

ORDINANCE 100331

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUE RIDGE, TEXAS, REPEALING ORDINANCE # 2001-0807, ENTITLED IN ITS ENTIRETY AND REPLACING IT WITH A NEW ORDINANCE # 100331, ENTITLED "ANIMALS"; PROVIDING DEFINITIONS; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ANIMAL CONTROL CODE; PROVIDING A LIMITATION ON THE NUMBER OF ANIMALS; PROHIBITING ANIMALS RUNNING AT LARGE; PRESCRIBING CONDITIONS CONSTITUTING PUBLIC NUISANCES; ESTABLISHING ANIMAL CARE GUIDELINES; PROHIBITING CRUELTY TO ANIMALS; PROHIBITING THE SELLING OR KEEPING OF CERTAIN ANIMALS; PROVIDING FOR REGISTRATION OF DOGS AND CATS; PROVIDING REGULATION FOR LIVESTOCK, FERRETS, REPTILES, FOWL AND RABBITS; PROHIBITING VICIOUS ANIMALS; PROVIDING NOTIFICATION AND APPEAL OF A VICIOUS ANIMAL DESIGNATION; PROVIDING REGULATION FOR DANGEROUS ANIMALS; PROVIDING REGULATION FOR RABIES CONTROL AND VACCINATION; PROVIDING FOR THE QUARANTINE OF ANIMALS; PROVIDING FOR THE IMPOUNDMENT OF ANIMALS; PROVIDING PENALTIES, BY PROVIDING FOR ANIMAL CONTROL FEES INCLUDING DAILY HANDLING FEE, PET REGISTRATION FEE; DANGEROUS DOG REGISTRATION FEE; LIVESTOCK PERMIT FEE; QUARANTINE FEE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, pursuant to section 826.015 of the Texas Health and Safety Code the City Council of the City of Blue Ridge, Texas, has the authority to adopt ordinances or rules that establish a local rabies control program within the City, and establish local standards that apply to such a program; and

WHEREAS, pursuant to section 826.033(a)(1)-(5) of the Texas Health and Safety Code the City Council of the City of Blue Ridge, Texas, may adopt an ordinance which requires each dog or cat be restrained by its owner; provides that each stray dog or cat be declared a public nuisance; that each unrestrained dog or cat be detained or impounded by the local rabies control authority or that officer's designee; that each stray dog or cat be impounded for a period set by ordinance or rule; and that a humane disposition be made of each unclaimed stray dog or cat on the expiration of the required impoundment period; and

WHEREAS, pursuant to section 826.033(c) of the Texas Health and Safety Code the City Council of the City of Blue Ridge, Texas, may adopt an ordinance setting a fee for the impoundment and board of a dog or cat during the impoundment period, and that the animal's owner must pay the fee before the animal may be released; and

WHEREAS, the City Council of the City of Blue Ridge, Texas, has determined that the following regulation is necessary in order to protect public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUE RIDGE, TEXAS:

Section 1. FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

ARTICLE I. IN GENERAL

Sec. 1. DEFINITIONS

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning:

ABANDON. Leaving an animal in any place without providing reasonable and necessary care including, but not limited to, air, food, water, or protection from heat, cold, or other elements of nature.

ANIMAL. Any living creature, including but not limited to: dogs, cats, pigs, cows, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.

ANIMAL CONTROL AUTHORITY. Any person or persons designated by the Council to enforce the provisions of this chapter.

ANIMAL CONTROL OFFICER. Any person designated by the Council to enforce the provisions of this chapter.

ANIMAL SHELTER. A facility contracted by the city for the purpose of impounding and caring for animals held under the authority of this chapter.

DANGEROUS ANIMALS:

- (1) Any animal which, without provocation, inflicts bites on or attacks a human being or domesticated animal on either public or private property; or
- (2) Any animal which, in a vicious or terrorizing manner, approaches a human being in an apparent attitude of attack upon the streets, sidewalks, or any public or private grounds or places; or
- (3) Any animal with a known propensity, tendency or disposition to attack without provocation, which causes injury or otherwise threatens or endangers the safety of a human being or a domesticated animal; or
- (4) Any animal suspected of being a dangerous animal if the owner, keeper or harbinger of such animal fails or refuses to make such animal available for inspection to an Animal Control Officer; or
- (5) Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting; or
- (6) Any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or to bite human beings or domesticated animals.

DANGEROUS PROPENSITIES. Any one, or a combination, of the animal behaviors of biting, snarling, charging aggressively toward a person or another animal, growling with curled lips, popping of teeth, or barking with raised hackles.

DOG. A domesticated member of the family canidae, but shall not include a wolf, jackal, coyote, fox, or other Wild Animal of this family or hybrid thereof.

EXOTIC ANIMALS. Non-native species of animal including, but not limited to, nonpoisonous reptiles which, when mature are over six (6) feet in length, ostriches, any member of the Ratite family or exotic livestock as defined by the state animal health commission.

FOWL. All of those birds commonly called poultry including, but not limited to, chickens, ducks, geese, guinea fowl, turkeys, pigeons and all the relatives of those birds which can be in pens, coops, cages or enclosures of any kind.

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

HUMANELY EUTHANIZED. To cause the death of an animal by a method which:

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

HUMANE TRAP. A box cage for catching animals in a humane manner.

LARGE LIVESTOCK. Horses, mules, donkeys, cattle, goats, sheep and swine regardless of age, sex, size or breed, but does not include the pot-bellied pig, miniature horse, or pygmy goats.

MINIATURE LIVESTOCK. Swine or goats that have been specifically bred to be significantly smaller at maturity than all other breeds of similar animals. Miniature livestock includes, but is not limited to, pot-bellied pigs, pygmy goats and miniature horses.

OWNER. 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.

PERSON. Any individual, firm, association, partnership, or corporation.

PET ANIMAL. Dogs, cats, ferrets, rabbits, rodents, birds, reptiles and any other species of animal that are sold or retained as household pets but shall not include any species of dangerous animal.

RABIES VACCINATION. An injection of United States Department of Agriculture approved rabies vaccine administered every 12 or 36 months under the direct supervision of a licensed veterinarian.

RESIDENCE. A dwelling, intended to be inhabited by human beings.

RESTRAINT or RESTRAINED means secured by a leash, lead, cord, chain, extendable leash, or rope six (6) feet or less in length and held by the owner or handler; or secured within a kennel or pen within the fenced real property limits of its owner, and may not come any closer than six (6) feet to a public walkway or sidewalk when the restraint lead is stretched to full length.

RUNNING AT LARGE or RUN AT LARGE means:

- (1) *Off Premises.* Any animal which is not restrained by means of a leash or chain of sufficient strength and not more than fifteen (15) feet in length to control the actions of such animal while off the owner's property unless on an extendable leash under the owner's control; and
- (2) *On Premises.* Any animal not confined on the premises of owner or handler by a substantial fence of sufficient strength and height to prevent the animal from escaping.

SECURE ENCLOSURE. A house or a building, or in the case of a Dangerous Animal being kept outdoors, the kennel/pen shall include a roof which is fastened to all vertical walls, which are submerged in a subpervious material. The kennel/pen must be at least six (6) feet in height and have the minimum dimensions of five (5) feet by ten (10) feet. The kennel/pen must form an enclosure suitable to prevent entry of young children, and must be locked and secured such that an animal cannot climb, dig, jump, or

otherwise escape of its own volition. The enclosure shall be securely locked at all times. The kennel/pen will provide protection from the elements and allow for daily removal of waste as approved by the Animal Control Supervisor or designee.

SPAY/NEUTER. The surgical removal of the reproductive organs of a dog or cat to render the animal unable to reproduce.

VETERINARIAN. A doctor of veterinary medicine who holds a valid license to practice his profession in the state.

VICIOUS ANIMAL shall have the same meaning as “*DANGEROUS ANIMAL*”.

WILD ANIMALS. Any poisonous or dangerous reptile or any other animal which can normally be found in the wild state or not normally capable of being domesticated including, but not limited to:

- (1) *Reptiles:* alligators, crocodiles, or venomous reptiles;
- (2) *Birds:* emus, ostriches, rheas;
- (3) *Mammals:* baboons, badgers, bats, bears, bobcats, caracals, cheetahs, chimpanzees, cougars, coyotes, dingoes, elephants, foxes, gorillas, jackals, jaguars, hyenas, leopards, lions, lynx monkeys (nonhuman primates), martins, minks, ocelots, orangutans, pandas, panthers, raccoons, servals, skunks, tigers, weasels, wolves,
- (4) *Marsupials:* kangaroos, kinkajous;
- (5) *Hybrids:* any hybrid of any animals including the offspring of domesticated canine and wild canine cross-breeds such as coyote or wolf hybrids. This shall apply regardless of duration of captivity; and
- (6) any species of animal illegal to own under federal or state law, and any animal which is, or may be hereafter, listed as a “high risk” animal in the Texas Rabies Control Act.

Sec. 2 AUTHORITY TO ENFORCE

- (a) The Animal Control or designee is designated as the Local Rabies Control Authority for the purposes of Chapter 826 of the Texas Health and Safety Code, as amended. The Local Rabies Control Authority shall enforce:
 - (1) the Rabies Control Act of 1981, chapter 826 of the Texas Health and Safety Code, as amended, and the rules adopted by the Texas Board of Health that comprise the minimum standards for rabies control;
 - (2) The ordinances and rules of the City; and
 - (3) The rules adopted by the Texas Board of Health under the area rabies quarantine provisions of section 826.045 of the Texas Health and Safety Code, as amended.
- (b) Any Animal Control Officer of the city shall have the authority to issue citations for any violation of this chapter and any other power or duty stated within the terms of this chapter.
- (c) It shall be unlawful for any person to interfere with any Animal Control Officer in the performance of his duties.
- (d) For purposes of discharging duties imposed by the provisions of this chapter, or other applicable laws, and to enforce the same, the Animal Control Officer may enter upon private property to the full extent permitted by law, which shall include, but not limited to, entry upon private property,

except dwellings located thereon, when in pursuit of any animal which he has reason to believe is subject to impoundment pursuant to the provisions of this chapter or other applicable laws.

- (e) Any Animal Control Officer shall have the authority to humanely euthanize and/or destroy any animal in accordance with the provisions of this chapter.

Sec. 3 LIMITATION OF NUMBER OF ANIMALS

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
Adult animal means any animal which is more than six (6) months of age.
Litter means one or more newborn animal(s) under six (6) months of age.
- (b) It shall be unlawful for any residence to keep within the city, in any residential district, more than four (4) adult domesticated animals on a residential lot of 10,000 square feet or less; provided, however, that such person may keep one additional adult animal for each additional 5,000 square feet of lot area. The residence shall be permitted to keep one (1) litter only at any given time.

Sec. 4 ANIMALS RUNNING AT LARGE

- (a) It shall be unlawful for any owner of an animal, other than a cat, to cause, permit, suffer or allow the animal to run at large.
- (b) Any Animal Control Officer is authorized to impound such animals running at large, other than a cat, and may impound a cat upon receipt of a complaint that the cat causes a nuisance or hazard to the health or welfare of any person or animal.

Sec. 5 CONDITIONS CONSTITUTING PUBLIC NUISANCES

- (a) A person commits an offense if he knowingly harbors an animal that unreasonably barks, howls, crows or makes other unreasonable noise near a private residence that disturbs the peace and quiet of any person of ordinary sensibility.
- (b) It shall be unlawful for the owner to permit, either willfully or through failure to exercise care and control, any such dog or other domesticated animal to urinate or defecate upon the sidewalk or parkway or any public street, or upon the floor of any common hall in any entranceway, stairway or upon any wall of any public place or building or public park and any private property not his own, and it shall be the responsibility of the owner to remove any animal waste deposited by his animal.
- (c) It shall be unlawful and considered a public nuisance for any person to allow any house, building, business, lot, pen, enclosure, yard or similar place used for the keeping of animals to become unsanitary, offensive by reason of odor, or disagreeable to persons of ordinary sensibilities residing in the vicinity thereof or to the public at large. Any condition injurious to public health caused by improper waste disposal will be considered a violation of this chapter.
- (d) Cats running at large to such a degree that it causes an unreasonable disturbance to a person of ordinary sensibilities is prohibited.
- (e) It shall be unlawful for any person to slaughter, skin or defeather an animal within the city, unless for the purposes of promoting the public health and safety. It shall further be unlawful for any

person to butcher or display the carcass of an animal on residential property within the city whereby it is in the view of the public, except an animal carcass actually cooking over a barbecue pit.

- (f) 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 24 hours after the death of the animal.

Sec. 6 ANIMAL CARE GUIDELINES

- (a) No person shall fail to provide his animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.
- (b) The owner or person in possession of animals shall keep yards, pens, and enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes, or other noxious insects, or, in any manner, to endanger the public health or safety, or create a public nuisance.
- (c) All persons keeping such animals shall comply with the following sanitary regulations:
 1. Manure and droppings shall be removed from pens, yards, cages and other enclosures at a minimum of two (2) times per week and handled or disposed of in such manner as to keep the premises free of any nuisance.
 2. Mound storage of droppings or manure between such removals shall be permitted only under such conditions as to protect against the breeding of flies and to prevent migration of fly larvae (maggots) into the surrounding soil.
 3. The feeding of vegetables, meat scraps, or garbage shall be done only in impervious containers or on an impervious platform.
 4. Watering troughs or tanks shall be provided which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes, or other insects.
 5. No putrescible material shall be allowed to accumulate on the premises, and all such material used to feed which is unconsumed shall be removed and disposed of by burial or other sanitary means.
- (d) It shall be unlawful for a person to use a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object.
- (e) It shall be unlawful for any person to keep a dog within a fenced enclosure in which the fence is in a state of disrepair.

Sec. 7 CRUELTY TO ANIMALS

The following are established for pet and animal care and not intended to contravene with the provisions for animal cruelty as contained in Texas Penal Code 42.09 and 42.092.

- (a) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.
- (b) 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.
- (c) No owner of an animal shall abandon such animal.
- (d) No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal; or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and human beings.
- (e) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner, in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local animal control authority.
- (f) No person shall leave any animal in an unattended motor vehicle.

Sec. 8 CERTAIN ANIMALS PROHIBITED FROM BEING SOLD OR KEPT

- (a) It shall be unlawful for any person to sell, offer for sale, barter, or give away as toys, premiums or novelties, baby chickens, ducklings or other fowl under three (3) weeks old, or rabbits under two (2) months old.
- (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.
- (c) It shall be unlawful to keep and/or sell any wild animals inside the City, unless the owner (or person controlling the animal) has a valid state issued registration of a permit to keep said animal.

**ARTICLE II.
REGISTRATION OF DOGS AND CATS**

Sec. 9 REQUIRED

- (a) No owner shall have within the city any dog or cat four (4) months of age or older unless such dog or cat is currently registered with the Animal Control. Before a city registration tag will be issued, the owner of any dog or cat must present a copy of a certificate from a licensed veterinarian showing that such dog or cat is current with their rabies vaccination. An exception to this proof of vaccination may be made if the owner presents written recommendation from a licensed veterinarian stating that such rabies vaccination would be detrimental to the health of the animal. A current metal registration tag, issued by the Animal Control must be affixed to a collar or harness and must be worn by the dog or cat at all times.

Sec. 10 APPLICATION

- (a) Application for initial issuance or renewals of each registration must be made by the owner in writing or in person, and be accompanied by an established fee.

Sec. 11 DUPLICATE CERTIFICATES

- (a) If the original current metal registration tag is lost or destroyed, the owner may obtain a duplicate registration from the Animal Control.

Sec. 12 EXPIRATION

- (a) A tag shall be valid only for the animal for which it was originally issued. The registration period will be within thirty (30) days following receipt of the rabies vaccination of any dog or cat. The registration and tag will be renewed on an annual basis.

Sec. 13 CHANGE OF OWNERSHIP

- (a) If there is a change in ownership of a registered animal, the new owner shall have the registration transferred to his name. Application for such transfer shall be made to the Animal Control in person or in writing.

Sec. 14 EXEMPT REGISTRATIONS

- (a) Fee-exempted registrations may be issued for the following:
 - (1) Dogs trained to assist the auditory, visually, or other physically impaired persons;
 - (2) Police or Sheriff's department dogs.
- (b) Eligibility for fee-exempted registration does not relieve the owner of his responsibility under other provisions of this chapter.

Sec. 15 REVOCATION

- (a) The Animal Control Authority may refuse to register an animal, or revoke a permit 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 animal as defined in the Texas Penal Code 42.09 and 42.092, inhumane treatment or negligence to an animal; or
 - (2) Conviction of three (3) or more separate and distinct violations of an animal control ordinance of a municipality in the state within any 12-month period.
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Sec. 16 REGISTRATION APPEAL PROCESS

- (a) Any person denied such registration may appeal the decision of the Animal Control Authority by filing a written notice of appeal within ten (10) days of the decision with the municipal court clerk. If a proper appeal is not filed within ten (10) days, the decision of the Animal Control Authority shall then become final.
- (b) If the appeal is properly filed and within ten (10) days of the decision of the Animal Control Authority, the municipal court judge shall uphold or overturn the Animal Control Authority's decision to refuse to issue the registration. At the hearing, all parties shall be given written notice of the hearing and an opportunity to present evidence; the Texas Rules of Evidence shall not apply to the proceeding.

ARTICLE III.
LIVESTOCK, FERRETS, REPTILES, FOWL AND RABBITS

Sec. 17 LIVESTOCK

- (a) It shall be unlawful for any person or corporation to keep livestock on any premises (zoned other than Agriculture) The number of livestock permitted shall not exceed two adults (over six (6) months of age) for the two acres and one (1) adult for each additional acre. The number of livestock less than six (6) months of age and horses (miniature variety), sheep, goats less than 34 inches in height at the withers shall not exceed four (4) for the first two acres and three (3) for each additional acre.
- (b) Any enclosure, pen, corral, or other restrictive area for livestock shall be constructed in such a way and of such material as to ensure containment of such animal or animals.
- (c) It shall be unlawful to erect a structure/building in an area zoned other than agriculture for the housing or keeping of livestock which is within 40 feet of the property boundary line and 100 feet of the residence of any person other than the owner. A ten (10)-foot by twelve (12)-foot stall or enclosure under roof is required for each adult livestock. Offspring may remain with female parent in the same stall or enclosure until six months of age. In addition, there must be at least 2,000 square feet of fenced exercise area/pasture for each adult. Horses (miniature variety), sheep and goats less than 34 inches in height at the withers shall be provided a stall or enclosure minimum four (4) feet by eight (8) feet under roof for each adult and 500 square feet of fenced exercise area/pasture. Fencing must be at least four (4) feet in height, five (5) feet high in the case of breeding capable males. Fencing must be of proper strength to contain livestock and maintained in good repair at all times.
- (d) *Stallions, bulls and rams.* Male livestock capable of breeding must be contained within a stall/paddock. Males may be exercised only under direct adult supervision, age 18 or over, within an exercise area/pasture, provided fencing meets requirements (five (5) feet) and no direct contact may be made with livestock on adjoining properties. No pasture breeding is allowed. Under no circumstances shall breeding-capable males and females, even though they are the property of one (1) owner, be allowed together in an exercise area/pasture.
- (e) The owner or person in possession of livestock shall keep exercise areas/pastures pens stalls and enclosures in which such livestock is confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities, or in any manner to endanger the public health or safety, or create a public nuisance.
 - (1) Manure and waste must be removed from the stall daily. Manure must be either placed in a contained compost receptacle or spread in an area where it will be immediately worked into the soil. Manure in the exercise area/pasture must be removed from the premises or spread once weekly.
 - (2) Watering troughs shall be provided which shall be equipped with adequate facilities for draining the overflow, to prevent the breeding of flies and mosquitoes or other insects.
 - (3) Fly control or a pesticide must be used to protect against the breeding of flies.

(4) Every effort must be made to keep ground cover on the pasture area. Prevention of livestock on this area after rainfall is strongly recommended.

(g) *Licensing of livestock.* Permits for livestock shall be obtained on an annual basis, or any part thereof, as specified in the fee schedule in Appendix A of this Code. Four-H members or FFA projects will not require a paid permit, provided the livestock is certified by a responsible adult within the program as an ongoing project. These permits will be issued free. Permits will be issued for a period of one (1) year and will not be automatically renewed if there have been three violations within the previous 12-month period. In this instance, the applications will be investigated before renewal.

Sec. 18 FERRETS

(a) *Certificate required.* It shall be unlawful to possess, harbor, or keep a ferret at any residential dwelling without obtaining a registration certificate from the Animal Control.

(b) *Application.* The owner, keeper or harbinger of a ferret within the city shall make application for pet registration to the Animal Control, or representative, for a registration of such ferret. Along with the application, the owner, harbinger or keeper shall also present a current certificate for such ferret. Along with the application, the owner, harbinger or keeper shall also present a current certificate of vaccination from a licensed veterinarian issued for such ferret.

(c) *Issuance of registration tag.* Upon the owner's compliance with the provisions of this section, the Animal Control or designee shall register the ferret and issue a metal registration tag, which shall be attached to the ferret's collar, and which shall be worn at all times.

(d) *Replacement registration tag.* If the original registration tag issued under this section is lost or stolen, the owner may obtain a replacement tag by paying a fee established by resolution of the city council and presenting the registration certificate.

(e) *Disposition of biting ferrets.* 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 must be humanely euthanized and sent to the state department of health for rabies testing. The quarantine period for ferrets shall be for a period of not less than ten (10) days after biting such person. The place of quarantine shall be at the animal shelter or in quarters supervised by a licensed veterinarian for the period of the quarantine and shall not be allowed to be quarantined on the owner's premises.

(f) *At large.* It shall be unlawful to have a ferret in a public place without being on a leash no longer than six (6) feet in length or in an adequate enclosure capable of controlling the animal's actions.

(g) *Sterilization.* It shall be unlawful for any person to own, keep or harbor within the city any ferret over six (6) months in age which has not been sterilized.

Sec. 19 NON-POISONOUS REPTILES / POISONOUS REPTILES

(a) *Snakes.* Non-poisonous snakes that do not exceed six (6) feet in length at maturity may be kept in the city. Any poisonous snake or lizard located on a person's property may be disposed of by appropriate means by that person.

(b) *Lizards.* Adult lizards which do not exceed three (3) feet in length at maturity may be kept in the city.

Sec. 20 FOWL

- (a) The keeping of fowl such as roosters, ducks, turkeys, geese, peacocks, guineas, or other such loud fowl within the city limits, in any pen, coop or enclosure that is within 150 feet of any residence (other than the owner's), business or school shall be prohibited.
- (b) No person shall keep more than two (2) hens in an area zoned residential within the city, and shall be no closer than 50 feet to the nearest inhabited dwelling, other than that of the owner.
- (c) Any fowl kept within the city limits shall be in a secure pen, coop or enclosure, and such structure shall be of such construction and strength to keep such animals from running at large.

Sec. 21 RABBITS

- (a) Rabbits shall be kept in a secure pen or enclosure that is at least 30 feet from an inhabited dwelling, other than that of the owner. Rabbit enclosures shall be of a design which prohibits waste material dropping to the ground and such construction and strength to keep such animal from running at large.

**ARTICLE IV.
DANGEROUS ANIMALS**

Sec. 22 RUNNING AT LARGE

- (a) Any Dangerous Animal found running at large and endangering the safety of persons or property may be destroyed by the local health authority, any peace officer, or Animal Control Officer in the interest of public safety if such danger is imminent and a real or apparent necessity exists to destroy such Dangerous Animal.

Sec. 23 IMPOUNDMENT

- (a) A Dangerous Animal may be impounded in the interest of public safety. If an attempt is made to impound a Dangerous Animal from the premises of the owner and the impoundment cannot be made with safety, the owner will be given 24 hours' notice that if the Dangerous Animal is not surrendered to the Animal Control for impoundment within the 24 hour period, then the Dangerous Animal will be destroyed wherever it is found. After such notice, the Dangerous Animal may be destroyed during an attempt to impound, if impoundment cannot be made with safety, wherever the impoundment is attempted. Notice under this section may be verbal or in writing. A written notice left at the entrance to the premises where the vicious animal is harbored will be considered valid notice under this article.

Sec. 24 DETERMINATION OF A DANGEROUS ANIMAL

- (a) *Complaint.* Upon receipt of a written complaint by any person, Animal Control Officer, or other law enforcement officer charging that a particular animal is a Dangerous Animal, the Animal Control or designee shall initiate proceedings with the municipal court to conduct a hearing to formally determine whether such animal is a Dangerous Animal, unless the matter is resolved by agreement of all parties prior to such hearing. Such written complaint shall contain at least the following information:

- (1) Name, address and telephone number of complainants and witnesses;
- (2) A brief description of the incident or incidents which cause the complainant to believe such animal is a Dangerous Animal, including date, time and location;
- (3) A description of the animal and the name, address and telephone number of the owner of the animal, if known; and
- (4) Any other facts that the complainant believes to be important.

- (b) *Hearing.* A hearing to determine if an animal is a Dangerous Animal shall be conducted within fifteen (15) days after receipt of the complaint, seizure or impoundment of the animal, whichever occurs later, unless continued for good cause. Any animal awaiting such hearing which was impounded for being at large, was at large when the incident that caused the dangerous-animal complaint to be filed occurred, or which has bitten or caused injury to any person or domesticated animal, shall be boarded at the owner's expense at the Animal Shelter or any other state approved quarantine facility pending the outcome of the hearing and determination of whether such animal is a Dangerous Animal.
- (c) *Basis for Determination.* A determination that an animal is a Dangerous Animal shall be based on the following:
- (1) An animal is automatically determined to be a Dangerous Animal if it commits acts as defined in the definition of the term "*Dangerous Animal*" found in section 14-1; or
 - (2) The owner of an animal determined to be dangerous under this chapter cannot or will not comply with the requirements set out in this chapter for keeping of a Dangerous Animal.
- (d) *Impoundment or Quarantine.* If the animal is impounded or quarantined at a facility other than the Animal Shelter, the facility shall be found to be in violation of this chapter if the animal is released to any person, lost, stolen, or otherwise not able to be accounted for, unless the facility first obtains written permission from the Animal Control to release the animal.
- (e) *Notice of Hearing.* Notice of hearing shall be provided by the Animal Control or designee to the owner of the animal or by the clerk of the municipal court. Notice shall be delivered to the owner by certified mail, return receipt requested, and to the owner and the complainant by regular mail. At the hearing, all parties shall be given an opportunity to present evidence on the issue of whether the animal is dangerous.

If on application by the Animal Control Authority to the municipal court, the owner of a Dangerous Animal has failed to comply with the requirements for owners of Dangerous Animals, the court shall order the Animal Control Authority to seize the animal and shall issue a warrant authorizing the seizure.

- (f) The court may order an animal impounded and destroyed if an owner of a Dangerous Animal is found guilty of the following offense(s):
- (1) The Dangerous Animal has made an unprovoked attack on a person outside the animal's secured enclosure and the attack has caused bodily injury to the person; or

- (2) The Dangerous Animal has made an unprovoked attack on a domesticated animal while said animal was at large and the attack caused bodily injury or death to the domesticated animal.

(g) *Resolution upon Determination by the Municipal Court.* Upon conclusion of a hearing to determine if the animal is a Dangerous Animal, if the municipal court finds that the animal is not dangerous it shall be promptly returned to its owner's custody after all impound and board fees have been paid. If the court finds that the animal is a Dangerous Animal the court shall order that the owner comply with one or more of the following requirements:

- (1) *Removal of Dangerous Animal from City.* Removal of the Dangerous Animal from within the city limits. In which case, the owner must provide, in writing, the destination address of where the animal is to reside and proof that the owner has alerted the agency responsible for animal services in that area to the Animal Control prior to the animal being released from the Animal Shelter; or
- (2) *Destruction of Dangerous Animal.* Humane euthanasia of the Dangerous Animal; or
- (3) *Conditions for Release of Dangerous Animal to Owner.* Registration and compliance with all of the following requirements, at the owner's expense, before the Dangerous Animal is released from the Animal Shelter or other state approved quarantine facility.

i. *Liability Insurance.* Obtaining liability insurance coverage or showing financial responsibility in an amount of at least one hundred thousand dollars (\$ 100,000.00) to cover damages resulting from an attack by the Dangerous Animal causing bodily injury to a person or for damages to any person's property resulting from the keeping of such Dangerous Animal. A certificate of insurance or other evidence of meeting the above requirements shall be filed with the Animal Control.

ii. *Registration of Dangerous Animal.* Registering with the City of Blue Ridge by providing the name and address of the owner; the breed, age, sex, color and any other identifying marks of the animal; the location where the animal is to be kept if it is not at the address of the owner; and two (2) color photographs that clearly identify the Dangerous Animal;

iii. *Sterilization of Dangerous Animal.* Having the animal sterilized;

iv. *Secure Enclosure Requirements for Dangerous Animal.* Constructing a cage, pen or enclosure for the Dangerous Animal that has secure sides; a secure top attached to the sides; and a secure bottom which is either attached to the sides or else the sides of the structure must be embedded in the ground no less than two (2) feet. The pen or enclosure must be completely encircled by a fence constructed in such a manner as to prevent a person or child from being able to reach the animal's pen or enclosure;

v. *Restrictions Concerning Dangerous Animal.* Not allowing the Dangerous Animal to go outside of its cage, pen or enclosure unless the animal is under physical restraint. No person shall permit a Dangerous Animal to be kept outside of its cage, pen or enclosure on a chain, rope or other type of leash unless a person is in physical control of the chain, rope or leash and the person is of competent strength to control the animal at all times. Dangerous Animals shall not be tethered or otherwise leashed to inanimate objects, such as trees, posts, buildings, etc. All Dangerous Animals outside their cage, pen or enclosure must be securely fitted with a muzzle that will not cause injury to the animal

nor interfere with its vision or respiration but shall prevent the animal from biting other animals or human beings.

vi. *Sign Requirement for Dangerous Animal.* Posting signs giving notice of a Dangerous Animal in the area or on the premises in which such animal is confined. Such signs shall be conspicuously posted at both the front and rear property entrances and shall bear letters not less than two (2) inches high, stating "DANGEROUS ANIMAL ON PREMISES." Such signs shall also display a symbol that is understandable by small children, that warns of the presence of a Dangerous Animal;

vii. *Collar and Tag Requirements for Dangerous Animal.* Providing the Dangerous Animal with a fluorescent yellow collar visible at fifty (50) feet in normal daylight and attaching a fluorescent orange tag provided by the Animal Control to the collar that is worn at all times so that the animal can be easily identified;

viii. *Microchip Requirements for Dangerous Animal.* Implanting a microchip into the Dangerous Animal and registering it for life with the city's Animal Control and a recognized national registry; and

ix. *Payment of Dangerous Animal Permit Fee.* Paying the appropriate Dangerous Animal permit fee annually.

- (h) *Impoundment upon Determination of Animal Being a Dangerous Animal.* Any animal that is deemed a Dangerous Animal that was not previously impounded or otherwise in possession of the Animal Shelter or any other state approved quarantine facility, shall immediately be impounded and boarded at the owner's expense until such time as the owner complies with all of the required conditions as set forth by the court's ruling. The Dangerous Animal shall be held at the owner's expense pending the outcome of any appeal. It shall be a violation of this section for the owner to refuse to turnover the animal as required and for the purposes of enforcement; each day for each animal in question shall be considered a separate offense.
- (i) *Time Period for Owner Compliance.* The owner shall have fifteen (15) days from the declaration of the animal as dangerous to comply with all of the required conditions as set forth by this chapter. If the owner fails to meet all of the requirements, the animal may be humanely euthanized on the sixteenth (16th) day by an Animal Control Officer or a licensed veterinarian.
- (j) *Event of Subsequent Escape or Attack by Dangerous Animal.* In the event that a registered Dangerous Animal escapes its cage, pen or enclosure or attacks a human being or another animal, the owner of the Dangerous Animal shall immediately notify the Animal Control. For the purposes of this chapter, immediately shall mean within thirty (30) minutes of the owner becoming aware of the escape or attacks.
- (k) *Requirements upon Death of Dangerous Animal.* In the event that a registered Dangerous Animal dies, the owner must present the body of the animal to the Animal Control or a licensed veterinarian for verification by microchip identification before disposal of its body.
- (l) *Transfer of Ownership of Dangerous Animal.* Prior to transferring ownership in any way or moving a registered Dangerous Animal, either inside or outside the city limits, the owner must obtain, in writing, permission from the Animal Control to transfer ownership or move the animal. If ownership of the animal is being transferred, the new owner will be required to comply with all provisions of this chapter before the animal can be moved from the previous owner's custody. If the animal is being moved from the city limits, the owner must provide, in

writing to the Animal Control , the destination address of where the animal is to be moved to and proof that the owner has alerted the agency responsible for animal services in that area.

- (m) *Violation of Municipal Court's Order.* In the event that any owner of an animal declared to be dangerous violates any part of the municipal court's order, the animal may be immediately seized and impounded by an Animal Control Officer. In addition, the animal shall be seized immediately if the animal bites, injures, or attacks a human being or another animal. Any animal already declared to be dangerous which is impounded due to any violation of this chapter or seized for causing injury to a human being or another animal shall immediately become the property of the City of Blue Ridge and shall not continue to be a registered Dangerous Animal.
- (n) *Offenses.* An owner of a Dangerous Animal commits an offense and will be charged with a misdemeanor if:
- (1) An owner's Dangerous Animal makes an unprovoked attack on a person or a domesticated animal outside the animal's secured enclosure, and causes bodily injury to the person or domesticated animal while at large; or
 - (2) An owner does not keep the owner's Dangerous Animal in a secured enclosure or comply with insurance requirements;
 - (3) An owner does not register the owner's Dangerous Animal;
 - (4) An owner does not notify the Animal Control when the owner's Dangerous Animal is given away or sold;
 - (5) An owner does not register the Dangerous Animal when under new ownership;
 - (6) An owner is a new resident and does not register the owner's Dangerous Animal;
 - (7) An owner does not notify the Animal Control, or designee, regarding attacks by owner's Dangerous Animal;
 - (8) An owner sells or gives away the owner's Dangerous Animal and does not inform the new owner that the animal is a Dangerous Animal;
 - (9) An owner does not attach the dangerous-animal tag on the owner's Dangerous Animal.
- (o) *Potential Consequences for Dangerous Animal.* If an owner of a Dangerous Animal is found guilty of an offense under this section, the Animal Control or his designee may order the Dangerous Animal be humanely euthanized by an Animal Control Officer or a licensed veterinarian.
- (p) *Exceptions to Determination that Animal is Dangerous.* No animal shall be declared a Dangerous Animal if the threat, injury or damage caused by the animal was the result of a willful trespass upon another's property, or the person injured was tormenting, abusing or assaulting the animal or its owner, or was committing or attempting to commit a crime at the time of injury.
- (q) *Appeal from Municipal Court Orders to County Court.* Orders of the municipal court pertaining to Dangerous Animals may be appealed to the County Court of Collin County by filing a written notice of appeal within ten (10) days with the municipal court clerk. During the pendency of such appeal, order(s) of the municipal court pertaining to the Dangerous Animal shall be

suspended, and the animal shall remain impounded at the owner's expense at the Animal Shelter or other state approved quarantine facility for observation. If a proper appeal is not timely filed and perfected, the municipal court's order shall then become final. If the animal in question is not in the possession of the Animal Control or other state approved facility at the time of the determination, the owner must surrender the animal to the Animal Control when ordered to do so by any Animal Control Officer or police officer. If the owner fails to surrender the animal, the Animal Control shall have the right to take the animal into its possession from the premises of the owner or elsewhere, wherever the animal may be found within the city limits. If the animal cannot be taken into custody by the Animal Control Division, it may be taken into custody under a search and seizure warrant issued by the municipal judge.

- (r) *Violation to Refuse Inspection.* It shall be a violation for any owner of a Dangerous Animal to refuse, upon request by the Animal Control Authority, to make his/her animal(s), premises, facilities, equipment, and any necessary permit(s) available for inspection for the purpose of ascertaining compliance with the provisions of this chapter.
- (s) *Recognition and Effect of Prior Determination by another Jurisdiction.* An animal that has been determined to be dangerous by another jurisdiction must be registered as a Dangerous Animal with the Animal Control no later than fourteen (14) days after the animal has been brought into the City of Blue Ridge and kept at all times in a secured enclosure.
- (t) *Authorization for Search and Seizure Warrant.* The Animal Control shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this section are being violated.

Sec. 25 REQUIREMENTS FOR OWNERS OF DANGEROUS ANIMALS

- (a) An owner must comply with all Dangerous Animal requirements no later than ten (10) days after being notified that the animal has been determined to be a Dangerous Animal, regardless as to whether a case is under appeal. A ten (10) day written extension may be granted if additional time is needed to come into compliance.
- (b) A Dangerous Animal must be registered as a Dangerous Animal with the Animal Control Division.
- (c) A Dangerous Animal must be restrained at all times in a secured enclosure and must identify as such.
- (d) An owner of a Dangerous Animal must acquire one hundred thousand dollars (\$100,000.00) in liability insurance specifically for the purpose of covering damages resulting from attacks by the Dangerous Animal.
- (e) When the Dangerous Animal is taken outside the approved proper enclosure, the animal must be securely muzzled in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting a person or other animal, and the animal must be restrained by a substantial chain or cable leash having a minimum tensile strength of 1,000 pounds and not to exceed six (6) feet in length and be under the direct control or supervision of its owner.

Sec. 26 REGISTRATION OF DANGEROUS ANIMAL

- (a) Each year, the owner of a Dangerous Animal shall:

- (1) Present proof of the required liability insurance;
 - (2) Present proof of current rabies vaccination;
 - (3) Present proof and receive approval from the Animal Control, or designee, that the Dangerous Animal's enclosure is secure; and
 - (4) Pay a registration fee of _____dollars and allow ACO to inspect the property enclosure.
- (b) The Animal Control shall:
- (1) Issue a Dangerous Animal tag to the owner; and
 - (2) Engrave the current year of the registration on the tag.
- (c) The tag must be worn by the animal at all times.
- (d) A dangerous dog may not be transferred to a new owner.

Sec. 27 KEEPING OF WILD ANIMALS

- (a) It shall be unlawful to keep any Wild Animal within the city limits of the City of Blue Ridge, with the following exceptions:
- (1) if a person and his or her facility housing such Wild Animal(s) has complied with all applicable federal, state, and local laws and regulations, including, but not limited to, the acquisition and retention of all applicable permits, prior to final adoption of this ordinance, said person may retain dangerous Wild Animals(s) in the above-described facility in compliance with all federal, state and local laws, including, but not limited to Chapter 822 of the Texas Health and Safety Code, as amended;
 - (2) a governmental agency or entity acting in an official capacity;
 - (3) a government-operated zoological park.;
 - (4) a permitted Wildlife Educational Center, animal exhibitions with valid state or federal permits; or
 - (5) a holder of an Animal Dealer or Animal Establishment with a Wild Animal permit. The possessor of any dangerous Wild Animal shall have all applicable state and federal permits to possess the species in question.
 - (6) Registration of a wild animal shall be the same as for any other animal.
- (b) Animal Establishments or Animal Dealers who hold a (Dangerous) Wild Animals Permit shall make written application to the Animal Control to permanently keep each dangerous Wild Animal in their possession. The application must include the species and location of the animal, at least two pictures that clearly identify the Wild Animal, and proof that the establishment,

center, or person is in possession of the necessary state and federal permit(s) to possess such species.

Sec. 28 SALE OF WILD ANIMALS

- (a) It shall be a violation for any person to sell, offer to sell, give away, offer to give away, or otherwise transfer or attempt to transfer ownership of a Wild Animal, unless specifically allowed by some other provision of this Chapter. Any person who finds a Wild Animal that is at large must immediately notify an Animal Control Officer. This section shall not be interpreted to restrict a person from giving ill, injured, or orphaned wildlife to a state or federally licensed wildlife rehabilitator or to a permitted Wildlife Educational Center.
- (b) For the purposes of this chapter, the Animal Control shall make the determination of whether any animal in question is a Pet Animal or a Wild Animal. In addition, for the purposes of this chapter, immediately shall mean within thirty (30) minutes of the person finding that a Wild Animal is at large.

**ARTICLE V.
RABIES CONTROL**

Sec. 29 VACCINATION OF DOGS AND CATS

- (a) Every owner of a dog or cat four (4) months of age or older shall have such animal vaccinated against rabies. All such dogs or cats shall be revaccinated at appropriate intervals according to state law and the type of vaccination series administered to the animal and then at three (3)-year intervals thereafter. Any person establishing residence within the city shall comply with this ordinance within ten (10) days of establishing such residency. If the dog or cat has inflicted a bite on any person, within the last ten (10) days, the owner of such dog or cat shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after a ten (10)-day observation.

Sec. 30 CERTIFICATE OF VACCINATION

- (a) 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. Such certificate shall contain the following information:
 - (1) The name, address, and telephone number of the owner of the vaccinated dog or cat;
 - (2) Animal identification: species, sex (including sterilization if possible), approximate age, size (pounds), predominant breed, and colors;
 - (3) The date of vaccination;
 - (4) The year and number of rabies tag; and
 - (5) The veterinarian's address, signature or signature stamp, and license number.

Sec. 31 RABIES TAGS

- (a) Concurrent with the issuance and delivery of the certificate 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, bearing the year of issuance and the name of the veterinarian and his address. The owner shall cause the collar or harness with the attached metal tag to be worn by the owner's dog or cat at all times.

Sec. 32 DUPLICATE TAGS

- (a) In the event of loss or destruction of the original tag provided, the owner of the dog or cat shall obtain a duplicate tag. Vaccination certificates shall be valid only for the animal for which they were originally issued.

Sec. 33 PROOF

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

Sec. 34 HARBORING UNVACCINATED ANIMALS

- (a) It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided in this article, or which cannot be identified as having a current vaccination certificate.

Sec. 35 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, giving any information that may be required.
- (b) For any animal to have been, or suspected of being, exposed to rabies, the following rules must apply:
 - (1) Animal having a current vaccination must be revaccinated immediately and confined at the animal shelter, by a licensed veterinarian, or if approved by the Animal Control Authority, home quarantine for a period of not less than 45 days.
 - (2) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, have the animal confined at the animal shelter or by a licensed veterinarian. Home quarantine will not be an option in such an instance. Such animal must be vaccinated immediately following exposure and confined for not less than 90 days. A revaccination shall be administered on the third and eighth week prior to release from confinement.

Sec. 36 DECLARATION OF QUARANTINE

- (a) 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 local rabies authority is hereby authorized to issue a quarantine proclamation, ordering persons owning, keeping, or harboring dogs or other animals to muzzle the same or confine them in such quarantine proclamation by local newspaper. Persons owning or harboring such animals shall confine them to the premises unless they are effectively muzzled and under the control of an adult person by leash, cord, chain, or rope. Animals found at large in violation of this section may be destroyed by an Animal Control

Officer of the city if such officer is unable, with reasonable effort, to apprehend such animal for impoundment.

Sec. 37 REPORTING ANIMAL BITES

- (a) Every physician or other medical practitioner who treats a person for any animal bite, or any person having knowledge of an animal bite, shall within 24 hours, report such treatment to the Animal Control giving the name, age, sex, and precise location of the bitten person and such other information as the officer or agency may require.
- (b) Animal Control will investigate each bite incident, utilizing standardized reporting forms provided by the state department of health.
- (c) Human bites from rodents, rabbits, birds, and reptiles are excluded from the reporting requirements.

Sec. 38 ANIMAL QUARANTINE

- (a) The local rabies authority may order the quarantine of any animal that has bitten a person or another animal or that is suspected of having a zoonotic disease.
- (b) Any owned dog or cat which has bitten a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer or responsible agency, in compliance with state law. If the dog or cat is not confined on the owner's premises, confinement shall be by impoundment at the animal shelter, or at a veterinary hospital of the owner's choice. Such confinement shall be at owner's expense. Stray dogs and cats, or those animals whose owners cannot be located, shall be quarantined at the animal shelter for a period of ten (10) days. The owner of any dog or cat that has been reported to have inflicted a bite on any person shall on demand produce such dog or cat for impoundment, as prescribed in this article. Refusal to produce such dog or cat constitutes a violation of this section, and each day of such refusal shall constitute a separate and individual violation.
- (c) *Home quarantine.* An owner of a dog or cat that has bitten may request permission from an Animal Control Officer to home quarantine his animal if the following criteria can be met:
 - (1) Secure facilities must be available at the home of the animal's owner and must be approved by the Animal Control Authority.
 - (2) The animal is currently vaccinated against rabies.
 - (3) The animal was not running at large at the time the bite occurred.
 - (4) The Animal Control Officer or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the Animal Control Officer must be notified by the person having possession of the animal. At the end of the observation period the release from quarantine must be accomplished in writing.
 - (5) If the animal cannot be maintained in a secured quarantine, it shall be humanely destroyed and the brain submitted to a state department of health certified laboratory for rabies diagnosis.

- (d) It shall be unlawful for any person to interrupt the ten (10)-day observation period.
- (e) No Wild Animal will be placed in quarantine. All Wild Animals or hybrid thereof involved in biting incidents will be humanely euthanized in such a manner that the brain shall be submitted to a state department of health certified laboratory for rabies testing.
- (f) The owner of an animal that is quarantined under this article shall pay to the animal shelter the reasonable costs of the quarantine, care, treatment, and disposition of the animal, and the Animal Control Authority shall be authorized to humanely euthanize any animal that the owner or custodian does not take possession of on or before the third day following the final day of quarantine.

ARTICLE VI. IMPOUNDMENT

Sec. 39 GENERALLY

- (a) Any animals violating any provision of this chapter may be impounded as follows:
 - (1) Cats and dogs not exhibiting evidence of registration;
 - (2) Any animal infected with a zoonotic disease including, but not limited to, any animal suspected of having been infected by rabies or exposed to rabies;
 - (3) Any animal that creates a nuisance;
 - (4) Any animal running at large (other than a cat);
 - (5) Any animal kept under conditions or treated in a manner which the Animal Control Officer has reasonable cause to believe is cruel or inhumane;
 - (6) Any animal that has bitten a person; or
 - (7) Any animal violating any provision of this article.

Sec. 40 RIGHT TO CONFINE

- (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 such animal in a humane manner until he can notify an Animal Control Officer to come and impound such animal. When so notified, it shall be the duty of the Animal Control Officer to have such animal impounded as provided in this article. The use of steel jaw traps, a spring trap with teeth, or any type of trap designed to reasonably ensure cutting, slicing, or tearing to capture animals is prohibited.

Sec. 41 INTERFERING WITH HUMANE TRAPPING

- (a) A person commits an offense if the person interferes, removes, alters, damages or otherwise tampers with equipment belonging to or set out by the Animal Control Authority.

Sec. 42 NOTIFICATION

- (a) The Animal Control Authority shall make reasonable effort to contact the owner of any impounded animal that is wearing a current registration tag; however, final responsibility for locating and reclaiming an impounded animal is that of the owner.

Sec. 43 REDEMPTION

- (a) An owner or harbinger can regain possession of any impounded animal upon payment of impoundment fees, handling fees and any veterinarian bills incurred by the Animal Control Authority for the welfare of the animal and upon compliance with vaccination and registration provisions of this article. Any person owning any animal impounded under this article shall be allowed to take such animal from the animal shelter or other place where impounded upon the following conditions:
- (1) Payment to the city of an impoundment fee as described in section 1.400, plus an amount established by resolution of the city council per day or fractional part thereof for boarding fees for each day impounded.
 - (2) If the owner cannot provide proof of a current rabies vaccination, the animal must be revaccinated or vaccinated for rabies within five (5) days of being reclaimed by the owner of the impounded animal. Animals less than 12 weeks of age will not require a rabies vaccination in order to be released.

Sec. 44 DISPOSITION

- (a) If the owner has not redeemed such impounded animal within three (3) days from its capture and impoundment, the animal may be given to a nonprofit humane organization, placed for adoption, or humanely destroyed. Animals wearing a current city license tag will be held for six (6) days prior to their disposition.

Sec. 45 OWNER RELINQUISHING RESPONSIBILITY

- (a) An owner who no longer wishes responsibility for an animal, or does not desire to regain possession of an impounded animal may, upon signing a waiver in a form provided by the Animal Control, allow the animal to be placed for adoption, given to a humane nonprofit organization, or humanely destroyed; provided, however, that the animal has not bitten a human within the last ten (10) days of the owner wanting to relinquish his responsibility of ownership.

Sec. 46 SICK OR INJURED ANIMALS

- (a) Any impounded animal which has been seriously injured or is seriously ill may be euthanized immediately to prevent suffering, or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined by the Animal Control Authority. The animal shelter shall not be responsible for providing veterinary care for any sick or injured animal.

Sec. 47 DISPOSTION OF WILD ANIMALS

- (a) Any impounded Wild Animal, unless there is a reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the Animal Control Officer.

Sec. 48 BABY ANIMALS

- (a) Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide nutritious meals may be immediately euthanized to prevent suffering or given to an individual or to a nonprofit humane organization for the purpose of caring for such animal.

Sec. 49 IMPOUNDMENT FEES

IMPOUNDMENT FEES ARE SUBJECT TO CHANGE AFTER COUNCIL APPROVAL ON AN ANNUAL BASIS. THE FOLLOWING FEES ARE FOR THE PURPOSE OF PROVIDING CURRENT FEES FOR THIS ORDINANCE AMENDMENT AS OF THE DATE OF ADOPTION. FEES ARE ALSO SUBJECT TO CHANGE WHILE THE CITY HAS A CONTRACT WITH A SEPARATE AGENCY OTHER THAN ITSELF. IF AT ANY TIME THE CITY IS UNDER CONTRACT WITH A SEPARATE AGENCY, ALL FEES REVERT TO THE CONTRACTORS FEES.

- (a) *Impoundment Fee.* Impoundment fees shall be as provided in the fee schedule in Appendix A of this Code.
- (b) *Daily Handling Fee.* A daily handling fee shall be charged for each and every day, or fraction thereof, that an animal is confined at the animal shelter. The daily handling fee shall be as provided in the fee schedule in Appendix A of this Code.
- (c) *Quarantine Fee.* The owner of any cat or dog held in quarantine for observation purposes shall also be charged a daily impoundment fee for each and every day or fraction of a day an animal is at the animal shelter as specified in the fee schedule in Appendix A of this Code.

Sec. 50 PENALTIES

- (a) Any person who violates any provision of this chapter or fails to perform an act required by this Ordinance commits an offense and shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 1-19 of this Code.
- (b) In addition to the penalty provided above, violations of any provision or section of this chapter shall incur civil penalties up to one thousand dollars (\$1,000.00) per day for each violation, as provided by section 54.017 of the Texas Local Government Code, as amended, as the same may be amended from time to time. Each day a violation continues shall be deemed a separate offense.
- (c) A culpable mental state is not required for the commission of an offense under this Ordinance, unless the provision defining the conduct expressly requires a culpable mental state.
- (d) 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, including Local Government Code Chapter 54.

Section 3. That Section 1.400 of the Fee Schedule, Appendix A, of the Code of Ordinances, City of Blue Ridge, Texas, is hereby amended to read as follows:

Section 1.400. ANIMAL CONTROL FEES

1)	Daily Handling Fee		\$10.00 per day
2)	Pet Registration	Sterilized	\$_____ per year
		Non-Sterilized	\$_____ per year
3)	Dangerous Dog Registration	Per animal	\$_____ per year
4)	Livestock Permit	Annual permit per property	\$35.00 per year

* These fees are above and beyond any citation fines related to violations of city ordinance or state laws.

Section 4. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections 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 sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. SAVINGS/REPEALER CLAUSE

Any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 6. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by the law.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Blue Ridge, Texas, on this the 4th day of May, 2010.

Dan Standeford, Mayor

ATTEST:

Nacy Southard, City Secretary