, keeper, or harbinger. The owner, keeper, or harbinger shall also present to the city secretary's office a current certificate of vaccination issued for such dog or cat in accordance with Section 12.
- (k.) A fee as shall be established by City Council shall accompany the application described under this section.
- (l.) Upon the owner's compliance with the above provisions of this section, the animal control officer or his representative shall register the dog or cat and issue a metal registration tag, which shall be attached to the dog's or cat's collar, and which shall be worn by the dog or cat at all times.
- (m.) Registration shall be valid for one (1) year from date of issue.
- (n.) If a permit tag issued under this section is lost or stolen, it may be replaced by payment of the appropriate fee established by City Council and presentation of the registration permit. If the tag and registration permit is either lost or stolen, a new permit must be purchased at the regular fee as set out above.
- (o.) Any false statement in a rabies certification, or application for a permit under this section, shall render null and void the permit issued for such dog or cat and shall subject such dog or cat to being impounded in accordance with the provisions of this chapter.

Section 6: Guard Dogs – Special Provisions

Every person having care, control, or custody of any dog, which has received guard dog training, must register such dog with animal control. Any dog, which has received guard dog training, may be destroyed when such dog is found running at large. The owners or keepers of guard dogs shall be subject to the other provisions of this section. A fluorescent orange collar identifying the dog, as a guard dog, must be worn at all times, and the dog must wear a muzzle when out of confinement.

Section 7: Dog Permits and Tags – Exceptions

Fees for Section 5 shall not be required for dogs trained to assist the auditory or visually impaired person nor the government police dogs.

Section 8: Dog and Cat Permits and Tags – Transfer; Used for Other Animal

- (a.) It shall be unlawful for any person to use any permit or tag for any animal other than the animal for which it was issued.
- (b.) Permits and tags shall not be transferable among animals or their owners.

Section 9: Permit / License Revocation

- (a.) The animal control department may revoke any permit or license of any person regulated by this chapter if the person holding the permit or license refuses or fails to comply with this chapter or any law governing the protection and keeping of animals.
- (b.) Reserved.

Section 10: Vaccination of Dogs and Cats Required

The owner of a dog or cat shall have the animal vaccinated by the time the animal is four (4) months of age and every twelve (12) months thereafter or as prescribed by the Texas Board of Health. The owner shall retain the rabies vaccination certificate, issued by the veterinarian, until the vaccination is renewed. At the time of vaccination, a metal tag shall be issued by the veterinarian showing the name of the veterinary clinic, the tag number, and the year of issuance. The animal shall wear the referenced metal tag at all times.

Section 11: Rabies Control

- (a.) It shall be the duty of the owner or harbinger of any animal or practicing veterinarian to report to the Animal Control Department all suspected cases of rabies. The report shall be made immediately upon diagnosis or suspicion of rabies in animals.
- (b.) Should a potential outbreak of rabies within the city be suspected and the danger to the public safety from rabid animals be reasonably imminent, the chief of police is hereby authorized to issue a quarantine proclamation, ordering persons owning, keeping, or harboring dogs, cats, or other animals to muzzle the same or confine them for such time as may be specified in such quarantine proclamation. Upon the publication of such proclamation by local newspapers persons owning or harboring such animals shall confine them to premises unless they are effectively muzzled and under the control of an adult person by leash, cord, chain, or rope. An officer of the city may destroy animals found at large in violation of this subsection if such officer is unable with reasonable effort to apprehend such animals for impoundment.

Section 12: Bites by Animals

- (a.) The Terrell Police Department shall investigate reports in which animals have bitten, and/or scratched persons or animals. It shall be the responsibility of a police officer to obtain details on the bite cases, and to conduct an investigation of the biting animal to determine if it is suffering from rabies. Anyone having knowledge of an animal bite or scratch to an individual or an animal that the person suspects is rabid shall immediately report the incident to the Terrell Police Department.
- (b.) Any dog, cat or any other animal capable of transmitting rabies suspected of biting a person shall be placed under quarantine to determine if the animal was capable of transmitting or exposing humans or other persons and/or animals to rabies. This quarantine for animals shall be for a period of not less than ten (10) days after the biting of such person.
- (c.) The owner of the animal required to be quarantined under subsection (b) shall surrender the animal to the animal control officer immediately, or otherwise arrange for the animal control officer to pick up and retain such animal, in a separate kennel at the animal shelter, or in quarters supervised by a veterinarian whose facility is located within the city limits of Terrell, for the period of the quarantine. Should the animal be released to the animal control officer to retain the animal at the animal shelter, the owner of the animal held in quarantine for observation purposes shall be charged a fee for every day or fraction of a day the animal is at the animal shelter. This fee is in addition to any impoundment fee. After the animal has been released from quarantine, the owner may redeem the animal from the animal shelter or other quarters by payment of the applicable fees.
- (d.) Unvaccinated dogs and cats shall be vaccinated and registered at the time the animal is released from quarantine, at expense of owner.
- (e.) 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 or other member of the animal control department any animal involved or suspected of being involved in a bite case, or to otherwise fail or refuse to provide for the quarantine of animals as may be authorized in this chapter.
- (f.) If an owner fails or refuses to surrender an animal to animal control officers for quarantine under this chapter, an animal control 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.

Section 13: Dangerous Animal

- (a.) A person commits an offense if the person is the owner of a dangerous animal and the animal makes an unprovoked attack on another person or attempts to attack a

person or animal outside the animal's enclosure and causes bodily injury to the other person or animal.

- (b.) It shall be unlawful for any person to own, keep, or harbor a dangerous animal within the city limits, except as provided in this chapter. For purposes of this chapter, a person learns that the person is the owner of a dangerous animal when the owner knows of an unprovoked attack committed by the animal that causes bodily injury to a person or another animal, or commits unprovoked acts and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury, or when the owner is informed by the animal control department that the animal is a dangerous animal.
- (c.) Once an animal has been determined to be dangerous it must be:
 - (1.) registered and confined in accordance with Section 15 of this chapter; or
 - (2.) surrendered for euthanasia to an animal control officer or a veterinarian, as approved by the animal control authority, within twenty-four (24) hours of the owner learning that the animal is dangerous or upon quarantine clearance, whichever is later.
- (d.) It is a defense to the determination of an animal as danger that:
 - (1.) The threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal; or
 - (2.) The person was teasing, tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused, or assaulted the animal; or
 - (3.) The person was committing or attempting to commit a crime; or
 - (4.) The animal attacked or killed was at the time teasing, tormenting, abusing, or attacking the alleged dangerous animal; or
 - (5.) The animal was protecting or defending a person within immediate vicinity of the animal from an unjustified attack or assault; or
 - (6.) The animal was injured and responding to pain.

Section 14: Dangerous Animals – Complaints

- (a.) Should any person desire to file a complaint concerning an animal which is believed to be a dangerous animal, a sworn, written complaint must first be filed with a police officer of the city as follows:

- (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 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.
- (b.) After a sworn complaint is filed, it shall be referred to the chief of police or his representative to set a time and place for a hearing not to exceed twenty (20) days from the time the complaint is received. The animal control officer shall give notice of the hearing, by certified mail, to the animal's owner, at least ten (10) days prior to the hearing date. After the owner of the animal is notified, the owner shall keep such animal at the animal shelter or at a veterinarian's clinic whose facility is located within the city limits of Terrell until the chief of police or his designee holds such hearing. After the owner of the animal receives notice, the city animal control officer shall impound the animal specified in the complaint if such animal is found at large.
- (c.) The chief of police or his designee shall receive testimony at the hearing to determine if the animal specified in the complaint is a dangerous or vicious animal and should be destroyed if serious bodily injury occurs and the court orders it, or registered as a dangerous animal for the protection of the public health, safety, and welfare, the chief of police or his designee must find the following facts true:
- (1.) The animal is a dangerous animal;
 - (2.) The registration of a dangerous animal is necessary to preserve the public health, safety, and welfare of the community.
- (d.) A person commits an offense if he knowingly possesses and fails to release to the city animal control officer or a veterinarian, as approved by the animal control authority, an animal that has been charged by sworn complaint as provided in paragraph (b) of this ordinance, and whose destruction or removal has been ordered by the chief of police or his designee; provided that such destruction or removal order has not been appealed.

- (e.) Any animal that has been determined to be dangerous shall have inserted into the animal a micro-chip by a licensed veterinarian within ten (10) days from the order of the chief of police or a judge's affirmation or modification of the chief of police original order if appealed. The alphanumeric combination code contained in the microchip shall be provided to animal services. The owner of the animal shall assume all responsibility for micro-chipping their animal, including all costs.

Section 15: Dangerous Animal – Registration

If an animal is declared dangerous, the owner must confine the animal in a veterinary clinic whose facility is located within the city limits of Terrell or animal control facility, pending registration of the animal, and must adhere to each of the following requirements:

- (a.) Register the animal with the city animal control authority within thirty (30) calendar days by:
 - (1.) Paying an annual registration fee established by City Council.
 - (2.) Presenting proof of current rabies vaccination.
 - (3.) Restrain the dangerous animal at all times on a leash or in a secure enclosure as described herein.
 - (4.) Providing proof of liability insurance or showing financial responsibility in a single-incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury or death of any person or persons, or for damage to property owned by any person which may result from the ownership of such animal.
 - (5.) Complying with all regulations, requirements or restrictions.
- (b.) The animal control authority shall provide to the owner registering a dangerous animal a registration tag, which the owner must attach to the animal's collar, which the animal must wear at all times.
- (c.) All dangerous animals shall be securely confined in a secure enclosure, except when leashed as provided herein.
- (d.) No person shall permit a dangerous animal to go outside its secure enclosure unless such animal is securely leashed with a leash no longer than six feet (6'). 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, buildings, etc.

- (e.) 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 inches (12”) by twelve inches (12”) and shall not exceed eighteen inches (18”) by twenty-four inches (24”) in size. In addition, a similar sign shall be posted on the kennel or pen of such animal.
- (f.) 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.
- (g.) A registration fee established by City Council shall be paid by owner, upon which the animal control authority shall issue a new registration tag to be placed on the dangerous animal’s collar.
- (h.) An owner of a dangerous animal shall notify the police department of any attack the animal makes on any person or any animal.
- (i.) If the owner of an animal declared to be dangerous under this chapter fails to comply with the ownership requirements listed above, the owner or harbinger may be given written notice that if the animal is not surrendered to the animal control authority for impoundment within six (6) calendar days, then the animal will be destroyed during an attempt to impound, if impoundment cannot be made with safety, wherever the impoundment is attempted. A written notice left at the entrance to the premises where the dangerous animal is harbored will be considered valid notice under this chapter.

Section 16: Restraint

It shall be unlawful, for any owner or person to allow an animal to be “at-large”. All animals shall be kept under restraint. It shall be a defense to the “six-foot length” restriction under the definition “at-large” if the animal is participating in an organized training or demonstration event. Under those circumstances a leash or chain of sufficient strength and length to control the animal’s actions must restrain the animal.

Section 17: Impoundment of Animals

- (a.) The animal control authority or any police officer may take up and impound any animal found at large 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 such impoundment or after obtaining owner information.
- (b.) If an attempt is made to impound a dangerous animal from the premises of the owner or harbinger and the impoundment cannot be made with safety, the owner or

harborer will be given twenty-four (24) hour notice that if the said animal is not surrendered to the animal control division for impoundment within said twenty-four (24) hour period, then the animal may be destroyed during an attempt to impound, if the impoundment cannot be made with safety, wherever the impoundment is attempted. Notice under this section shall be in writing. A written notice left at the entrance to the premise where the dangerous animal is harbored will be considered valid under this section. If impoundment of a dangerous animal is being attempted 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 harborer.

- (c.) The owner, keeper, or harborer of any animal impounded under this section may redeem it within five (5) days by payment of applicable impounding fees and boarding fees as established by City Council. This does not apply to dangerous animals.
- (d.) Any individual may adopt a dog or cat from the animal shelter under the following conditions:
 - (1.) The animal has been classified as adoptable by the supervisor of animal control;
 - (2.) The prospective adopter obtains all necessary vaccinations and registrations;
 - (3.) All adoption fees will need to be paid before leaving the animal control shelter. The animal will be transported to a local veterinarian within the city limits of Terrell to receive vaccinations. The adopted animal must be sterilized if the animal is over six (6) months of age. The owner must sign an agreement that he/she will comply with the sterilization requirement. The animal control office will supply a form to the veterinarian to sign verifying the above.
- (e.) Any owner or person redeeming an animal from the animal control authority must have the animal registered prior to release. If the animal has not been vaccinated for rabies, the animal control officer will transfer the animal to the veterinarian of choice within the city limits of Terrell.
- (f.) All impounded animals not redeemed within five (5) days may be destroyed in a humane manner or sold by the animal control authority. No animal may be knowingly sold, or otherwise disposed of, for research purposes.
- (g.) Any owner or person redeeming an unsterilized animal from the animal control authority for the fourth time within any twelve-consecutive-month period must have the animal sterilized within thirty (30) days of the date the animal was

released from the shelter. Proof of said sterilization must be provided to the animal control authority within ten (10) days of compliance.

Section 19 Kennels, Pet Shops, or Commercial Breeders

Kennels, pet shops, and/or commercial breeders will only be allowed in appropriately zoned areas as established in the City of Terrell Zoning Ordinance, Terrell Code of Ordinances Chapter 13.

(a.) Facilities generally.

- (1.) *Structural strength.* Housing facilities for dogs or cats in a pet shop or kennel shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- (2.) *Water and electrical power.* Reliable and adequate electric power if required to comply with other sections of this article, and adequate potable water shall be available.
- (3.) *Storage.* Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.
- (4.) *Waste disposal.* Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.
- (5.) *Washrooms and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

(b.) Indoor facilities.

- (1.) *Heating.* Indoor housing facilities for dogs or cats in a kennel or pet shop shall be sufficiently heated when necessary to protect the dogs or cats from cold and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50 degrees Fahrenheit for dogs and cats not acclimated to lower temperatures.
- (2.) *Ventilation.* Indoors housing facilities for dogs or cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation,

such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.

- (3.) *Lighting.* Indoor housing facilities for dogs or cats shall have ample light, by natural or artificial means or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the dogs or cats from excessive illumination.
- (4.) *Indoor surfaces.* The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.
- (5.) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used; they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

(c.) Outdoor facilities.

- (1.) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to all dogs and cats kept outdoors at a kennel or pet shop to protect themselves from the direct rays of the sun.
- (2.) *Shelter from rain or snow.* Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
- (3.) *Shelter from cold weather.* Shelter shall be provided all dogs and cats kept outdoors when the atmospheric temperature falls below 50 degree Fahrenheit. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which a dog or cat is acclimated.
- (4.) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water.

(d.) Primary enclosures.

All primary enclosures for dogs and cats at a kennel or pet shop shall conform to the following:

- (1.) *Requirements for primary enclosures for dogs and cats.* Requirements for primary enclosures for dogs and cats shall be as follows:
 - (a.) Primary enclosures shall be structurally sound and maintained in good repair to protect the dogs and cats from injury, to contain them, and to keep predators out.
 - (b.) Primary enclosures shall be constructed and maintained as to enable the dogs and cats to remain dry and clean.
 - (c.) Primary enclosures shall be constructed and maintained so that the dogs and cats contained therein have convenient access to clean food and water as required in this article.
 - (d.) The floors of the primary enclosures shall be constructed so as to protect the dogs' and cats' feet and legs from injury.
- (2.) *Additional requirements for primary enclosures housing cats.* Additional requirements for primary enclosures housing cats shall be as follows:
 - (a.) In all enclosures having a solid floor, a receptacle containing sufficient clean litter shall be provided to contain excreta.
 - (b.) Each primary enclosure shall be provided with a solid resting surface which, in the aggregate, shall be of adequate size to comfortably hold all occupants of the primary enclosure at the time. Such resting surface shall be elevated in a primary enclosure housing two or more cats.
- (3.) *Space requirements.* Space requirements shall be as follows:
 - (a.) *Dogs and cats.* Primary enclosures shall be constructed and maintained so as to provide sufficient space to allow each dog and cat to turn about freely and to easily stand, sit, and lie in a comfortable, normal position.
 - (b.) *Dogs.* Space requirements for dogs shall be as follows:
 - (1.) In addition to subsection 3(a) of this section, each dog housed in any primary enclosure shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, expressed in square feet. Not more than 12 adult nonconditioned dogs shall be housed in the same primary enclosure.

(2.) If doghouses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs or any other objects. Such chains shall be of a type commonly used for the size of the dog involved and shall be attached to the dog by means of a fitted collar. Such chains shall be at least three times the length of the dog, as measured from the tip of its nose to the base of its tail, and shall allow the dog convenient access to the doghouse.

(c.) *Cats.* In addition to subsection 3(a) of this section, each adult cat shall be housed in a minimum of 2 ½ square feet of floor space. Not more than 12 adult nonconditioned cats shall be housed in the same primary enclosure.

(e.) Feeding.

(1.) Dogs and cats at a kennel or pet shop shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination and shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the dog or cat.

(2.) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be sanitized at least once every two weeks. Disposable food receptacles may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration, or caking of feed.

(f.) Watering.

If potable water is not accessible to the dogs and cats at all times at a kennel or pet shop, potable liquids shall be offered to such animals at least twice daily for periods of not less than one hour, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be kept clean and shall be sanitized at least once every two weeks.

(g.) Sanitation

(1.) *Cleaning of primary enclosures.* Excreta shall be removed from primary enclosures at a kennel or pet shop as often as necessary to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning

a primary enclosure commonly known as a cage, any dog contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

(2.) *Sanitation of primary enclosures.* Sanitation of primary enclosures shall be as follows:

(a.) Prior to the introduction of nonconditioned dogs or cats into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided in subsection (2)(c) of this section.

(b.) Primary enclosures for dogs or cats shall be sanitized often enough to prevent an accumulation of debris or excreta or a disease hazard; provided, however, that such enclosures shall be sanitized at least once every two (2) weeks in the manner provided in subsection (2)(c) of this section.

(c.) Cages, rooms, and hard-surfaced pens or runs shall be sanitized by washing them with hot water 180 degrees Fahrenheit and soap or detergent, as in a mechanical cage washer, or by washing all solid surfaces with a detergent solution followed by a safe and effective disinfectant or by cleaning all soiled surfaces with live steam. Pens or runs using gravel, sand, or dirt shall be sanitized by removing the soiled gravel, sand, or dirt and replacing it as necessary.

(3.) *Housekeeping.* Premises, including building and grounds, shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this article. Premises shall remain free from accumulations of trash.

(4.) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

(h.) Employees.

A sufficient number of employees at a kennel or pet shop shall be utilized to maintain the prescribed level of husbandry practices set forth in this article. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

(i.) Classification and separation.

Animals housed in the same primary enclosure at a kennel or pet shop shall be maintained in compatible groups, with the following additional restrictions:

- (1.) Females in season (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.
 - (2.) Any dog or cat exhibiting a vicious disposition shall be housed individually in a primary enclosure.
 - (3.) Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies.
 - (4.) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animal.
 - (5.) Dogs or cats under quarantine or treatment for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease.
- (j.) Veterinary care.
- (1.) Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained at a kennel or pet shop under the supervision and assistance of a doctor of veterinary medicine.
 - (2.) Each dog and cat shall be observed daily by the animal caretaker in charge or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or humanely disposed of, unless such action is inconsistent with the research purposes for which such animal was obtained and is being held; provided, however, that this subsection shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased.
 - (3.) Research facilities shall comply with the following:
 - (a.) The program of adequate veterinary care at a research facility shall include the appropriate use of anesthetic, analgesic, or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian at the research facility. The use of these three classes of drugs shall be in accordance with the currently accepted veterinary medical practice as cited in appropriate professional journals or reference guides which shall produce in the individual subject animal a high level of

tranquilization, anesthesia, or analgesia consistent with the protocol or design of the experiment.

- (b.) It shall be incumbent upon each research facility, through its animal care committee and/or attending veterinarian, to provide guidelines and consultation to research personnel with respect to the type and amount of tranquilizers, anesthetics, or analgesics recommended as being appropriate for each species of animal used by that institution.
- (c.) The use of these three classes of drugs shall effectively minimize the pain and discomfort of the animals while under experimentation.

Section 19: Dangerous Wild or Prohibited Animals

- (a.) No owner shall keep or permit to be kept on his premises or premises under his control any dangerous wild or prohibited animals for sale display, or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.
- (b.) No person shall keep or permit to be kept any dangerous wild or prohibited animal as a pet.
- (c.) The police department may issue temporary approval for keeping, care, and protection of an injured, newborn, or immature animal native to this area which it deems to be incapable of caring for itself.

Section 20: Bees

- (a.) It shall be unlawful to keep bees in any area of the city except in those areas where the bee hives will be located at least two hundred feet (200') or more from the nearest dwelling other than the dwelling of the owner of the bees.
- (b.) It shall be unlawful to keep bees, regardless of the above limitation, in such numbers that they congregate in excessive numbers on property; other than that of the owner of the bees, in such a way as to interfere with the peaceful occupancy of such other property.
- (c.) It shall be unlawful for any owner, person, or beekeeper to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.
- (d.) The following requirements must be satisfied in order to keep bees:

- (1.) *Hives.* All bee colonies shall be kept in “Lagstroth” type hives with removable frames, which shall be kept in sound and useable condition; and
- (2.) *Fencing and Flyways.* In each instance no colony may be situated within two hundred feet (200’) of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line. The beekeeper shall establish and maintain a flyway barrier at least six feet (6’) in height consisting of a solid wall, fence, dense vegetation; or combination thereof that is parallel to the property line and extends ten feet (10’) beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet (6’) above the ground level over the property lines in the vicinity of the apiary. It is a defense to prosecution under this section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least one hundred feet (100’) from the property line of the apiary tract. Every apiary shall be continuously protected by an enclosure surrounding the apiary in such a manner to make the apiary reasonably inaccessible to small children or animals. An enclosure shall be a fence, wall, or building not less than four feet (4’) in height with no openings, holes, or gaps larger than four inches (4”) measured in any direction except that measurement for a picket fence shall be measured horizontally between members. All gates and doors opening directly into such an enclosure shall be equipped with self-closing and self-latching devices designed to keep, and capable of keeping, such doors or gates securely closed. The latching devices shall be attached to the gate or door not less than thirty-six inches (36”) above the grade or the floor. The doors of any building forming any part of the required enclosure need not be so equipped; and
- (3.) *Water.* Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregated at swimming pools, bibcocks, pet watering bowls, bird baths, or other water sources where they may cause human, bird, or domestic pet contact; and
- (4.) *General Maintenance.* Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee proof enclosure; and
- (5.) *Queens.* In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly “requeen” the colony. Queens shall be

selected from stock, bred for gentleness, and nonswarming characteristics;
and

(6.) *Colony densities:*

(a.) It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size of the tract on which the apiary is situated:

- (1.) One-half (1/2) acres or less tract size – two (2) colonies;
- (2.) Larger than one-half (1/2) acres – four (4) colonies.

(b.) For each two (2) colonies authorized under colony densities there may be maintained upon the same tract one (1) nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths-inch depth ten-frame hive body with no supers attached as required from time to time for managements of swarms. Each nucleus colony shall be disposed of or combined with a colony within thirty (30) days after the date it is acquired; and

(7.) *Making hives.* The name, address, and telephone number(s) (both day and night numbers) of the owner or beekeeper shall be branded, painted, or otherwise clearly marked upon the structure of each hive; and

(8.) *Inspection.* The animal control authority or the chief of police shall have the right to inspect any apiary at any reasonable time. Where practicable, prior notice should be given to the owner, beekeeper, or the hives to be inspected; and

(9.) *Compliance.* The animal control authority or the chief of police, upon determination that any colony situated within the city is not being kept in compliance with this section, may order the bees to be removed from the city or destroyed.

Section 21: Livestock

(a.) No person shall engage in keeping livestock within the corporate limits of the city, except in conformance with and in districts zoned by the comprehensive zoning ordinance of the city as estate development, agriculture, or working farms and ranches.

(b.) It is an affirmative defense to subsection (a) above that the animal is a potbellied pig, which meets the requirements set forth in subsection (c) below.

(c.) Requirements for keeping potbellied pigs:

- (1.) It shall be unlawful for any person to keep, harbor, or raise more than two (2) adult potbellied pigs in any one (1) location within the city. In order for a potbellied pig to be considered an adult potbellied pig, the potbellied pig must be at least six (6) months of age. A person may not keep in excess of two (2) potbellied pigs in any one (1) location within the city if the pigs in excess of two (2) potbellied pigs are nonadult potbellied pigs, but under no set of circumstances may such nonadult potbellied pigs come from more than one (1) litter.
- (2.) All such potbellied pigs shall be kept indoors at all times other than times for evacuation of waste material or during exercise periods.
- (3.) All such potbellied pigs shall receive annual vaccinations for erysipelas. It shall be the responsibility of the owner or harborer of the pig to obtain an annual erysipelas vaccination certificate from a licensed veterinarian which shall include the following information:
 - (a.) Name and address of owner;
 - (b.) Description of the animal;
 - (c.) Date of vaccination;
 - (d.) Tag number; and
 - (e.) Other appropriate information
- (4.) It shall be unlawful for any person to own, keep, or harbor any potbellied pig within the city, unless a current registration permit has been issued for such animal in accordance with this section.
- (5.) The owner or harborer of any potbellied pig within the city shall make application to the chief of police of the city or his representative for a registration permit for such animal. Such application shall contain information on the potbellied pig's description, and name, address, and telephone number of the owner, keeper, or harborer. The owner, keeper, or harborer shall also present to the chief of police of the city or his representative a current certificate of vaccination issued for such potbellied pig in compliance with subsection (3) hereof.
- (6.) A fee as shall be established by City Council shall accompany the application described in this section.
- (7.) Upon owner or harborer's compliance with the above provisions of this section, the chief of police or his representative shall register the potbellied pig and issue a metal registration tag.

- (8.) Registration shall be valid for one (1) year from the date of registration.
- (9.) Should the potbellied pig die or be moved or acquire a new owner or harborer, it shall be the owner's or harborer's duty to inform the animal control officer. In the event the potbellied pig is acquired by a new owner or harborer, said new owner or harborer shall be required to register the potbellied pig in accordance with the provisions of this section.
- (10.) All male potbellied pigs over the age of four (4) weeks that are kept within the city shall be neutered, which if applicable shall so be stated on the application for registration permit required hereunder.
- (11.) For purposes of this section, the term "potbellied pig" shall mean a variety of swine no more than eighteen inches (18") in height at shoulder level when full grown and meeting the standards of the North American Potbelly Pig Association. Under no circumstances shall any swine be considered a potbellied pig if its weight exceeds ninety-five (95) pounds.
- (d.) It shall be unlawful to own or keep chickens, ducks, turkeys, geese, peacocks, or guineas within the corporate limits of the city, except in agricultural zoned districts, lakes, and public parklands.
- (e.) It shall be unlawful to own or keep more than two (2) rabbits or more than two (2) pigeons over the age of six (6) months in residential zoned districts.

Section 22: Protection of Animals

- (a.) Chickens or ducklings younger than eight (8) weeks of age may not be sold in quantities of less than ten (10) to a single purchaser.
- (b.) No person shall give away, or auction any animal as a prize for, or as an inducement to enter any contest, game, or competition, or as an inducement to enter a place of amusement, or offer such animal as an incentive to enter into any business establishment whereby the offer was for the purpose of attracting trade.
- (c.) No person shall knowingly expose any known poisonous substance, whether mixed with food or not, so that the same may be eaten by any pet or domestic animal.
- (d.) No owner or person shall:
 - (1.) Deprive an animal of sufficient good and wholesome food or water, adequate shelter and protection from weather, veterinary care (when needed to prevent suffering), and human care and treatment; or

- (2.) Beat, cruelly ill-treat, torment, mentally abuse, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dog fight, cock fight, bullfight, or other combat between animals or between animals and humans; or
 - (3.) Abandon any animal in their custody.
- (e.) No owner or person shall transport or carry on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unenclosed vehicle (including, but not limited to, convertibles, pickup trucks, jeeps, and flatbed trucks), the animal shall be confined by a vented container or cage, by chain, rope, or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.
 - (f.) No owner or person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety, or welfare. Any animal control officer or police officer is authorized to use reasonable force, including the breaking of a side window, to remove animal from a vehicle whenever it appears the animal's health, safety, or welfare is or soon will be endangered, and said animal shall be impounded.
 - (g.) The animal control authority shall liberally utilize the authority granted by section 821.022 of the Texas Health and Safety Code to seize and impound any animal, if the animal control authority has reason to believe that an animal has been or is being cruelly treated, pending a hearing before the municipal court on the issues of cruelty and disposition of the animal. Seizure of the subject animal prior to receiving a warrant is hereby authorized if such a delay endangers the life or if it would unreasonably prolong the suffering of the subject animal requiring immediate veterinary care.
 - (h.) No owner or person shall sell, trade, barter, lease, rent, give away, or display for a commercial purpose, any live animal, on any roadside, public right-of-way, commercial parking lot, or any flea market.

Section 23: Public Nuisances

- (a.) It shall be unlawful and constitute a public nuisance for any person to maintain any animal or fowl in such a manner or allow any pen, enclosure, yard, or similar place used for the keeping of animals or fowl to become unsanitary, offensive by reason of odor, or create a condition that is a breeding place for fleas, flies or other vector and which is offensive to persons of ordinary sensibilities residing in the vicinity thereof or is determined to be a public nuisance by the animal control authority.

- (b.) It shall be unlawful and constitute a public nuisance for any person to maintain any animal which: repeatedly roams at large in violation of this chapter on public or private property; attacks another animal(s); or damages public or private property.
- (c.) Animals defecating and urinating in certain places prohibited removal of excreta.
 - (1.) Prohibited. It shall be unlawful for the person controlling to permit, either willfully or through failure to exercise due care or control, any dog or animal to urinate or defecate upon the sidewalk or parkway of any public street, or upon the floor of any common hall in any entranceway, stairway, or wall immediately abutting on a public office building or other buildings used in common by the public or upon the floor, stairway, entranceway, office, lobby, foyer, or patio used in common by the public. For the purpose of this section, the term “parkway” shall mean the portion of a public street other than a roadway or a sidewalk.
 - (2.) Removal of excreta. It shall be unlawful and an offense for any person to fail to promptly remove and dispose of, in a sanitary manner, feces left by a dog, cat, or other animal being handled or controlled by the person upon public works, parks, recreation areas, sidewalks, parkways, or public streets or any other public areas specified in subsection (1) of this section, or upon any private property other than the premises of the owner, handler, or controller of such animal.
- (d.) It shall be unlawful and constitute a public nuisance to keep any animal which, by causing frequent or long continued barking, howling, crowing, meowing, or other noise, shall disturb any person or ordinary sensibilities residing in the vicinity of the premise where the animal is kept, housed, or harbored.
- (e.) It shall be unlawful and constitute a public nuisance for the owner of any animal to allow any excreta deposited by his animal to remain on public or private property. Any condition injurious to public health caused by the lack of or improper disposal of animal waste will be considered a violation of this section.
- (f.) It shall be unlawful for any owner or person to allow any animal to remain a public nuisance as defined herein.
- (g.) The police department and the animal control offices shall have concurrent and joint authority for enforcement of this section. Whenever any person shall complain to the police department or animal control officer that an animal which habitually howls, barks, yelps, or crows is being kept by any person in the city, the police department or animal control officer shall notify the owner of the animal that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, barking, yelping, or crowing. If the unlawful act continues after such notification and upon the filing in

municipal court of a complaint charging the person with the violation, such complaint being supported by affidavits attesting to the facts and alleging the violation from then such person will be subject to criminal sanctions as set forth in this chapter. Nothing contained in this chapter shall restrict or prevent the issuance of a notice of violation by the police department, any peace officer, or the animal control officer upon personal observance of or hearing of such animal in violation.

- (h.) It shall be unlawful for any person to permit the carcass of any dead animal to be, or remain, upon any property under his control for more than twenty-four (24) hours after the death of the animal.

Section 24: 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 illegal. 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.
- (b.) No person shall remove, alter, damage, or otherwise tamper with a trap or equipment set out by the animal control authority.

Section 25: Ferrets

- (a.) It shall be unlawful for any person to own, keep, or harbor any ferret within the city, unless a current registration permit has been issued for such ferret in accordance with this section.
- (b.) The owner, keeper, or harbinger of any ferret within the city shall make application to the chief of police or his representative for a registration permit for such ferret. Such application shall contain information on the ferret's description, date of vaccination, and name, address, and telephone number of the owner, keeper, or harbinger. The owner, keeper, or harbinger shall also present to the chief of police or his representative a current certificate of vaccination issued for such ferret in accordance with Section 10.
- (c.) A fee as shall be established by city council shall accompany the application described in this section.
- (d.) Upon the owner's compliance with the above provisions of this section the chief of police or his representative shall register the ferret and issue a metal registration tag, which shall be attached to the ferret's collar, and which shall be worn by the ferret at all times.
- (e.) Registration shall be valid for one (1) year from the date of issue.

- (f.) If a permit tag issued under this section is lost or stolen, it may be replaced by payment of the appropriate fee established by City Council and presentation of the registration permit. If the tag and registration permit are both misplaced or stolen, a new permit must be purchased at the regular fee as set out above.
- (g.) Any false statement in a rabies certification, or application for a permit under this section, shall render null and void the permit issued for such ferret and shall subject such ferret to being impounded in accordance with the provisions of this chapter.
- (h.) Any ferret suspected of biting a person shall be placed under quarantine to determine if the animal is capable of transmitting or exposing humans and/or other animals to rabies or be humanely euthanized and appropriately tested for rabies. The quarantine period for ferrets shall be for a period of not less than ten (10) days after the biting of such person. The place of quarantine shall be at the animal shelter or in quarters supervised by a veterinarian for the period of the quarantine and shall not be allowed to be quarantined on the owner's premise.
- (i.) It shall be unlawful to have a ferret in a public place unless it is kept in an adequate enclosure or on a leash no greater than six feet (6') in length to control the action of such animal.
- (j.) It shall be unlawful for any person to own, keep, or harbor within the city any ferret, which has not been neutered.

Section 26: Enforcement

- (a.) Representatives of the police department shall enforce the provisions of this chapter. The police officer and animal control officer 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 a police officer or an animal control officer in the performance of his duties as prescribed by this chapter.
- (c.) Police officers and animal control officers have the right to pursue and apprehend animals running at large onto private property while enforcing the provisions of this chapter.
- (d.) An animal control officer shall have the authority to issue citations for any violation of this chapter. If the person cited is not present, the animal control officer may send the citation to the alleged offender by registered or certified mail.

Section II.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense and each and everyday such offense shall continue shall be deemed to constitute a separate offense.

Section III.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section IV.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and section of this Ordinance, since the same would have been enacted by such unconstitutional phrase, clause, sentence, paragraph, or section.

Section V.

This Ordinance will take effect immediately from and after its passage and the publication of the caption as the law in such cases provided.

PASSED AND APPROVED on first reading this the ____ day of _____, 2002.
PASSED AND ADOPTED on second reading this the ____ day of _____, 2002.

Henry C. Madgwick, Sr., Mayor

Attest:

John Rounsavall, City Secretary

Approved as to form:’

Mary Gayle Ramsey, City Attorney