TITLE IX: GENERAL REGULATIONS

Chapter

CHAPTER 90: ANIMALS

Section

General Provisions

Special Use Permits; Certain Animals

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDON. To forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.

ANIMAL. Any living creature classified as a member of the animal kingdom, including, but not limited to, birds, fish, mammals, and reptiles, but specifically excluding human beings.

ASSISTANCE DOG. A dog that is specially trained or equipped to help a person with a physical challenge and that:

(1) Is used by a person with a physical challenge who has satisfactorily completed a specific course of training in the use of the dog; and

(2) Has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with a physical challenge as reputable and competent to provide dogs with training of this type.

AT LARGE. An animal shall be *AT LARGE* when it is off the premises of the owner or keeper and not under control of the owner or keeper or other person authorized by the owner to care for the animal, either by leash, cord, chain, or otherwise.

BITE. Any abrasion, puncture, or tear of the skin actually or suspected of being caused by the teeth or claws of an animal.

CAT. Any member of the feline (genus Felis) species.

COLLAR. A band, chain, or harness of suitable device worn around the neck of a dog to which a license tag may be affixed.

CRUELTY.

(1) Any act or omission of care that inflicts unnecessary physical pain, suffering, or death on an animal.

(2) *CRUELTY* includes, but is not limited to, the following:

(a) Striking, beating, kicking, dragging, choking, or the use of an object or weapon to inflict pain upon or to injure an animal;

(b) Use of caustic, flammable, boiling, or heated substances on an animal;

(c) Suffocation or drowning of an animal;

(d) Transport or confinement of an animal in an inhumane manner;

(e) Torture, maiming, or mutilation of an animal;

(f) Overworking, overdriving, or driving an animal when overloaded;

(g) Shooting a firearm or other missile-projecting weapon at an animal; or wounding, capturing, or in any other manner molesting, injuring, or killing an animal;

(h) Inflicting burns, cuts, or lacerations on an animal by any method;

(i) Failure to provide health-related care (including health-related grooming) of an animal;

(j) Causing an animal, except livestock, to drag any heavy object, including, but not limited to, cinderblocks, heavy weights, bricks, chains, or logs; or causing an animal to carry any other object with the purpose of building up the strength or endurance of an animal;

(k) Failing unreasonably to provide necessary food, shelter, or care;

(l) Abandoning unreasonably an animal in a person's custody;

(m) Killing, injuring, or administering poison to an animal belonging to another without legal authority or the owner's effective consent;

(n) Training any animal for fighting against any other animal or person or causing one animal to fight another animal or person;

(o) Using a live animal as a lure in dog race training or in dog coursing;

(p) Horse tripping; or

(q) Any other act that causes harm or injury to an animal.

(3) In the case of activities where physical pain is necessarily caused, such as medical research, food processing, customary and normal veterinary, and agricultural husbandry practices, pest elimination, and animal training and hunting, ***CRUELTY*** means a failure to employ the most humane method reasonably available.

CUSTODIAN. A person or agency which feeds, shelters, harbors, has possession, or control, or has the responsibility to control an animal.

DANGEROUS ANIMAL. Any animal which demonstrates behavior and/or possesses the vicious propensity to inflict serious bodily injury or death upon human beings and/or other animals and constitutes a danger to human life or other animals; or any animal which has behaved in such a manner that the owner thereof knows, or reasonably should know, that the animal is possessed of tendencies to commit unprovoked attacks or to injure human beings or other animals; or any animal certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human beings or animals; or any animal, without provocation, that assaults an individual or animal; or any animal that commits an unprovoked act that causes a person, acting in a reasonable and no aggressive manner, to reasonably believe that the animal will attack and cause bodily injury to that person or an animal.

DOG. Any member of the canine (genus Canis) family.

DOMESTIC FERRET. Any Mustela putorius furo that is maintained as a pet.

ENCLOSURE. Any area, which is surrounded by a fence or other barrier, that cannot be crossed by the animal being confined, and which enables the animal to remain dry and clean. An *ENCLOSURE* that contains an animal that has bitten or scratched a human must have solid partition-type sides.

EXOTIC ANIMAL. The same as a wild animal. (See definition and regulations concerning *WILD ANIMALS*.)

FOWL. A bird of any kind, including, but not limited to, chickens, ducks, geese, guineas, pigeons, emus, ostriches, rheas, turkeys, and pheasants.

GUARD DOG. A dog (rained and used by law enforcement, by private security, or in protective functions where the dog is responsive to control by its owner or handler and used only for protective functions.

GUIDE DOG. A dog trained to assist a physically challenged person.

HARBOR and *HARBORING.* An animal is fed, sheltered, or allowed or permitted to remain on a person's property or property under control of such person for three or more days without the person notifying the Animal Control Department.

HIGH-RISK RABIES ANIMALS. Animals that are at high risk of contacting and spreading rabies include bats, cat-hybrid animals, coyotes, dog-hybrid animals, foxes, raccoons, skunks, and all other animals declared to be so by the State Department of Health.

IMPOUNDMENT.

(1) The taking or seizing of an animal by an animal control officer or a peace officer.

(2) An animal may be impounded for many reasons, including, but not limited to, the following:

(a) Running at large;

(b) Rabies quarantine;

(c) Cruelty to the animal; or

(d) Owner release of the animal.

KENNEL. For purposes of this chapter, there shall be two classifications of *KENNELS*.

(1) *COMMERCIAL KENNEL.* Any lot, building, structure, enclosure, premises, or establishment, other than a veterinary hospital, whether operated separately or in connection with another business or establishment, that keeps, barters, boards, breeds, buys, sells, and/or trains dogs and/or cats and/or other animals, which may legally be present in such facilities, for profit or compensation or which renders services for profit or compensation.

(2) *RESIDENTIAL KENNEL.* Any lot, building, structure, premises, or establishment in which an individual shall keep animals for personal pleasure only and where that person is not engaged in the breeding, purchase, or sale of animals, or rendering of services for profit or compensation.

LIVESTOCK. Includes any burro, cow, donkey, emu, fowl, goat, horse, jenny, mule, ostrich, sheep, and swine or other similar animal commonly classified as livestock.

LIVESTOCK AT LARGE. The condition of an animal when it is not located on the property of its owner and not under control of a competent person. Running at large includes, but is not limited to, the condition of being staked, tied, or hobbled in any manner within the town limits which allows the animal to go upon public streets or sidewalks or property other than the owners.

MUZZLE. A device constructed of strong, soft material or metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or animal. Such device shall not interfere with the animal's ability to breathe.

OWNER. Any person, partnership, corporation, or association that harbors, shelters, keeps, controls, manages, possesses, or has whole or part interest in any animal. The occupant, owner, or head of a household of any premises where an animal remains for 24 hours or more shall be presumed to be the *OWNER* of such animal for the purposes of this chapter.

PIG. Any type of pig, hog, or swine, including, but not limited to, pot-bellied pigs.

POLICE DOG. A domestic dog that is owned or employed by a governmental law enforcement agency.

POT-BELLIED PIG. A variety of swine that is not more than 18 inches in height at shoulder level when full grown, and has short erect ears and a straight tail. Under no circumstances shall any swine be considered a ***POT-BELLIED PIG*** if its weight exceeds 150 pounds.

PUBLIC NUISANCE ANIMAL.

(1) Any animal that unreasonably annoys human beings, endangers the life or health of other persons or animals, or substantially interferes with the rights of persons other than their owners to enjoyment of life or property.

(2) The term ***PUBLIC NUISANCE ANIMAL*** shall mean and include, but is not limited to, any animal that:

(a) Is repeatedly found at large;

(b) Damages the property of anyone other than its owner;

(c) Chases vehicles; or

(d) Makes excessive disturbing noises, including, but not limited to, continued or repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to the neighbors or to others in close proximity to the premises where the animal is kept or harbored.

QUARANTINE. The humane confinement of an animal for the observation of symptoms for rabies, or other disease, in a secure enclosure that prevents the animal from coming into unplanned contact with any other animal or human being.

RESTRAINT. To control an animal by physical means, such as a cage, leash, rope, or confinement within an enclosed space.

STRAY. An animal that is improperly restrained and that wanders upon a public place, roadway, street, or highway, or the property of another person.

THERAPY DOG. A dog that helps a person with a diagnosed emotional disorder for whom a letter has been issued by a physician stating that the removal of the animal would be detrimental to the person's emotional health.

VICIOUS ANIMAL.

(1) Any animal that has caused death or serious injury to a person engaged in a lawful activity;

(2) Any animal that has, on two or more occasions within a 12-month period, attacked or bitten without provocation a person engaged in a lawful activity;

(3) Any animal that has, on two or more occasions within a 12-month period, while off the property of its owner and without provocation, killed or seriously injured another animal;

(4) Any animal that has been trained for fighting or is owned or kept for the purpose of fighting;

(5) Any animal that because of its physical nature and vicious propensity is capable of inflicting serious physical harm or death to human beings and would constitute a danger to human life or property;

(6) Any animal that 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 other animals;

(7) Any animal that has been certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human life, animal life, or property upon the basis of a reasonable medical probability;

(8) Any animal that commits an unprovoked attack on a person or animal on public or private property. An ***UNPROVOKED ATTACK*** shall mean that the animal was not hit, kicked, or struck with an object or part of a person's body nor was any part of the animal's body pulled, pinched, or squeezed by a person;

(9) Any animal that attacks or threatens to attack a person;

(10) Any animal with a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the health and safety of human beings or other domesticated animals;

(11) Any animal which, without adequate provocation, exhibits aggressive behavior or creates a reasonable apprehension of immediate injury; or

(12) Any animal which, because of temperament, conditioning, or training, has a known propensity to bite or otherwise exhibit aggressive behavior causing injury to human beings or domestic animals or creating reasonable apprehension of immediate injury.

VICIOUS DOG. A dog which is unruly, refractory, or has displayed an inclination to approach or growl at a person or persons in an angry, threatening, or ill tempered manner, when such person or

persons was or were not doing acts ordinarily calculated to cause well tamed dogs to respond in such manner, or to bite, bite at, attack, or snap at a person or persons or has displayed habits indicating a lack of docility or a lack of complete taming.

WILD or *EXOTIC ANIMAL.*

(1) Any animal not normally considered domesticated, or, other than livestock, an animal that is native to a foreign country or of foreign origin or character, or that introduced from abroad.

(2) These animals shall include, but not be limited to the following: armadillos, bobcats, coyotes, flying squirrels, frogs, ground squirrels, mountain lions, porcupines, prairie dogs, rabbits, snakes, spiders, scorpions.

(3) The term *WILD ANIMAL* does not include domestic dogs, domestic cats, livestock, and captive-bred species of common cage birds.
(Ord. 93-38, passed 7-12-1993; Ord. 2011-06-14-01, passed 6-14-2011)

§ 90.02 MAXIMUM NUMBER OF DOGS AND CATS PER RESIDENCE.

It shall be unlawful for any person to own, at any time, more than five cats or five dogs, except that a litter of young cats or dogs may remain with their mother until they are four months old. If any person desires to own, keep, harbor, or act as custodian for more than five cats and/or for more than five dogs, he or she must obtain a kennel permit. If a person has obtained a kennel permit, the limitation provisions (five cats and/or five dogs) of this section do not apply.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.03 TRANSPORTING DOGS IN OPEN BED OF VEHICLE.

(A) *Generally*. It is a violation of this chapter for anyone to allow a dog to ride in the open bed of any vehicle unless:

(1) The dog is restrained in such a manner that it cannot partially or completely jump and/or fall out of the bed; or

(2) The dog is restrained in such a manner that its face cannot extend past the sides of the bed and thus bite, or attempts to bite, passerby.

(B) *Abandoning dog or cat*. It shall be unlawful for any person to transport any dog or cat to any point in the town or within one-half mile of the town limits for the purpose of abandoning such animal.

(C) *Charge, care, custody, or control of cats*. No person owning or having charge, care, custody, or control of any cat shall cause, permit, or allow the cat to run at large or to be upon any highway,

street, lane, alley, court, or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such cat, within the town. Any cat that is in violation of the provisions of this section shall be subject to being impounded. Owners or custodians of animals are responsible for any damages caused by that animal when that animal is running at large.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.04 RUNNING AT LARGE; DOGS, CATS, AND LIVESTOCK.

(A) *Dogs running at large.*

(1) No person owning or having charge, care, custody, or control of any dog shall cause, permit, or allow the dog to run at large or to be upon any highway, street, lane, alley, court, or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such dog, within the town, unless such dog is restrained by a substantial chain or leash not exceeding 12 feet in length and is in the charge, care, custody, or control of a person with the ability to restrain it. Further, it shall be unlawful for any person to permit any dog owned, possessed, kept, or harbored by him or her to be on private premises owned or under the control of the owner unless such dog is within a fenced enclosure or otherwise tethered in such a manner as to completely restrain the dog in any manner from leaving the private premises owned or under the control of the owner, whether a rabies tag for such a dog has been secured or not.

(2) Any dog on the streets, alleys, or other public places, on private premises not under the control of the owner, or on private property owned or under the control of the owner and not properly fenced or tethered shall be considered to be at large and in violation of this section. This section shall not apply to a dog wearing a rabies tag and being under the control of a person by means of a leash or tether of sufficient strength to hold such dog. Any dog that is in violation of the provisions of this chapter shall be subject to being impounded. Owners or custodians of animals are responsible for any damages caused by that animal when that animal is running at large.

(B) *Cats running at large.* No person owning or having charge, care, custody, or control of any cat shall cause, permit, or allow the cat to run at large or to be upon any highway, street, lane, alley, court, or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such cat, within the town. Any cat that is in violation of the provisions of this section shall be subject to being impounded. Owners or custodians of animals are responsible for any damages caused by that animal when that animal is running at large.

(C) *Livestock at large.* No person or persons shall possess, keep, or harbor livestock in residential property zoned R1 or R2. No person or persons shall possess, keep, or harbor livestock by him or her, on private premises owned or under the control of the owner unless such livestock is within a fenced enclosure or otherwise tethered in such a manner as to completely restrain the livestock in any manner from leaving the private premises owned or under the control of the owner, that is located outside the

municipal town limits, currently the town's ETJ. Any livestock on the streets, alleys, or other public places, or on private premises not under the control of the owner or custodian, or on private property owned or under the control of the owner or custodian and not properly fenced or tethered, shall be considered to be at large and in violation of this section. Livestock shall be considered to be at large if they are staked, tied, or hobbled in any manner on public property, streets, sidewalks, or alleys so as to create a nuisance. The owner of at-large livestock shall be liable for all reasonable charges for capturing and impounding such livestock, including all charges incidental thereto. There will be a minimum capture and impoundment charge of $50 per occurrence. Livestock may be impounded at any location deemed appropriate by an animal control officer.
(Ord. 93-38, passed 7-12-1993; Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.05 MINIMUM STANDARDS OF SANITATION, CARE, AND HOUSING.

It shall be unlawful for the owner or person in charge of any animal to permit such animal to remain without sufficient food, water, or shelter as determined by Animal Control Department officers after timely checks.

(A) Animals maintained in pens, cages, or runs for periods exceeding 24 hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species. Cages are to be of material and construction that permit cleaning and sanitizing. Enclosures that may be used to quarantine an animal must have solid partition-type walls.

(B) Indoor housing facilities shall be sufficiently temperature controlled and ventilated to provide for the animal's comfort and health.

(C) Outdoor housing or enclosures shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of weather-proof material to permit proper cleaning and disinfections.

(D) Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals, and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors, and disease hazards.

(E) All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.

(F) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(G) All animals shall have fresh water available at all times. Water vessels shall be weighted or be mounted or secured in a manner that prevents tipping.

(H) If an animal is connected to a tether, the tether must be a minimum of six feet in length.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.06 CRUELTY TO ANIMALS; TRANSPORTING LIVESTOCK.

(A) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse any animal. It is unlawful for any person to commit any of the actions described by the terms listed in the definition of the term "cruelty" in § 90.01. No person shall cause or permit any dogfight, cockfight, bullfight, or other form of combat between animals or between animals and humans.

(B) It is a violation of this chapter to commit an act of cruelty on any animal, or cause or allow any act of cruelty to be committed to any animal. It is a violation of this section for a person to unnecessarily overload, overdrive, torment, deprive of necessary shelter or sustenance, or unnecessarily or cruelly beat, mutilate, or kill any animal, or cause the same to be done, or carry in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner.

(C) The following shall be considered acts of cruelty:

(1) It is an act of cruelty to impound or confine any animal in any place without a sufficient quantity of good, wholesome food and water;

(2) It is an act of cruelty to keep any animal in any enclosure without wholesome exercise and change of air. The food shall be free from contamination, wholesome, palatable, and of sufficient quantity, quality, and nutritive value to meet the normal daily requirements for the condition and size of the animal;

(3) It is an act of cruelty to abandon to die any animal that is maimed, sick, infirm, or diseased;

(4) Enclosures shall not be overcrowded, unclean, or unhealthy. An enclosure is overcrowded unless it is at least one and one-half times as long as the animal is long, one and one-half times as wide as the animal is long, and tall enough for the animal to stand upright. An enclosure is unclean when it contains an excessive amount of animal waste and an enclosure is unhealthy when its condition is likely to cause illness or injury to the animal. All animals should have access to shelter sufficient to protect the animal from the elements;

(5) Any person who is the owner or possessor or who has charge or custody of any animal who commits the acts described in divisions (C)(1) through (C)(4) above upon any animal or who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal shall be in violation of this chapter;

(6) It is a violation of this chapter for any vehicle owner, passenger, or operator to place or confine an animal or allow it to be placed or confined or allow it to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water, or such other circumstances as may be expected to cause suffering, disability, or death. Any officer who finds an

animal in a vehicle in violation of this chapter may enter the vehicle by using the amount of force that is reasonably necessary to remove the animal. Neither the officer nor the town shall be liable for any damage reasonably related to the removal of the animal under this section. The officer is authorized to impound and dispose of such animal in the manner provided for in this chapter; and

(7) It shall be unlawful to color, dye, stain, or otherwise alter the natural color of any animal.

(D) (1) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry, or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

(2) It shall be unlawful and constitute the creation and maintenance of a public nuisance for the owner, operator, agent, or driver of any truck, trailer, or other vehicle that has been used for the hauling of any livestock, animals, or fowl, when the truck, trailer, or other vehicle has been parked in or on any highway, street, alley, vacant lot, or tract of land, either public or private, or in any service station or garage within the town, to fail to move such truck, trailer, or other vehicle containing manure or excreta or liquid discharge to a location which will not disturb the inhabitants of the town by reason of the odor, gases, or fumes caused by the contents of such truck, trailer, or other vehicle.

(E) It shall be a violation of this section for any person to intentionally kill, cut, maim, or injure in any manner any dog, cat, or domestic animal or any domestic or wild bird within the town, unless such actions are conducted in defense against any attack by the animal upon some person.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.07 ABANDONING ANIMALS.

It shall be unlawful and a violation of this chapter for a person to abandon or dispose of an animal on the property of another or public property or to abandon an animal in or at his or her former residence when relocating to a new residence.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.08 POISONING ANIMALS.

It shall be unlawful for any person to feed or place so as to constitute a direct or obvious hazard to man or animal, or to tempt any animal with, or to offer any animal, any substance which shall be proven to be toxic or lethal in the amount present to any human or domestic animal by competent medical or veterinary authority.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.09 RESPONSIBILITY FOR DAMAGE CAUSED BY ANIMALS.

Owners or custodians of animals are responsible for any and all damages caused by such animals. (Ord. 2011-06-14-01, passed 6-14-2011)

§ 90.10 ANIMALS DISTURBING PEACE; DANGEROUS ANIMALS.

(A) *Generally*.

(1) No person shall keep, harbor, or allow to be in or upon his or her premises any animal which, by howling, barking, baying, yelping, or the making of any noise, or the release of noxious or offensive odors, shall disturb the peace of any person; nor shall any person own, keep, harbor, or allow to be in or upon his or her premises any animal of dangerous, vicious, or ferocious disposition. A dangerous, vicious, or ferocious animal shall be an animal that has attacked, or shown propensities to attack, persons or other animals.

(2) Evidence that may be considered can include, but is not limited to, testimony of persons who have witnessed the actual behavior of such animals, past incidents involving such animals, size of the animals, and the conditions in which the animals are kept. Any person violating the provisions of this section shall be a Class C misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of § 90.99.

(B) *Intent*. The intent of this section is to provide for regulations and clarification for the offenses and providing for a penalty.

(C) *Effective date*. This section shall take effect immediately from and after its passage, subject to whatever publication that may be required by law.
(Ord. 2012-04-10-02, passed 4-10-2012) Penalty, § 90.99

§ 90.11 DISPOSAL OF DEAD ANIMALS.

Disposal of dead animals shall be handled as follows.

(A) *Disposal method*. All animals shall be disposed of in such place and in such manner as may be designated or prescribed by the State Department of Health and the town.

(B) *Person responsible*. The owner or person having control or charge of any animal before or at the time of the animal's death shall be totally responsible for the disposal of the animal carcass and shall contact the Animal Control Department for directions on disposing of the carcass.

(C) *Payment of costs*. All fees, costs, or charges incurred in the disposal of the animal carcass shall be the responsibility of the animal owner or person having charge or control of the animal at the time of or prior to the animal's death.

(D) *Time limit for disposal.* The carcass of all animals shall be properly disposed of in accordance with the provisions of this section as soon as possible, but under no circumstances later that 24 hours after death unless given a time extension by the Animal Control Department.

(E) *Responsibility for disposal.* If the owner of the dead animal cannot be identified, the property owner or the person having charge or control of the property containing the carcass shall be responsible for the carcass disposal and is subject to all provisions contained in this section. If the owner of the animal is located or identified after carcass disposal has been effected, the owner shall reimburse the person who disposed of the carcass for all expenses associated with this disposal.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.12 INJURY TO ANIMAL BY MOTORIST.

Every operator of a motor or other self-propelled vehicle upon the streets and ways of the town shall, as soon as possible, upon striking, injuring, maiming, or running down any dog, cat, or other domesticated animal, notify the Police Department, furnishing sufficient facts relative to such accident. If the injured animal is wearing a collar with a rabies vaccination tag, the Animal Control Department will make a good faith effort to contact the owner of the animal as soon as practical after the injury occurs. Depending on the seriousness of the injury, the animal is subject to being humanely destroyed by the Animal Control Department after the injury. Emergency vehicles are exempt from the requirements of this section.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.13 REMOVAL OF EXCRETA DEPOSITED ON PUBLIC OR PRIVATE PROPERTY.

It shall be unlawful for any owner or person in charge of any animal to permit his or her animal to excrete on sidewalks, driveways, rights-of-way, or the private property of others. The owner or person in charge is at all times responsible for cleaning and removing excretion from property not owned or controlled by such person.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.14 HUNTING, SHOOTING, OR TRAPPING BIRDS.

It shall be unlawful for any person to trap, hunt, shoot, or attempt to shoot any bird or wild fowl within the town limits, or to rob the nest of any bird or wild fowl thereof, unless a special use permit has been granted by the Town Board.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.15 BREEDING ANIMALS; CONFINEMENT OF FEMALE DOGS OR CATS IN HEAT.

It shall be unlawful for any person to permit the breeding of animals within the town unless the animal is in an enclosed shed, barn, or building and is entirely out of public view or hearing. It shall be unlawful for the owner or the person in charge of any female cat or dog in heat to fail to keep such cat or dog confined in a roofed enclosure.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.16 SALE OR DISPOSITION OF CERTAIN ANIMALS RESTRICTED.

(A) *Generally*. It shall be unlawful to sell, offer for sale, or give away certain animals under the following conditions.

(1) Fowl or rabbits younger than eight weeks of age may not be sold in quantities of less than ten to a single purchaser.

(2) No person shall give away any live animal, including fish, reptiles, or birds, as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(B) *Sale or disposition of fowl less than one month old.* It shall be unlawful for any person to sell, give, or offer for sale, gift, or award less than 12 fowl under one month of age. The term ***FOWL*** as used in this section shall include any member of the avian family such as chickens, ducks, and geese.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.17 EFFECTIVE DATE.

Sections 90.01 through 90.09, 90.11 through 90.17, 90.30 through 90.35, and 90.99 shall take effect immediately from and after is passage, subject to whatever publication that may be required by law.
(Ord. 2011-06-14-01, passed 6-14-2011)

SPECIAL USE PERMITS; CERTAIN ANIMALS

§ 90.30 SPECIAL USE PERMITS GENERALLY.

(A) All special use permits referenced in this chapter shall cost $20 and shall be valid for a maximum of one year.

(B) Applications for renewal of a special use permit must be made at least two months prior to its expiration in order to allow the renewal process to be completed before the current permit expires.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.31 KEEPING WILD OR EXOTIC ANIMALS.

It shall be unlawful to keep any animal that is defined in this chapter as a wild or exotic animal within the town limits unless a special use permit is granted by the Town Board. Any wild or exotic animals discovered in violation of this chapter within the town limits shall be subject to being impounded by the Animal Control Department. All such impounded animals will be disposed of in a humane manner.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.32 KEEPING BEES.

It shall be unlawful for any person to keep beehives within 200 feet of any road or street of the town and within 300 feet of any dwelling or public place within the town limits unless all residents and operators of public places within the 300-foot limit have given their written approval and unless a specific use permit has been granted by the Town Board. An applicant who does not obtain the needed signatures may appeal such permit application to the Town Board, which may, at its discretion, approve such permit. All decisions by the Town Board are final and may not be appealed.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.33 KEEPING LIVESTOCK GENERALLY.

(A) It shall be unlawful for a person to own, keep, harbor, maintain, or allow to be on his or her premises any livestock within 200 feet of any dwelling or public place within the town limits unless all residents and the operators of public places that exist within the 200-foot limit have given their written approval and unless a specific use permit has been granted by the Town Board. An applicant who receives no more than one objection to the keeping of such livestock can appeal to the Town Board, which may, at its discretion, approve the keeping of such livestock.

(B) It shall be unlawful for any person to own, keep, harbor, maintain, or allow to be on his or her premises a burro, cow, donkey, horse, mule, jenny, goat, sheep, or any other livestock on any premises of which the overall area is less than one-third acre for each livestock kept or to keep more livestock than can be cared for under sanitary conditions so as not to create a public nuisance, and in no event shall such livestock exceed the permitted number of adults and their young up to six months of age.

(C) The number of livestock permitted shall not exceed the total deemed appropriate by an animal control officer. Specific use permits that allow more livestock to be kept on a particular piece of land

may be granted by the Town Board of Aldermen on a case-by-case basis in accordance with town regulations.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.34 KEEPING POULTRY, OTHER FOWL, OR SMALL FUR-BEARING ANIMALS.

(A) It shall be unlawful for any person to own, keep, harbor, maintain, or allow to be on his or her premises, more than 20 (or any combination thereof) chickens, turkeys, ducks, geese, pigeons, parakeets, parrots, myna birds, or other poultry or domestic fowl or any rabbits, guinea pigs, hamsters, gerbils, mink, ferrets, or other small fur-bearing animals within the town or to have any of these animals within 200 feet of any dwelling or public place within the town limits unless all residents and the operators of public places that exist within the 200-foot limit have given their written approval and unless a specific use permit has been granted by the Town Board.

(B) An applicant who does not obtain the needed signatures may appeal such permit application to the Town Board, which may, at its discretion, approve such permit. All decisions by the Town Board of Aldermen are final and may not be appealed. Any person within the town engaged in the business of hatching baby fowl by the use of incubators who permits any odor to escape from such incubators that is offensive or annoying to persons residing within the vicinity of the place of business shall be deemed to be actively maintaining a nuisance.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.35 KEEPING SWINE OR POT-BELLIED PIGS.

(A) (1) It shall be unlawful for any person to own, keep, harbor, maintain, or allow to be on his or her premises any member of the swine family within 1,000 feet of any dwelling or public place within the town limits unless all residents and the operators of public places that exist within the 1,000-foot limit have given their written approval and unless a specific use permit has been granted by the Town Board. An applicant who does not obtain the needed signatures may appeal such permit application to the Town Board, which may, at its discretion, approve such permit. All decisions by the Town Board are final and may not be appealed.

(2) It is an affirmative defense to this section that the animal is a pot-bellied pig that meets the requirements in division (B) below.

(B) Regulations regarding pot-bellied pigs are as follows.

(1) It shall be unlawful for any person to keep, harbor, or raise more than two adult pot-bellied pigs in any one household within the town.

(2) It shall be unlawful for any person to keep or maintain pot-bellied pigs outdoors. A person may permit pot-bellied pigs outdoors for brief periods, as necessary, for exercise or for the elimination

of waste. The outdoor area used for exercise and waste elimination must be a secure area from which the pot-bellied pig may not escape. Potbellied pigs are subject to being restrained, as are other animals.

(3) The area used for exercise/waste elimination must be cleaned daily.

(4) All pot-bellied pigs must either be spayed or neutered. Under no circumstances may a person engage in the propagation or breeding of pot-bellied pigs within the town limits.

(5) (a) It shall be unlawful for any person to keep or maintain pot-bellied pigs unless the pot-bellied pigs have received annual vaccinations against erysipelas, parvovirus, and leptospirosis. The first inoculations for such diseases must be received before the animal is four months of age.

(b) The owners of all pot-bellied pigs must forward to the Animal Control Department a health certificate from a licensed veterinarian within 14 days of vaccination.

(6) Such vaccination shall contain the following information:

(a) Name, address, driver's license number, and telephone number of the owner;

(b) Name, address, and telephone number of the licensed veterinarian providing the vaccinations and certificate;

(c) Name, recent photograph, and description of the animal, giving the age, weight, and height;

(d) The types and dates of the vaccinations;

(e) A statement of the general health of the animal; and

(f) Certification that the animal has been either spayed or neutered.

(7) All pot-bellied pigs kept within the town must be registered with the Animal Control Department by the filing of a health certificate as described in this section within 14 days from the time the animal is taken to its place of residence.

(8) The owner or keeper of pot-bellied pigs must inform the Animal Control Department within 14 days of the death, change in ownership or caretaker, or change in residence location of a pot-bellied pig.

(9) All locations where pot-bellied pigs are kept shall be kept in a clean and sanitary condition.

(10) All locations keeping pot-bellied pigs are subject to sporadic unannounced inspections by animal control officers to determine that all provisions of this section are being met.
(Ord. 2011-06-14-01, passed 6-14-2011) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) All violations of § 90.02 are subject to a fine of $50 per occurrence.

(C) (1) All violations of § 90.03(A) are subject to a fine of $100 per occurrence.

(2) Pursuant to § 90.03(B), the dumping of dogs and cats in the town or on any road or street or near any road or street in the town or within one mile of the town limits shall constitute a misdemeanor and shall be subject to a fine of $100 per occurrence.

(3) All violations of § 90.03(C) are subject to a fine of not less than $50.

(D) (1) All violations of § 90.04(A) are subject to a fine of not less than $50 nor more than $200 per occurrence, in addition to court cost, damages, and expenses thereof.

(2) All violations of § 90.04(B) are subject to a fine of not less than $50 nor more than $250 per occurrence.

(3) All violations of § 90.04(C) are subject to a fine of $100 per occurrence.

(E) All violations of § 90.05 are subject to a fine of $100 per occurrence.

(F) All violations of § 90.06 are subject to a fine of not less than $250 and not more than $1,000 per occurrence.

(G) All violations of § 90.07 are subject to a fine of $50 per occurrence.

(H) All violations of § 90.08 are subject to a fine of not less than $250 and not more than $1,000 per occurrence.

(I) Pursuant to § 90.10, there will be a minimum capture and impoundment charge of $50 per occurrence. Animal may be impounded at any location deemed appropriate by an animal control officer. Additionally, violations of § 90.10 are subject to a fine of $100 per occurrence. The court may order other constraints or actions that are deemed consistent and appropriate with this addendum as set forth by other state municipal or state adjudications related to this subject.

(J) All violations of § 90.11 are subject to a fine of not less than $100 nor more than $250 per occurrence.

(K) All violations of § 90.12 are subject to a fine of $100 per occurrence.

(L) All violations of § 90.13 are subject to a fine of $50 per occurrence.

(M) All violations of § 90.14 are subject to a fine of $50 per occurrence.

(N) All violations of § 90.15 are subject to a fine of $50 per occurrence.

(O) All violations of § 90.31 are subject to a fine of $100 per occurrence.

(P) All violations of § 90.32 are subject to a fine of $100 per occurrence.

(Q) All violations of § 90.33 are subject to a fine of $100 per occurrence.

(R) All violations of § 90.34 are subject to a fine of $50 per occurrence.

(S) (1) Any violation, disobedience, omission, neglect, failure, or refusal to comply with the enforcement of any of the provisions of § 90.35 dealing with pot-bellied pigs shall be subject to a fine of $50 per day. If any person is found guilty of having violated any provision of this section dealing with pot-bellied pigs, such violation may result in revocation of such person's authorization to keep or maintain pot-bellied pigs.

(2) All violations of § 90.35(A) are subject to a fine of $100 per occurrence.
(Ord. 93-38, passed 7-12-1993; Ord. 2011-06-14-01, passed 6-14-2011; Ord. 2012-04-10-02, passed 4-10-2012)

CHAPTER 91: ALARM SYSTEMS

Section

§ 91.01 PURPOSE.

(A) The purpose of obtaining an alarm permit is to encourage alarm users and alarm businesses to maintain operational reliability and properly use alarm systems to reduce or eliminate false alarm dispatch requests. Resolving and preventing false alarms is a joint responsibility of the alarm user and the alarm company. Identify the cause of every false alarm and contact the alarm company for alarm system maintenance and/or additional training on how to properly use the alarm system.

(B) This chapter governs alarm systems intended to summon law enforcement response, and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension of law enforcement response or revocation of registration.
(Ord. 2015-11-10-03, passed 11-11-2015)

§ 91.02 PERMITTING REQUIREMENTS FOR ALARMS.

(A) Each owner of an intruder (burglar) alarm or a fire alarm shall register the alarm with the town and pay a registration fee of $15 for administrative costs. Renewal fees of $15 may be waived if no false alarms have been reported in a preceding 12-month period.

(B) The Marshal's office and Town Secretary shall keep logs of all such permits to include information on the owner, property, alarm system, vendor of the alarm system, and other pertinent information relating to the alarm permit.
(Ord. 2015-11-10-03, passed 11-11-2015)

§ 91.03 STANDARD OF ALARM PERFORMANCE.

(A) Alarms installed by or for owners of property for the purpose of alerting persons in proximity by alarm sound, or directly alerting emergency personnel or law enforcement, shall be maintained and operated by the owners of such alarms in such manner so as not to activate by sound or signal unless unauthorized persons are entering the premises.

(B) A rebuttal presumption of "false alarm" shall exist if an activation of the alarm is caused by a reason other than an extreme weather event, an unauthorized entry of premises by a person or persons, or a fire.
(Ord. 2015-11-10-03, passed 11-11-2015)

§ 91.99 PENALTY.

(A) (1) Residential and/or commercial burglar alarm permit holders: all permit holders are allowed three false alarm calls, as well as two panic/robbery calls before service fees are assessed.

(2) If/when a customer exceeds three false alarms or two false, panic/robbery calls in a 12-month period, service fees are assessed according to the following schedule.

(3) The following false alarm service fee structure becomes effective June 15, 2011:

1 to 3 false alarm calls in 12 months	No charge
4 to 5 false alarm calls in 12 months	$50 each call
6 to 7 false alarm calls in 12 months	$75 each call
8 or more false alarm calls in 12 months	$100 per call

(B) Two false, panic/robbery calls will be allowed in a 12-month period before penalties apply. After two, a flat $60 fee will apply.

(C) Reducing false alarm calls will improve overall public safety and service when there is a real emergency. Officers will be able to respond to emergency calls more rapidly.

(D) In addition to the financial effect, excessive false alarms may result in the revocation of the permit, which would end police response to unverified alarms at the address.

(E) The following are suggestions to help avoid these penalties for excessive false alarm calls.

(1) Ensure the alarm system installed in your residence or business is properly maintained. This may include routine testing, battery replacement, and maintenance, as needed.

(2) Work closely with the contracted service provider and/or monitoring company whenever malfunctions are experienced with the system.

(3) Know the system. If you have questions or concerns about your system immediately contact your service provider and/or monitoring company.

(4) Be responsible with your system. If you give someone keys to your residence or business, train them to operate your alarm.

(5) Contact the Town Mayor's office, alarms unit, anytime you have questions regarding your permit, this alarms chapter, or anything pertaining to your residential or commercial permit. You may call 409-755-4940.

(6) Exclusive for alarm companies, please call 409-356-5772 when calling in alarm activations to the Marshal's office, leave message and contact information.
(Ord. 2015-11-10-03, passed 11-11-2015)

CHAPTER 92: HEALTH AND SANITATION; NUISANCES

Section

General Provisions

Noise

GENERAL PROVISIONS

§ 92.01 CLEANLINESS OF PREMISES.

(A) It shall be unlawful for any person who owns or occupies any lot or tract in the town to permit or allow holes or places on said lot or tract where water may accumulate and become stagnant, or to permit same to remain.

(B) It shall be unlawful for any person who owns or occupies any lot or tract in the town to permit or allow the accumulation of stagnant water thereon, or to permit same to remain.

(C) It shall be unlawful for any person who owns or occupies any house, building, establishment, lot, tract, or yard in the town to permit or allow any carrion, filth, or other impure or unwholesome matter to accumulate or remain thereon.

(D) It shall be unlawful for any person who owns or occupies any lot or tract in the town to allow weeds, rubbish, brush, or any other unsightly, objectionable, or unsanitary matter to accumulate on said lot or tract.

(E) Should any owner or the occupant of such lot or tract that has any place where stagnant water may accumulate or which is not properly drained, or the owner or occupant of any premises or building containing carrion, filth, or other impure or unwholesome matter, fail or refuse to drain and/or fill the lot, or remove such filth, carrion, or other impure or unwholesome matter, as the case may be, within ten days after notice to said owner or occupant to do so, in writing, or by letter addressed to such owner or occupant at his or her post office address, or within ten days after notice by publication as many as two times within ten consecutive days in any newspaper of general circulation in the town, if personal service may not be had as aforesaid, of if the address of the owner or occupant is not known; then the town may do such filling or draining or removal of filth, carrion, or of any other unsightly, objectionable, or unsanitary matter, or cause the same to be done and may pay therefor, and charge the expenses incurred in doing such work or having such work done or improvements made to the owner of such lot or tract, and if such work is done or improvements made at the expense of the town, such expense shall be assessed on the tract upon which such expense was incurred.

(F) Should any owner or occupant of any lot or tract within the town who shall allow weeds, rubbish, brush, or any other unsightly, objectionable, or unsanitary matter to grow or accumulate thereon, fail or refuse to cut down and/or remove such weeds, rubbish, brush, or other unsightly, objectionable, or unsanitary matter, as the case may be, within ten days after notice to the owner or occupant to do so, in writing, or by letter addressed to such owner or occupant at his or her post office address, or within ten days after notice by publication as many as two times within ten consecutive days in any newspaper of general circulation in the town, the town may do such cutting and/or removing of such weeds, rubbish, brush, or any other unsightly, objectionable, or unsanitary matter, or cause to the same to be done, and may pay therefor and charge the expense incurred in doing such work or having such work done or improvements made to the owner of such real estate; and, if such work is done or improvements made at the expense of the town, such expense shall be assessed on the real estate upon which such expense was incurred.

(G) (1) The Mayor or Town Health Officer shall file a statement of such expenses under divisions (E) or (F) above as the case may be, giving the amount of such expenses, the date on which the work was done or the improvements made, and a description of the real property with the County Clerk; and the town shall have a privileged lien on such real property upon which the work was done or the improvements made to secure the expenditures so made in accordance with the provisions of Tex. Health and Safety Code § 342.007, which lien shall be second only to tax liens and liens for street improvements, and said amount shall bear 10% interest per annum from the date the statement is filed.

(2) Further, for any such expenditures and interest as aforesaid, suit may be instituted and recovery and foreclosure of the lien may be had in the name of the town. The statement of expenses so made, as aforesaid, or a certified copy thereof shall be prima facie proof of the amount expended for such work or improvements.

(H) Nothing herein shall limit or preclude any other right or action otherwise permitted by law, including, but not limited to, judicial suit for injunction and/or damages, that the town has or may have. places in the town at the end of which time this section shall become effective.

(I) This section shall be published by posting the same at least ten consecutive days in three public places in the town, at the end of which time this section shall become effective.
(Ord. 99-2, passed 12-14-1999) Penalty, see § 92.99

§ 92.02 HAZARDOUS AND TOXIC MATERIALS; STORAGE.

The above-ground storage of any flammable, explosive, or toxic liquid in quantities greater than the reportable quantity (RQ) under CERCLA, (the Comprehensive Environmental Response, Compensation, and Liability Act), as amended by SARA (the Superfund Amendment and Preauthorization Act), being 42 U.S.C. §§ 9601 et seq., is prohibited. The storage of toxic and hazardous materials whose RQ under CERCLA is less than 50 pounds or which exist at normal atmospheric conditions in a solid or highly viscous state shall be in approved secondary containment vessels which would direct any blast effect upwards and prevent the release of toxic by-products into the atmosphere. Above-ground storage of explosive materials in quantities which would cause damage to off-site property or persons in the event of violent decomposition is strictly prohibited. The town shall have the right to inspection by its authorized representative of any facility storing or using these materials at any reasonable hour.
(Ord. 94-44, passed - -1994) Penalty, see § 92.99

§ 92.03 VISIBLE PLUMES; VISUAL POLLUTION.

No facility located within the town or its extraterritorial jurisdiction shall emit a visible plume of vapors, smoke, steam, particulates, or any other substance on a sustained basis or on an intermittent basis for periods exceeding one hour per day. Smoke issuing from wood-burning residential fireplaces is exempt from the provisions of this section.
(Ord. 94-43, passed - -1994) Penalty, see § 92.99

§ 92.04 TRASH, GARBAGE, VEHICLES, AND THE LIKE; ACCUMULATION.

(A) The accumulation of garbage, trash, inoperative motor vehicles, and debris within the corporate limits of the town shall be and are hereby declared to be a nuisance, and if after ten days' notice by the Mayor or the Board of Aldermen, acting as a group, to the individual causing the presence of the same to remove said nuisance, if same is not removed, the town shall have the authority to remove said nuisance at the expense of the person or company by whom said nuisance is occasioned, or upon whose property said nuisance may be found.

(B) An area specifically designated by the Board of Aldermen to be a public dumping area shall be exempt from the penalties of this section.

(C) Whereas, an emergency is apparent for the immediate preservation of order, health, safety, and general welfare of the public that requires this section to become effective immediately; therefore, it shall be effective from and after the date of its passage as made and provided by the Town Charter.
(Ord. passed 9-3-1963)

NOISE

§ 92.15 INTERFERENCE WITH ENJOYMENT OF PROPERTY, PEACE, AND COMFORT.

No person shall make or cause to be made any loud and raucous noise in the town which is offensive to the ordinary sensibilities of the inhabitants of the town, which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.
(Ord. 2009-1A, passed 10-13-2009) Penalty, see § 92.99

§ 92.16 ENUMERATION OF NOISE PROHIBITIONS.

The following acts, among others, are declared to create loud and raucous noises, and shall be deemed a violation of this subchapter, but such enumeration shall not be deemed to be exclusive:

(A) The sound of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle, except as a danger signal as required by state law;

(B) The playing of any radio, phonograph, or musical instrument in such a manner, or with such volume as to disturb the peace, quiet, comfort, or repose of persons in any dwelling apartment, hotel, or other type of residence;

(C) The keeping of any animal or fowl which emits or makes a loud and raucous noise;

(D) The use of any automobile, motorcycle, bus, streetcar, or vehicle so out of repair or so loaded, which emits or creates loud grating, grinding, or rattling noise;

(E) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger;

(F) The discharge into the open air of the exhaust of any stationary steam engine, stationary internal combustion engine, or motor boat engine, except through a muffler or other device which will effectively and efficiently prevent loud noises;

(G) The discharge into the open air of the exhaust from any motor vehicle except through a muffler, or other device which will effectively and efficiently prevent loud and raucous noises;

(H) The erection including excavation, demolition, alteration, or repair of any building in adjacent to a residential area other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety;

(I) The creation of loud and raucous noise on any street adjacent to any school or court which is in session or adjacent to any hospital; provided, that conspicuous signs are located in such streets indicating that schools, hospitals, and courts are adjacent thereto;

(J) The shouting and crying of peddlers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood;

(K) The use of any drum or other instrument or sound amplifying equipment for the purpose of attracting attention by the creation of noise, to any performance, show, sale, or display of merchandise as to attract customers to any place of business; or

(L) The use of mechanical loudspeakers or sound amplifiers on trucks or other moving vehicles for the purpose of advertising any show, sale, or display of merchandise.
(Ord. 2009-1A, passed 10-13-2009) Penalty, see § 92.99

§ 92.17 PRESUMPTION.

Whenever a violation of § 92.16(A) occurs, it is presumed that the registered owner of the vehicle for which the citation was issued is the person who committed the violation, either personally or through an agent or employee. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the State Department of Transportation showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.
(Ord. 2009-1A, passed 10-13-2009) Penalty, see § 92.99

§ 92.18 BELLS, SIRENS, COMPRESSION, OR EXHAUST WHISTLES ON VEHICLES.

No vehicle shall be equipped with and no person shall use upon a vehicle any bell, siren, compression, or exhaust whistle, except that vehicles operated in the performance of duty by law enforcement officers, Fire Department, and ambulances may attach and use a bell, siren, compression, or exhaust whistle.
(Ord. 2009-1A, passed 10-13-2009) Penalty, see § 92.99

§ 92.19 LOUDSPEAKERS AND AMPLIFIERS.

(A) A person commits an offense if he or she operates or causes to be operated any mechanical loudspeaker or sound amplifier in a public place or upon any public sidewalk, street, alley, or highway of the town in violation of any of the following limitations an requirements.

(1) No mechanical loudspeaker or sound amplifier may be operated within 150 feet of the property line of the premises of a residence, except between the hours of 8:00 a.m. and sunset, as designated by publication in a local newspaper of general circulation.

(2) A mechanical loudspeaker or sound amplifier may not emit loud and raucous noise so as to interfere with the enjoyment of life or property or to interfere with public peace and comfort.

(3) A mechanical loudspeaker or sound amplifier must be operated so as not to cause traffic congestion or congregation of crowds that obstructs any public sidewalk street, alley, or highway.

(4) A mechanical loudspeaker or sound amplifier may not be operated within 150 feet of any:

(a) Hospital;

(b) School that is in session;

(c) Nursing home; or

(d) Facility that provides surgical services to patients who do not require overnight hospital care during the hours of operation of the facility.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) ***RESIDENCE.*** A single-family, duplex, or multi-family dwelling.

(2) ***SURGICAL SERVICES.*** Therapy of a mechanical or operative kind, including, but not limited to, operations involving cutting, the setting of fractures and dislocations and similar manual forms of treatment.

(C) If conduct that would otherwise violate this section consists of speech or other communication of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social economic, political, or religious questions, the person must be ordered to move, disperse, or otherwise remedy the violation prior to arrest or citation.

(D) The order required by division (C) above may be given by a peace officer, a firefighter, authority to control the use of the premises, or any person directly affected by the violation.

(E) Is a defense to prosecution under division (A) above:

(1) In circumstances in which this section requires an order, no order was given;

(2) An order, if given, was manifestly unreasonable in scope;

(3) An order, if given, was promptly obeyed;

(4) The mechanical loudspeaker or sound amplifier was operated in a public place within an enclosed structure and was not audible beyond the property line of the premises on which it was located;

(5) The person operating the mechanical loud speaker or sound amplifier was a law enforcement officer or member of the Fire Department in the performance of official duties;

(6) The mechanical loudspeaker or sound amplifier was operated for the purpose of alerting persons to the existence of an emergency or danger; or

(7) The mechanical loudspeaker or sound amplifier was operated in the performance of emergency work necessary to restore public utilities, to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident, or natural disaster.
(Ord. 2009-1A, passed 10-13-2009)

§ 92.99 PENALTY.

(A) Any person who shall violate any of the provisions of § 92.01 shall be guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $500. Each day's violation shall constitute a separate and distinct offense

(B) Each violation of § 92.02 shall be punishable by a fine of up to $2,000. Each day of violation shall be a separate violation.

(C) Each violation of § 92.03 shall be punishable by a fine of up to $500. Each day of violation shall be a separate violation.

(D) The Mayor for the violation of § 92.04, may impose a fine which in no case shall exceed $500, and no fine shall be imposed except upon the verdict of a jury should the defendant demand a trial by jury.

(E) (1) It shall be unlawful to intentionally, knowingly, recklessly, or with criminal negligence violate §§ 92.15 through 92.19. Such violation shall be a Class C misdemeanor, punishable by a fine not to exceed $500.

(2) A person who violates a provision of §§ 92.15 through 92.19 is guilty of a separate offense for each occurrence.

(3) When required by State Family Code, the Court shall waive original jurisdiction over a minor who violates §§ 92.15 through 92.19. and shall refer the minor to Juvenile Court.
(Ord. passed 9-6-1963; Ord. 94-43, passed - -1994; Ord. 94-44, passed - -1994; Ord. 99-2, passed 12-14-1999; Ord. 2009-1A, passed 10-13-2009)

CHAPTER 93: FIREWORKS

Section

§ 93.01 INTENT AND PROHIBITION.

(A) *Ban generally*. The fireworks ban intent; to be enforced and run concurrently only during the presence of a burn ban, a parcel county fireworks ban, or a total county fireworks ban as ordered by County Commissioners Court or County Judge. This ban shall run concurrent in time with the county fireworks ban ordered by the County Commissioners Court or County Judge. The level of the fireworks ban in the town either Level I or Level II will be consistent with that ordered by county fireworks ban as ordered by the County Commissioners Court or County Judge. A county-wide burn ban as ordered by the County Commissioners Court or County Judge at the decision of the Town Board may call for a temporary ban on fireworks.

(B) *Prohibition*. Due to periods of extreme fire danger, the Town Marshal may prohibit the storage and/or detonation of any or all fireworks pursuant to the level of ban authorized:

(1) *Level I parcel ban*: classified as aerial fireworks; and

(2) *Level II total ban*: all fireworks.

(Ord. 2011-06-14-04, passed - -)

§ 93.02 LEVEL I PARCEL BAN.

(A) *Level I parcel ban generally*. For the purpose of this subchapter, a ***PARCEL BAN*** includes "aerial fireworks", including, but not limited to, skyrockets with sticks, mortars, flairs, and fireworks with fins or rudders to achieve aerodynamic flight within the town. This order includes any airborne projectile, missiles, and rockets.

(B) *Discharge prohibited.*

(1) It shall be unlawful and an offense for any person to set off, ignite, light, or in any manner cause the explosion of any aerial fireworks within the corporate limits of the town; or

(2) The Board of Aldermen may extend this chapter from the town limits out to 5,000 feet adjacent to the town limits by resolution.
(Ord. 2011-06-14-04, passed - -) Penalty, see § 93.99

§ 93.03 LEVEL II PARCEL BAN.

(A) *Level II total ban on all fireworks*. For the purpose of this subchapter, a ***TOTAL BAN*** includes, but is not limited to, all pyrotechnic device, skyrockets with sticks, mortars, cannons, flairs, and fireworks with fins or rudders to achieve aerodynamic flight, airborne projectile, missiles, rockets, roman candles, fire crackers, sparklers, or smoke bombs.

(B) *Discharge prohibited*. It shall be unlawful and an offense for any person to:

(1) Set off, ignite, light, or in any manner cause the explosion of any fireworks within the corporate limits of the town; or

(2) The Board of Aldermen may extend this chapter from the town limits out to 5000 feet adjacent to the town by resolution.
(Ord. 2011-06-14-04, passed - -) Penalty, see § 93.99

§ 93.04 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FIREWORKS. Any composition or device designed for entertainment to produce a visible or audible effect by combustion, explosion, deflagration, or detonation, and that is defined in 49 C.F.R. § 173.56.
(Ord. 2011-06-14-04, passed - -)

§ 93.05 AUTHORITY OF ACTION.

The Town Marshal is hereby authorized to seize, take, remove, or caused to be removed at the expense of the owner, any stock of fireworks offered or exposed for sale, stored, held, possessed, or discharged by any person in violation of chapter.
(Ord. 2011-06-14-04, passed - -)

§ 93.99 PENALTY.

(A) Any person, firm, or corporation violating any of the provisions or terms of this chapter or this code of ordinances as amended hereby, shall be subject to the same penalty as provided for in this code of ordinances, and upon conviction in the Municipal Court of the town, and upon conviction in the Municipal Court of the town, shall be punished by a fine not to exceed the sum of $2,000 for each offense, and each and every day such violation is continued shall be deemed to constitute a separate offense.

(B) If conduct constituting an offense under this section also constitutes an offense under another section of this chapter, the actor may be prosecuted under either section or under both sections.

(C) If conduct constituting an offense under this section also constitutes an offense under county or state regulations or laws greater than a Class C misdemeanor, the actor may be prosecuted under either section or under both sections.
(Ord. 2011-06-14-04, passed - -)