

ORDINANCE 12-3-02

ESTABLISHING CERTAIN REGULATIONS REGARDING ANIMALS AND FOWL WITHIN THE CITY LIMITES OF THE CITY OF CAMP WOOD; AND, PROVIDING PENLTIES FOR VIOLATION OF SAID REGULATIONS

b.

WEARAS, because of the current conditions prevailing in the City of Camp Wood, the general welfare requires that animal control regulations be established which would promote the health, safety and general welfare of the community and the inhabitants of the City of Camp Wood

Animals shall be cared for, treated and transported in a humane manner and not in violation of V.T.C.A. Penal Code 42.11. V.T.C.A. Health and Safety Code, Title 10 or any other provision of law, including federal, state and local laws, ordinances and rules.

- (1) It shall be unlawful for any person to intentionally or knowingly abandon any animal within the corporate city limits. Any one violating this section shall bear the full cost and expenses incurred by the city on the care of the abandoned animal and the person shall reimburse the city all cost as determined by the animal control officer.
- (2) It shall be unlawful for any person to intentionally or knowingly confine or allow to be confined any animal in a motor vehicle or trailer under such conditions or for such periods at a time as may endanger the health or well-being of the animal due to heat, lack of food or water or any other circumstances which might cause suffering, disability, or death. An animal control officer who reasonably believes that an animal is in a motor vehicle or trailer under such circumstances is authorized to enter the vehicle to remove the animal and transport the animal to the animal control center.
- (3) It shall be unlawful for any person to keep or harbor any animal which is inflicted with any dangerous or communicable disease, or which is in a painfully crippled or diseased condition, that to keep said animal alive would be considered inhumane. All such animals shall be humanely destroyed be a licensed veterinarian, or turned over to the animal control center to be humanely destroyed.
- (4) It shall be unlawful for any person to knowingly color, dye, stain or otherwise change the natural color of any chicken, duckling, other fowl, rabbit or aquatic turtle ort o possess for the purpose of sale, exchange or gift any of the above-mentioned animals which have been so colored.
- (5) It shall be unlawful for any person to knowingly sell, offer for sale exchange or give away any chicken, duckling, or other fowl, rabbit or aquatic turtle younger than eight (8) weeks of age as a toy, premium, novelty, or pet unless the manner or method of display is first approved by the animal control officer.
- (6) It shall be unlawful for any person to produce or participate in the production of a circus, carnival, or other performing other animal exhibition

in which the animal is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual device in a manner which causes or is likely to cause physical injury or suffering.

- (7) It shall be unlawful for any person, firm or cooperation to raise or kill a cat, dog, ferret, or rabbit for the skin or fur.
- (8) It shall be unlawful for any person, firm or cooperation to mutilate any live animal.
- (9) It shall be unlawful for any person other than a licensed veterinarian to dock the tail or crop the ears of any animal.
- (10) A person commits an offense
 - (A) Beats, cruelly threatens, torments, mentally abuses, overloads, overworks, or other wise abuses an animal;
 - (B) Causes, instigates or permits any dog fights, cock fights, bull fights, or other combat between animals or animals and humans;
 - (C) Fails to provide an animal in his possession with adequate wholesome food and water, proper shelter, and protection from inclement weather and veterinary care when needed to prevent suffering;
 - (D) While transporting an animal in a vehicle , fails to restrain the animal in a manner that prevents the animal from leaving the vehicle or being thrown from the vehicle; or
 - (E) Treats an animal in an inhumane or cruel manner as defined by V.T.C.A. Penal Code 42.09 or V.T.C.A. Health and Safety Code, Ch 821
- (11) It is an exception to the application of this section if, at the time of the conduct charged , the
 - (A) Was a licensed veterinarian engaged in a legitimate practice of veterinary medicine.
 - (B) Was engaged in bona fide experimentation for scientific reasons.

Section 1 - Registration required.

- (A) Every owner of a cat, dog, or ferret, which is four or more months of age and is kept in the city, shall register the animal with the animal control center.
- (B) In order to register a cat, dog, or ferret, the owner, or his designee,
 1. Provide a rabies vaccination certificate issued by a licensed veterinarian within the last twelve- (12) months and that contains identifying information regarding the animal including, but not limited to, breed, sex, and sterilization information.
 2. Present a valid picture identification card issued to him by a **STATE**;
 3. Pay a registration fee as established by the city council and maintained on file in the office of the city secretary.
- (C) Upon registration, the animal control center shall execute and furnish to the owner of the cat, dog, of ferret as evidence thereof; a certificate of registration and a tag that contains a serial number to corresponds with the registration certificate number. The owner shall place the registration tag on the animal's collar or harness while the animal is outside the owner's residence. If the tag is

- lost or destroyed, the owner shall obtain a duplicate upon payment of a fee established by the city council and on file in the office of the city secretary
- (D) It shall be unlawful for a person to knowingly possess a dog, cat, or ferret that has not been registered as prescribed by this section.
 - (E) It shall be unlawful for a person to knowingly use a certificate of registration or tag of any dog, cat, or ferret other than the one for which it was issued.
 - (F) It shall be unlawful for a person to alter or obliterate any information contained in a certificate of registrations or on the registrations tag.
 - (G) It shall be unlawful for a person who owns or harbors a dog, cat, or ferret to fail or refuse to present proof to animal control officer, upon request, that such animal is currently registered as required by this section.
 - (H) The animal control center shall waive the prescribed registration fees for owners under the following conditions:
 - 1. The registration of a animal trained to assist the hearing impaired, visually impaired, or physically impaired;
 - 2. The registration of a dog employed as a police canine by a law enforcement agency.
 - 3. The registration of a spayed or neutered animal by a resident sixty-five (65) years of age or The eligibility for a waiver of the registration fee does not relieve the owner of his responsibility to register a dog, cat, or ferret, as prescribed by this section.
 - (I) For purposes of this section, (temporarily) means a period of time not to exceed sixty (60) days. This section does not apply to:
 - 1. Non- residence of the city who stay within the city limits temporarily;
 - 2. Residence who may harbor an animal

Section 2. Running at large prohibited

It shall be unlawful for any person owning or keeping any animal except domestic cats to suffer or permit such animal to run at large upon the public

Streets, avenues, alleys, parks, or other public property of the city, or to suffer or permit any animal to run at large or go upon any premises owned or in the possession of any other person in the city. (Code 1969, ss 4-)

- (A) It shall be unlawful for any person to allow or permit an animal owned or possessed by him, other than a cat, to run at large.
- (B) A culpable mental state is not required as an element of this section.
- (C) It is affirmative defense to prosecution if the animal was running at large due to the act of some person, other than the owner of the animal or an occupant of the premises where such animal is possessed, due to some factor not reasonably foreseeable by the owner or person having possession of the animal.
- (D) An offense under this section is punishable by the fine of not less than \$25.00 and not to exceed \$500.00 for the first offense; by a fine not less than \$35.00 and not to exceed \$500.00 for the second offense within a twelve month period; a fine not less than \$50.00 and not to exceed \$500.00 for the third offense within a

twelve month period; by a fine not less than \$75.00 and not to exceed \$500.00 for the fourth offenses within a twelve month period; by a fine not less than \$100.00 and not to exceed \$500.00 for all subsequent offenses within a twelve month period.

- (E) Animals, other than cats, running at large are subject to impoundment by an officer on the city's animal control division. It shall be the duty of every animal control officer to apprehend any dog found running at large and to impound such dog at city animal shelter. (CODE 1967ss5-2; ord.no.2566, ss2, 10-26-78; ord. No. 2702,ss2, 8-1-)

Section 3 - Registration and licensing of dogs, and cats.

1. **Required.** No owner shall have a dog or cat within the corporate limits of the city when the dog or cat has no valid license and tag issued by the city.
2. **Fee; application.** All such licenses shall be issued by the Animal Control Officer or City Marshal or his designate upon payment of a license fee in the amount established by the City Council by resolution and kept on file in the City Secretary's Office, and presentation of a property completed application for a license and certificate from a licensed veterinarian showing that the dog or cat has been vaccinated for rabies within one year from the date an application is made for such license. Application for a license shall be upon printed forms furnished by the city for such purpose and shall require the name and address of the owner, and the name, breed, color, and the sex of the dog or cat.
3. **Term.** The license shall be valid for a period of one year.
4. **Tag.** Upon compliance by the owner of a dog or cat with the registration in licensing requirements of this section, the owner shall be issued a license certificate and a metal tag for each dog or cat so licensed. The color of the tag shall be change every year and shall have stamped thereon the year for which it is issued and the number corresponding with the number on the certificate. Code 1969,section 4

Section 4 - Dogs

1. It shall be unlawful for any person to permit any dog owned possessed by him to run at large or permit any such dog in park unless it shall at all times should be kept on a leash. No dog shall be permitted, in any manner whatsoever, in any park in the proximity of any athletics/sports facilities during practice sessions or league or tournament activities.
2. Number 1 of this section shall have no application to support dog guiding or otherwise aiding a totally or partially blind or incapacitated person while such person is in such park.

(Code 1967, ss 17-4, 1(a)(6); Ord. No. 974, 1, 5-7-69; Ord. No. ss 1, 12-7-71; Ord. No. 5288, ss 1, 6-22-89; Ord. No. 5474, ss 1, 2-22-90; Ord. No. 5576, ss, 1, 7-12-90; Ord. No. 5853, ss 1, 5-9-91)

Section 4.1 - Dogs At Large

It shall be unlawful for the owner of any dog, or any other person having control of dog, to permit such dog to run at large within the city limits of the city of camp wood, and every person owning a dog or being in control of a dog shall keep such dog, by otherwise enclosing such dog, or by keeping such dog on a chain or leash under the control of such owner or some other person.

Section 4.2 - Dogs Injuring Persons Or Damaging Property Of Persons Within The City.

1. It shall be unlawful for the owner of the dog or the person in the possession of a dog to permit such a dog to injure any person or damage the property of any person within the City of Camp Wood.

Section 4.3 - Trespassing.

1. It shall be unlawful for any person owning a dog or cat to fail to exercise ordinary care and control of his or her dog or cat to prevent it from molesting passersby, attacking persons or other domestic animals, running through or across cultivated gardens, or trespassing upon private property in such a manner as to damage, destroy or partially destroy, litter, or over turn, spill or drag the contents from any trash or garbage container, or to defecate or urinate on such property or any other appurtenances thereto.

Section 4.4 - Barking dogs

1. A person commits an offense if the person knowingly keeps, possesses, or harbors any dog, which habitually barks or howls to the degree that it causes material distress or discomfort to persons of ordinary sensibilities in the neighborhood.
2. When the police department receives a complaint that a dog is continually or habitually barking or howling to the degree that it causes material distress or discomfort to persons of ordinary sensibilities in the neighborhood, the department shall notify the owner of the dog that a complaint has been received, and that the owner should take whatever action is necessary to quell the barking or howling.
3. If the warning to the owner prescribed in subsection (b) is ineffective, then upon the subsequent filing of a verified complaint by the complainant, the department shall cite the owner to appear in municipal court and answer the alleged violation.
4. Fines will be imposed by the Municipal Court not to exceed \$200.00.

Section 4.5 - Rabid dogs and cats

1. The city police, any peace officer or other persons authorized by the city of camp wood, shall have the right and authority to kill any rabid dog or cat, or any dog or cat on the streets of Camp Wood which shall manifest a disposition to bite or injure any person.

Section 4.6 - Procedure when animal bites or scratches person

It shall be the duty of any person owning or having charge of any dog or cat which may have bitten, clawed; or scratched any person to have such dog or cat confined by a licensed veterinarian for a period of ten (10) days, and if for any reason the dog or cat is not so confined by the owner or other person keeping the same, the police shall impound such pet for observation. If, at the expiration of ten (10) days, the health of the creature so satisfactory, the creature may be released upon payment by the owner of all expenses incurred by such confinement and compliance with all provisions of this chapter. In the alternative, at the discretion of the chief of police, any creature subject to the provision of this section may be confined for the required period or a licensed owner or keeper of such creature under the supervision and direction of the chief of police or a licensed veterinarian, provided that the permission is hereby granted to keep a creature may be revoked at the discretion of the chief of police. If permitted to be confined by the owner, a licensed veterinarian shall be required to inspect such animal a minimum of four (4) times during the ten-day period, at the expense of the owner or keeper of the animal.

Section 4.7 - Rabies protection; vaccination of dogs and cats.

All persons maintaining animals on their premises are required to immunize the animals under the following terms and conditions:

- (C) Dogs and cats shall be vaccinated within four (4) months after the animal's birth. The anti-rabies vaccines must be of a type approved by director of public health and administrated by a licensed veterinarian. A license veterinarian who vaccinates a dog or cat for rabies shall issue a certificate of vaccination to the owner, as required by state law. The certificate of vaccination form shall include the following information;
 - A. Name and address of the animal
 - B. Description of the animal
 - C. Date of vaccination
 - D. Tag number
 - E. Other appropriate
2. The licensed veterinarian vaccinating the animal shall furnish the owner rabies tag made of durable material. A tag issued for a dog or cat must be attached to the collar of the animal and must be worn at all times. Tags are nontransferable.

3. All dogs and cats within the city limits must be immunized against rabies. (code 1965,ss5-5; ord.no.1267,10-14-)

Section 1996-1.300 PENALTY FOR DOGS AND CATS

The permitting of dogs or cats to violate any herein listed sections on dogs and cats within the city limits of the City of Camp Wood is prohibited, and any person who shall willfully permit a dog or cat, the property of such person, to violate the herein listed sections on dogs or cats in the city limits of the City of Camp Wood, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than One (\$1.00) Dollar nor more than Two Hundred (\$200.00) Dollars for each violation, and each day so permitting such violation (s) shall be deemed a separate offense.

Section 1996-1.400 IMPOUNDMENT OF DOGS AND CATS

The City of Camp Wood, through its authorized designate, shall impound at the City of Camp Wood Utility Yard.

However, any time a person is bitten by a dog or cat, the animal will be taken to a Veterinary and held 15 days for observation; cost to be paid by owner. If dog or cat is untagged and has no known owner, the animal will be destroyed immediately and processed for rabies analysis. (Policy: May 8,1987).

Section 1996-1.500 NOTICE OF IMPOUNDMENT-REDEMPTION OR FAILURE OF

When a dog or cat is captured or impounded, a notice shall be posted at the city office of the City of Camp Wood, describing thereon such and stating that such dog or cat shall be killed unless redeemed and reclaimed by the rightful owner or someone acting for the owner. In addition to the above public notice, if the impounded animal bears a collar tag or license identifying its owner, the owner shall be promptly notified of the impoundment of the animal.

The impounded animal shall be held for a period of up to four (3) days during which time the owner may reclaim the animal upon payment to the city of the fees and cost hereinafter provided.

Upon expiration of the third (3) days from the date of impoundment, or in the case if an identifiable animal, upon the expiration of three (3) days from the date of notice to its owner, if the impounded animal has not been reclaimed by its owner it shall be humanely euthanized, or placed for adoption in a suitable home.

Section 1996-1.600 IMPOUNDMENT FEES

The owner of an impounded dog or cat may reclaim the dog or cat at any time prior to its euthanization or adoption in accordance with the following procedures:

1. The owner shall pay to the city the impoundment fee of twenty (\$20.00) dollars, plus the sum of two dollars and fifty cents (\$2.50) per day, or fraction thereof, of impoundment for the animal's reasonable maintenance and upkeep.
2. The owner shall be assessed a flat fee of ten (\$10.00) dollars to cover transportation to an out – of – town facility, if necessary.
3. The owner shall produce a current vaccination certificate showing the animal to have been vaccinated against rabies.

If the owner cannot produce a current vaccination certificate, the dog or cat shall not be released unless the owner deposits with the city, in cash, the sum of fifty (\$50.00) dollars, which shall be refunded to the owner only upon presentation by the owner, within five (5) days from the date of the animal's release, a current vaccination certificate. If the owner does not make a deposit, the dog or cat shall be held and disposed of as provided in section 1996-1.400-1.500.

Section 1996-1.800 FOWL

Section 1996-1.801 RULE

The keeping of chickens, turkeys, guinea fowl, pea fowl, ducks of geese within the corporate limits of the City of Camp Wood, except as hereinafter provided, is prohibited.

Section 1996-1.802 EXCEPTIONS

The Keeping of the fowl above shall not be enumerated shall not be deemed a violation of this chapter provided that the total number of fowl so kept does not exceed twenty (20), and provided, further, that such fowl be continuously confined in coops or pins in such a fashion that they must be confined to the premises owned by or controlled by the persons keeping such fowl.

Section 1996-1.803 PENALTY

Any person who shall fail to correctly confine any chickens, turkeys, guinea fowl, ducks or geese, or knowingly keep unconfined chickens, turkeys, guinea fowl, ducks or geese upon any premise located within the city limits of Camp Wood belonging to such person, leased by such person, or under the control of such person, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one (\$1.00) dollar nor more than two hundred (\$200.00) dollars for each violation, and each day of so keeping such chickens, turkeys, guinea fowl, ducks or geese shall be deemed a separate offense .

Section 1996-1.900 LIVESTOCK

Section 1996-1.9001 DEFINITIONS

- (A). "Livestock" shall mean both the male and female of any cattle, horses, mules, donkeys, swine, sheep, or goats.
- (B). "Person" shall mean any person or persons, firm, association or cooperation owning, keeping or harboring the livestock and/or any way responsible for the livestock.
- (C). "At large" shall mean off the premises of the owner and not under the control of the owner, member of the owner's immediate family or person responsible for the live stock.
- (D). "Adequate enclosure" shall include but not be limited to the following: fence, pen, cage, corral, or stockade, etc. Said enclosure shall be considered adequate if, and only if, it contains the livestock on the person's property at all times, and is kept in good repair so as to avoid the possibility of livestock running at large and damaging other person's property.

Section 1996-1.902 LIVESTOCK RUNNING AT LARGE

It shall be unlawful for any person to permit any livestock, as defined in this section, to run at large within the city limits of the City of Camp Wood.

Section 1996-1.903 GRAZING OF ANIMALS ON STREETS , SIDEWALKS ETC. PROHIBITED

It shall be unlawful for any person to stake any kind of livestock, as defined in this section , in such a manner that it will graze on any sidewalk, street, or alley within the city limits of the City of Camp Wood,

Section 1996-1.904 ENCLOSURE OF LIVESTOCK

It shall be unlawful if any person does not have and maintain an adequate enclosure, as defined in this section for their respective livestock.

Section 1996-1.905 PENALTY

It shall be unlawful to do or perform any act prohibited, of fail to do or perform any act required in this section on livestock. Upon conviction, any violation hereof shall be punished by a fine of not less than one (\$1.00) neither dollar nor more than two hundred (\$200.00) dollars for each violation. Each day's violation hereof shall constitute a separate offense.

This ordinance supersedes any and all previous ordinances on the subject of animal and fowl control.

PASSED AND APPROVED on this the 10th day of February, 2003

This ordinance shall become effective on the 1st day of March, 2003


Ben Cox, Mayor

Attest:

Anthony Torres, City Secretary