

ANIMAL CONTROL ORDINANCE

AN ORDINANCE REGULATING THE KEEPING OF DOGS, CATS AND OTHER ANIMALS IN THE CITY OF QUEEN CITY, CASS COUNTY, TEXAS; PROVIDING FOR THE CONTROL OF NUISANCE AND/OR DANGEROUS DOGS, CATS AND OTHER ANIMALS; PROVIDING FOR THE AUTHORITY OF ANIMAL CONTROL OFFICERS; PROVIDING FOR THE REGISTRATION OF SUCH ANIMALS THAT ARE DEEMED DANGEROUS; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; REPEALING ALL PRIOR DOG, CAT AND OTHER ANIMAL ORDINANCES AND PROVIDING A SAVING CLAUSE.

This ordinance shall be deemed an exercise of the police power of the State of Texas and the City of Queen City for the public safety, health, welfare, comfort, convenience and protection of the City and the Citizens of said city, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

WHEREAS, the City Council finds that the public health and welfare of the City is endangered by the running at large of dogs, cats and other animals which creates conditions leading to the spread of rabies, death and injury to other animals, destruction of private property and creates a general nuisance; and

WHEREAS, the running at large of dogs, cats and other animals has resulted in the destruction of private property; and

WHEREAS, dogs, cats and other animals running at large are responsible for injury to the domestic animals and inhabitants of the City and damage to private property, and thus detrimental to the public welfare; therefore;

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

SECTION ONE: DEFINITION OF TERMS

As used in this ordinance, unless the context otherwise indicates;

- (A) **"Animal Control Officer"** means any person appointed as such by the Chief of Police of Queen City, Texas and is authorized to enforce the animal control and protection laws of the City of Queen City and the State of Texas as set forth in this Ordinance.
- (B) **"Dog"** means a domesticated animal that is a member of the canine family or species, whether male, female or neutered..
- (C) **"Dangerous Dog"** means a dog that;
 - (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving enclosure on it's own; or
 - (2) Commits unprovoked attacks in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on it's own and those acts cause a person to reasonably believe that the dog will attack and cause injury to that person.
- (D) **"Cat"** means a domesticated animal that is a member of the feline family or species, whether male, female or neutered
- (E) **"Owner"** shall mean any person having the right of property in a dog, cat or other animal, or who keeps in his care, feeds or harbors a dog, cat or other animal, or who acts as the custodian of or permits a dog, cat or other animal to remain on or about his premises.
- (F) **"Running at large"** shall mean not on the premises of the owner or other authorized person and not accompanied by or under the control of a responsible person.
- (G) **"Secure enclosure"** means a fenced area or structure that is;
 - (1) Locked;
 - (2) Capable of preventing the entry of the general public, including children;
 - (3) Capable of preventing the escape or release of the dog to be secured;
 - (4) Clearly marked as containing a Dangerous Dog.
- (H) **"Other animals"** means any animal that is of a domesticated nature and has an owner
- (I) **"Police Officer"** - Any person licensed by the Texas Commission on Law Enforcement Officer Standards and Education with authority to enforce laws and make arrests in the City of Queen City, Texas.
- (J) **"Trap"** any device used to capture animals
- (K) **"Retention Facility"** Any pen, cage, fenced area or building used by the City to retain animals.

- (L) **"Quarantine"** To be placed in a secure enclosure, not in contact with persons or other animals and to remain there, under observation for a specified length of time.

SECTION TWO: DOGS, CATS AND OTHER ANIMALS PROHIBITED FROM RUNNING AT LARGE

- (A) The owner or other person having control of a dog, cat or other animal at least six months of age in the City shall not allow the dog, cat or other animal to run at large unless the dog, cat or other animal has a collar fastened about it's neck displaying the name and address of the owner and a current rabies vaccination tag for the animal.
- (B) No dog, cat or other animal shall be permitted to be at large, off of the owner's property or free to travel in the public roads unless under restraint of leash or chain, if said dog, cat or other animal ;
 - (1) Has at any time destroyed the property of another person or trespassed in a damaging way on property other than that of the owner of said dog, cat or other animal.
 - (2) Runs after and barks at persons or vehicles, including cycles lawfully using the public roads and sidewalks.
 - (3) Has been designated as a dangerous animal
- (C) It shall be the duty of the Chief of Police or persons appointed by him to investigate all complaints concerning dogs, cats and other animals which trespass in a damaging way on the property of any person other than the owner of said dog, cat or other animal. After determination by the Chief of Police;
 - (1) That a dog, cat or other animal has trespassed in a damaging way on the property of another; or
 - (2) That a dog, cat or other animal off of the owner's property runs after and barks at or threatens individuals or vehicles, including cycles, using the public roads or sidewalks,
 - (3) Has been designated as a Dangerous Animal,
 - (a) The owner may be notified in writing by any Police Officer or Animal Control Officer that restraint is required so that the animal cannot leave the owner's property.
- (D) It shall be unlawful and in violation of this Ordinance for the owner of any dog, cat or other animal, after having been notified that restraint is required as herein above provided, to allow his dog, cat or other animal to be at large off of the owner's property, unless under restraint of leash or chain.
- (E) It shall be unlawful and in violation of this Ordinance for the owner of any dog, cat or other animal to allow it to run at large in any park or playground or on any school property within or under the control of the City.
- (F) Animal Control Officers are authorized to capture all dogs, cats and other animals running at large in the City and dispose of or destroy them in any humane manner.
- (G) Police Officers and Animal Control Officers may shoot an animal;
 - (1) To protect himself, other persons and other animals from an attack by the animal; or
 - (2) To relieve the animal from pain and suffering; or
 - (3) If the animal is a stray or a nuisance and all more humane methods to capture the animal have failed.
- (H) Any animal that is captured and is injured or diseased and is suffering pain or is a danger to persons or other animals may be destroyed immediately.
- (I) Nonviolent animals that appear to be in good health may be retained by the City for three days to allow the owners to reclaim the animals
- (J) Any animal that has not been reclaimed after three days of captivity may be disposed of or destroyed in any humane manner available to the City.

SECTION THREE: RECLAMATION OF ANIMALS

- (A) Any nonviolent healthy animal captured by Animal Control Officers may be reclaimed by the animal's owner after paying a reclamation fee in an amount as determined by the City Council to the City; and
- (B) If the animal is of a species that requires vaccination for rabies, the owner must;
 - (1) Furnish proof that the animal is currently vaccinated for rabies; or
 - (2) Have the animal vaccinated for rabies within ten days of reclamation and furnish proof of such to the City
- (C) Failure to return the proof of vaccination of the animal for rabies to the City within ten days after reclamation shall be a violation of this Ordinance.

SECTION FOUR: ADOPTION OF ANIMALS

- (A) Any nonviolent healthy animals remaining in captivity after three days may be adopted by any person over 18 years of age after paying an adoption fee in an amount as determined by the City Council and having the animal vaccinated for rabies and neutered within ten days after adopting the animal and returning proof of such to the City.
- (B) Failure to return the proof of vaccination for rabies and neutering to the City within ten days after adoption of the animal shall be a violation of this Ordinance.
- (C) Bonafide breeders may file an affidavit that the animal is to be used for bonafide breeding purposes in lieu of having the animal neutered.

SECTION FIVE: PUBLIC NUISANCE AND DISTURBANCE

- (A) It shall be unlawful and in violation of this Ordinance for any person to willfully or knowingly harbor or keep on his premises or elsewhere, any dog, cat or other animal of any kind that makes or creates an unreasonable disturbance of the peace of the neighbors, occupants of adjacent premises or people living in the vicinity thereof or to suffer or permit such dog, cat or other animal to make or create unusual noises by crowing, squalling, squealing, braying, howling, barking, bawling or any other means.
- (B) It shall be unlawful and in violation of this Ordinance for any person to willfully or knowingly allow any dog, cat or other animal or the area in which they are kept to create odors that are offensive to the neighbors, occupants of adjacent premises or people living in the vicinity.
- (C) It shall be unlawful and in violation of this Ordinance for any person to keep an animal in any cage, pen, fenced area, building, enclosure or any other area that is unclean or unhealthy for the animal or that creates a health hazard for neighbors or other persons or animals living in the area.
- (D) It shall be unlawful and in violation of this Ordinance for the owner of any animal, as described in Section One, Subsection (E) of this Ordinance, to abuse or abandon any animal or to fail to provide sufficient food, water, medical attention as needed and shelter from the weather and elements or to treat any animal in a cruel and inhumane manner.
- (E) The Court may order the seizure and disposal on any animals described in this Section.
- (F) A person owning or keeping any animal is presumed to know that the violations listed in this Section exist if that person has been notified of such violations by any Judge, Police Officer, Animal Control Officer, Health Officer or Citizen

SECTION SIX: ANIMAL BITES AND SCRATCHES

- (A) Reports that a dog, cat or other animal that could transmit rabies has bitten or scratched any person or another animal may be investigated by a Police Officer or Animal Control Officer and a written report shall be made and any forms or reports required by the State shall be properly filled out and filed.
- (B) Any dog, cat or other animal that could transmit rabies that bites or scratches a person or other animal shall be quarantined for a minimum period of ten days and closely observed for any sign of unusual behavior, illness, or any other changes or indicators that might indicate that the animal is rabid. The animal shall be kept in a secure enclosure, not in contact with other persons or animals during the quarantine period. At the Police Officer's or Animal Control Officer's discretion, the animal may be placed in quarantine at:
 - (1) Animal holding facilities of the City of Queen City; or
 - (2) The facilities of a licensed Veterinarian, if paid for by the animal's owner; or
 - (3) The animal owner's facilities, in a secure enclosure not in contact with other persons or animals and the owner agrees to closely observe the animal and report any changes in the animal or illness immediately to the Police Department or Animal Control Officers and any other requirements as established by the Police Officer or Animal Control Officer.
- (C) If at any time a Police Officer or Animal Control Officer deems that the owner is not complying with all of the conditions as set forth for allowing the owner to quarantine the animal, as set out in Subsection (B)(3) of this Section, the Police Officer or Animal Control Officer may enter onto the owner's property, seize the animal and place it in quarantine elsewhere.
- (D) If any animal in quarantine shows indications that it has rabies or if the animal has been killed, the animals head shall be removed and shipped to the State Department of Health to be tested for rabies.

SECTION SEVEN: DOGS, CATS AND OTHER ANIMALS THAT ATTACK DOMESTIC ANIMALS

- (A) Any dog, cat or other animal that is running at large attacking, is about to attack or has recently attacked horses, cattle, sheep, goats, fowls or other animals may be destroyed by any person witnessing or having knowledge of the attack if the dog, cat or other animal is still running at large, off of the owners property.
- (B) Any Court may order any Police Officer, Animal Control Officer or any other person to enter upon any property and;
 - (1) Destroy any animals in violation of Subsection (A) of this Section, or
 - (2) Seize any animals in violation of Subsection (A) of this Section for later disposition or destruction.
- (C) Any Police Officer, Animal Control Officer or any other person that destroys any dog, cat or other animal as provided for in this Section shall not be liable for damages to the owner of the dog, cat or other animal.
- (D) The owner of a dog, cat or other animal that is known to have attacked horses, cattle, sheep, goats, fowls and other animals may have the option, at the discretion of the Court, to remove the animal from the City or destroy it a humane manner.

SECTION EIGHT: ANIMAL CONTROL OFFICERS

- (A) The Chief of Police may appoint any number of Animal Control Officers as is deemed necessary to carry out and enforce the provisions of this Ordinance and any other State, County or Federal laws pertaining to the control and protection of all animals.
- (B) Animal Control Officers so appointed shall have authority to issue verbal and written warnings, citations and court summons for violations of any laws enacted by the City, State or Federal Government for the control and protection of animals in the City of Queen City, Texas, and may enter onto any property to execute an order of the Court or to seize an animal that has bitten, scratched or attacked a person or other animal.
- (C) It shall be unlawful and in violation of this Ordinance to knowingly or intentionally interfere with or hinder any Police Officer or Animal Control Officer in the performance of his duty in compliance with this Ordinance or any other animal control or animal protection laws.
- (D) It shall be unlawful and in violation of this Ordinance for any person to tamper with, interfere with, move, damage or release any animal from any trap, cage, pen, fenced area, enclosure, building or any other area owned by or used by the City of Queen City and/or it's Animal Control Officers for the capture, retention, transport or disposal of animals.
- (E) It shall be unlawful and in violation of this Ordinance to refuse to sign a citation or summons wherein the defendant promises to appear in Court as ordered by the citation or summons.
- (F) It shall be unlawful and in violation of this Ordinance to fail to appear in Court as ordered by a written citation or summons issued by a Police Officer or Animal Control Officer or as ordered by the Court.

SECTION NINE: DANGEROUS DOGS

- (A) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog as set forth in Section One, Subsection (C) of this Ordinance, the person shall:
 - (1) Register the Dangerous Dog with the City Secretary as set forth in Section Ten of this Ordinance;
 - (2) Restrain the Dangerous Dog at all times on a leash in the immediate control of a person sufficient to control the Dangerous Dog or in a secure enclosure as set forth in Section One, Subsection (G); and
 - (3) Obtain liability insurance coverage or show financial responsibility in the amount of at least \$100,000 to cover damages resulting from an attack by the Dangerous Dog causing bodily injury to a person;
- (B) For the purposes of this Section, a person learns that the person owns a Dangerous Dog when;
 - (1) The owner knows of an attack by the dog against a person or domestic animal; or
 - (2) The owner is notified by any Peace Officer or Animal Control Officer that the dog is a Dangerous Dog.
- (C) If a person reports an incident involving a Dangerous Dog as described herein, any Peace Officer or Animal Control Officer may investigate the incident. If, after receiving the sworn statements of any witnesses, the Peace Officer or Animal Control Officer determines that the dog is a Dangerous Dog, he may notify the owner of that fact.

- (D) An owner, not later than the 30th day after the date the owner is notified that a dog owned by the owner is a Dangerous Dog, may appeal the determination of the Peace Officer or Animal Control Officer to the Municipal Court. An Owner may appeal the decision of the Municipal Court in the same manner as appeal in other civil cases.

SECTION TEN: REGISTRATION OF DANGEROUS DOGS

- (A) The City Secretary may annually register a Dangerous Dog if the owner;
- Presents proof of;
 - Liability insurance or financial responsibility as set forth in Section Nine;
 - Current rabies vaccination of the Dangerous Dog;
 - The secured enclosure in which the Dangerous Dog will be kept; and
 - Provides good quality photographs of the animal showing full frontal view and a full profile view of the animal.
 - Pays an annual Dangerous Dog registration fee of \$50.00 .
- (B) The City Secretary may provide the owner registering a Dangerous Dog with a registration tag and/or other proof of registration. If a tag is provided, the owner must place and maintain it on a collar fastened on the Dangerous Dogs neck.
- (C) If an owner of a registered Dangerous Dog moves the dog to a new address within the city, not later than the 14th day after the date of the move, the owner shall notify the City Secretary of the new address. If the dog is moved out of the city the owner shall notify the City or Town or County if not within a City or Town, to which the dogs is moved of the Dangerous Dogs new address. and register the Dangerous Dog at that address.
- (D) If the owner of the Dangerous Dog sells the dog, the registered owner of the dog shall not later than the 14th after the sale, notify the City Secretary of the name and address of the current owners. Upon presentation by current owner of the Dangerous Dog's prior valid registration tag and a payment of \$25.00. The City Secretary may issue a new registration tag to be placed on the Dangerous Dogs collar.
- (E) It is unlawful and a violation of this Ordinance for any person that owns or keeps custody or control of a Dangerous Dog to fail to comply with each and every provision of this Ordinance.
- (F) An owner of a registered Dangerous Dog shall notify the City Secretary of any attacks that the Dangerous Dog makes on people or domestic animals.

SECTION ELEVEN: ATTACKS BY DANGEROUS DOGS

- (A) The owner of a Dangerous Dog commits an offense and is in violation of this Ordinance if the Dangerous Dog makes an unprovoked attack on another person or domesticated animal outside of the dog's enclosure or causes bodily injury to the other person or domesticated animal.
- (B) Any Dangerous Dog found to have made an unprovoked attack on any person or domesticated animal outside of the dog's enclosure or causes bodily injury to any person or domesticated animal outside of the Dangerous Dog's enclosure may be ordered destroyed by the Court. The Court may order the Dangerous Dog destroyed by a person selected by the owner or the City. The City will not be liable for any fees for destroying or disposing of the dog if destroyed by a person selected by the owner.

SECTION TWELVE: LIVESTOCK AND POULTRY

- (A) It shall be unlawful for any person to keep or harbor any cows, horses, mules, jacks, jennys, goats, sheep, or any other livestock of any character within the City except as follows;
- Any lots, pens and/or shelters shall not be closer than three hundred feet to any residence or building that the owner of the livestock has no right to occupy,
 - The livestock shall not be kept without sufficient space provided for the animals,
 - Sufficient space is defined as being at least two acres for the first animal and one acre per animal thereafter.
 - All buildings, lots, pens and enclosures must be kept clean and odor free at all times,
 - No animal shall be staked out on public property or allowed to run at large.
 - Livestock will be deemed at large if it is off the premises of it's owner and not under the immediate control of some person capable of controlling the animal.
- (B) It shall be unlawful for any person to keep any hog or swine including Vietnamese Pot Bellied Pigs within the City Limits with the following exception;
- This section shall not apply to animals kept at the project barn of Queen City High School,
 - This section shall not prevent livestock shows and contests from being held within the City,

- (C) It shall be unlawful for any person to keep any geese, ducks, turkeys, chickens or any other domesticated fowl within the City Limits except as follows;
- Any lots, pens and/or shelters shall not be closer than three hundred feet to any residence or building that the owner of the poultry has no right to occupy,
 - All buildings, lots, pens and enclosures shall be kept clean and odor free at all times,
 - Poultry and fowl shall not run at large in the City.

- (D) This section shall become effective and be in full force ninety days after it's passage by the City Council and it shall then be enforced as any other section of this ordinance

SECTION THIRTEEN: EXCEPTIONS

- (A) It is an exception and a defense to prosecution under this Ordinance that a person is a Veterinarian, Peace Officer, Animal Control Officer, person employed by a recognized animal shelter or a person employed by State or a political subdivision of the State to deal with stray animals and has temporary ownership, custody or control of any dog, cat or other animal in connection with this Ordinance.
- (B) It is an exception and a defense to prosecution under this Ordinance that a person is an employee of the institutional division of the Texas Department of Criminal Justice or any law enforcement agency that trains and/or uses dogs for law enforcement and correctional purposes.
- (C) It is a defense to prosecution under this Ordinance that the person is an employee of a guard dog company under the Private Investigators and Private Security Agencies Act (Article 4413 (29bb) Vernon's Texas Civil Statutes.

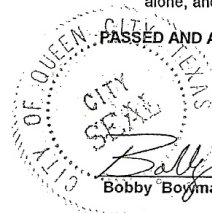
SECTION FOURTEEN: COURT ORDERS AND PENALTIES FOR VIOLATIONS

- (A) The Court may order any Police Officer or Animal Control Officer to enter upon any property and seize any animal and retain said animal for further disposition by the Court.
- (B) A hearing shall be held within ten days of the seizure to determine the disposition of the animal. The owner of the animal shall be notified of the hearing, if his whereabouts are known. If the owners whereabouts are unknown and a diligent effort has been made to contact the owner, the hearing may proceed in the owners absence.
- (C) The Court may order that the animal;
- Be returned to the owner;
 - Be returned to the owner and removed from the City;
 - Be retained by the City for further disposition of the Court;
 - Be turned over to the City to be adopted or disposed of in a humane manner as necessary;
 - Be humanely destroyed;
 - Be disposed of in any other manner decided by the court.
- (D) Violation of any provision of this Ordinance by committing an act that is prohibited or failing to perform an action that is required by the Ordinance shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not less than One Dollar (\$1.00) and not more than Two Thousand Dollars (\$2000.00) per violation.
- (E) Each and every day that this Ordinance is violated is a separate offense and may be prosecuted as such.

SECTION FIFTEEN: SAVINGS CLAUSE

- (A) Each and every provision, paragraph, sentence and clause of this Ordinance has been separately considered and passed by the Council of the City of Queen City, Texas, and each said provision would have been separately passed without any other provision, and if any provision should be ineffective, invalid or unconstitutional for any cause, it shall not impair, nor affect the remaining portion or any part thereof, but the valid portion shall be enforced just as if it had been passed alone, and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED this 18th day of July 2000



Bobby Bowman
Bobby Bowman, Mayor

ATTEST:

Vickie L. Ray
Vickie Ray, City Secretary