

AN ORDINANCE FOR THE CITY OF FAIR OAKS RANCH REGULATING ANIMALS AND FOWL; ADOPTING ANIMAL CONTROL REGULATIONS DESIGNED TO PROTECT THE PUBLIC HEALTH AND SAFETY; PROVIDING FOR ANIMAL CONTROL OFFICERS; REQUIRING THE LICENSING OF DOGS; PROHIBITING THE EXISTENCE OF COMMERCIAL ANIMAL ESTABLISHMENTS; PERMITTING THE CONTINUED OPERATION OF THE RIDING STABLE LOCATED ON VENTURER ROAD IN KENDALL COUNTY BY VIRTUE OF A GRANDFATHER CLAUSE; PROVIDING FOR IMPOUNDING AND DISPOSITION OF ANIMALS RUNNING AT LARGE OR OTHERWISE IN VIOLATION; PRESCRIBING REGULATIONS FOR THE CARE AND KEEPING OF ANIMALS WITHIN THE CITY LIMITS OF FAIR OAKS RANCH; ESTABLISHING VACCINATION REQUIREMENTS; PROVIDING PROCEDURES FOR RABIES REPORTING AND CONTROL; CONTAINING A SAVINGS CLAUSE; AND PRESCRIBING A PENALTY OF A FINE OF NOT LESS THAN \$25.00 NOR MORE THAN \$200.00 AND MAKING EACH DAY A VIOLATION CONTINUES A SEPARATE OFFENSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

WHEREAS, the City Council of the City of Fair Oaks Ranch desires to protect the public health and safety by regulating the care and keeping of animals within the city limits and by providing vaccination and quarantine procedures in accordance with the Rabies Control Act of 1981 and its subsequent amendments.

Article I. In General

Section 1-1 Definitions

As used in this ordinance, the following terms are defined below:

Animal: Every non-human species of animal, both domestic and wild.

Animal-at-large: Any animal not under the restraint (as defined below) of a person capable of controlling the animal on or off the premises of the owner.

Animal Control Officer: Any person designated by the City of Fair Oaks Ranch as an enforcement officer who is qualified to perform such duties as required by this ordinance and/or state law.

Animal Shelter: Any facility operated by a humane organization, or municipal agency, or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or state law for care, confinement, return to owner, adoption, or euthanasia.

Bite: Puncturing or tearing of the skin by an animal's teeth.

Cat: Any live or dead Felis Catus.

Commercial animal establishment: Any pet shop, grooming shop, guard dog or obedience training center, animal auction, riding school or stable, performing animal exhibition, or boarding or breeding kennel.

Currently vaccinated: Vaccinated and satisfying the following criteria:

1. The animal must have been at least three months of age at the time of vaccination.
2. At least thirty days have elapsed since the initial vaccination
3. Not more than twelve months have elapsed since the most recent vaccination.

Dog: Any live or dead Canis Familiaris.

Domestic animal: Tame, domesticated, of or pertaining to the family or household.

Fowl: A bird of any kind; domestic cock or hen (Gallus Gallus).

Grooming shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Guard dog: Any professionally trained dog that will detect and warn its handler that an intruder is present in/or near an area that is being secured.

Kennel or cattery: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats; and/or a facility for keeping more than four breeding animals of the same species.

Licensed veterinarian: A veterinarian licensed to practice veterinary medicine in one or more of the fifty United States.

Livestock: Domestic animals used or raised on a farm, especially these kept for a profit; specifically, horses, ponies, mules, donkeys, cattle, goats, rabbits, sheep, and swine, regardless of age, sex, or breed.

Local Health Authority or Rabies Control Officer: The City shall appoint an Animal Control Office who shall handle all duties required under the Rabies Control Act of 1981 and all amendments to that act. The Animal Control Officer shall report directly to the Local Health Authority.

Observation period: The ten (10) days following a bite incident during which the biting animal's health status must be monitored. The ten (10) day observation period will begin on the day of the bite incident (day one).

Owner (custodian): Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored (in custody) if it is fed or sheltered for three consecutive days or more, or if it returns to a residence or business on three separate days.

Person: Individual, corporation, government or governmental subdivision, or agency, business trust, estate, partnership, association or any other legal entity.

Pet or companion animal: Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Pet shop: Any person, partnership or corporation, whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells or boards any species of animal.

Possible exposure to rabies: Receipt of a bite or scratch from any warm blooded animal, animal to human or animal to animal, is reason to suspect exposure to rabies.

Provocation: Any purposeful act that causes an animal to bite, scratch, or attack in protection of self, owner, or owner's premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with city ordinances would be considered provocation, irrespective of the reason for such entrance.

Public nuisance: Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

1. Is repeatedly at large or stray
2. Damages the property of anyone other than its owner
3. Molests or intimidates pedestrians or passersby
4. Trespasses on public or private property
5. Chases vehicles
6. Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored
7. Causes fowling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or to others in close proximity to the premises where the

- animal is kept or harbored
8. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored
 9. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained
 10. Attacks other domestic animals

Quarantine: Strict confinement, for the purpose of preventing the spread of disease, under restraint by closed cage, isolation kennel, rabies chamber, paddock, or in any other manner approved by the Rabies Control Officer at a facility approved by the Texas Department of Health.

Quarantine period: That portion of the observation period during which a biting animal is physically confined for observation as provided for under the quarantine method and testing section of this ordinance.

Rabies: An acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite or saliva.

Restraint: Any animal secured by a leash or lead and under the control of a responsible person and obedient to that person's commands. At all other times, a dog or other animal shall be confined to the realty or premises of the owner of such dog or other animal by a substantial fence of sufficient strength and height to prevent such dog or other animal from escaping therefrom; or inside a house on such premises; or secured on such premises by a leash consisting of a material of sufficient strength to prevent said dog or other animal from escaping such premises. It shall be unlawful for the leash to be arranged in a manner that allows the dog or other animal to get on or across any street, park, or other public land. Any animal so arranged shall be considered dangerous to the public in general declared a nuisance, and shall be impounded.

Riding school or stable: Any place that has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above animals.

Scratch: A scrape left by the claws or nails of an animal and of sufficient severity to break the skin and draw blood.

Sick animal: Any animal that appears to be suffering from an infectious, contagious, or communicable disease; or that is showing evidence of a physical injury, physical disorder, or traumatic injury; or that has an elevated temperature.

Stray: Animal running free or at large, with no physical or verbal

restraint.

Unowned animal: Any animal for which an owner has not been identified.

Vaccinated: Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by or under the direct supervision of a licensed veterinarian.

Veterinary hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Vicious animal: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; more specifically, any individual animal of any species that has on two or more occasions, without provocation, attacked or bitten any person or other animal, or any animal that has killed a person or other animal on any single occasion, or an individual animal which the Animal Control Officer has reason to believe has a dangerous disposition, likely to be harmful to humans or other animals.

Wild animal: Any animal, except the common domestic species, including, but not limited to, dogs, cats, horses, cattle, swine, sheep, and goats, regardless of the state or duration of captivity.

Wildlife: Any animal that occurs naturally in the wild state.

Wild State: Living in its original, natural condition; not domesticated.

Section 1-2 **Animal Control Officer**

An Animal Control Officer(s) shall enforce all provisions of this ordinance, including gathering up and impounding or quarantining of dogs and cats. Livestock, fowl, or other domestic and non-domestic animals found running at large (stray) within the City limits will be handled by the Sheriff's Department of the County of record.

Article II. Licenses and Permits

Section 1-3 **Licensing**

a. Any person owning, keeping, harboring, or having custody of any dog over three months of age within this municipality, must obtain a license as herein provided.

b. Written application for licenses, which shall include the

name, address, and phone number of the applicant; description of the dog, the appropriate fee as listed in the Fee Schedule section of this ordinance, and rabies certificate issued by a licensed veterinarian, shall be made to the City of Fair Oaks Ranch or its designee.

c. If not revoked, licenses for the keeping of dogs shall be for a period of one year. The licensing period shall begin with the rabies vaccination date.

d. Application for a license must be made within thirty days after obtaining a dog over three months of age; this requirement will not apply to a nonresident keeping a dog within the municipality for not longer than ninety days.

e. License fees shall not be required for certified seeing eye dogs, hearing dogs for the deaf, governmental police dogs, or to other certified dogs that are trained to assist the physically handicapped.

f. Upon acceptance of the license application and fee, the City of Fair Oaks Ranch or its designee shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may conveniently fastened or riveted to the animals collar or harness.

g. Each dog must wear an identification tag attached to a properly fitted collar at all times.

h. The City of Fair Oaks Ranch or its designee shall maintain a record of the identifying numbers of all tags issued.

i. It shall be the duty of the owner of any dog to procure a duplicate tag from the City of Fair Oaks Ranch or its designee in the event that the original tag is lost or destroyed. There will be a fee charged for each replacement tag.

j. No person may use a license for any animal other than the animal for which it was issued.

Article III. Animal Control

Section 1-4 Restraint

a. All dogs shall be kept under restraint and not allowed to run a large, stray.

b. No owner, shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

c. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog

or cat cannot come into contact with another animal except for planned breeding.

d. Any animal within the City that shall bite, scratch, or otherwise attack a person who is not at the time trespassing upon the property of the owner or person having control of such animal, nor provoking or teasing such animal shall be deemed vicious or dangerous to persons or other animals and the Municipal Court may order that such animal be kept muzzled, or that such animal be kept within a sufficient enclosure or that such animal be delivered to the Animal Control Officer to be humanely euthanized.

e. If the Municipal Court cannot determine beyond a reasonable doubt that an animal is vicious and dangerous as defined in Section 1-1 and Section 1-4 (d) the court shall have the authority to hold a hearing and if such court shall determine at such hearing that such animal is vicious or dangerous to persons or other animals, the court may use the remedies authorized in Section 1-25 (c).

Section 1-5 **Impoundment and violation notice**

a. Unrestrained dogs and nuisance animals shall be taken by the Police or Animal Control Officer and impounded in an animal shelter or veterinary clinic and there confined in a humane manner. Any animal that poses a threat to public health and safety, any wild animal kept illegally, or any animal that has been cruelly treated or abused shall also be impounded. For purposes of discharging the duties imposed by the provisions of this chapter or other applicable laws, and to enforce the same, duly authorized representatives or employees may enter upon private property to the full extent permitted by law, which shall include but is not limited to entry upon private unsecured property when in pursuit of any animal which they have reason to believe is subject to impoundment pursuant to the provision of this chapter or other applicable laws. The above mentioned enforcement officers are also authorized, after reasonable attempts have been made to contact the owner, to enter any unlocked residence or other enclosure on private property to seize, impound, and quarantine any animal that is suspected of having bitten someone and therefore posing a threat to public health and safety.

b. Licensed impounded dogs or cats shall be kept for not fewer than 120 hours. (5das)

c. Unlicensed impounded dogs, cats, and other domestic animals shall be kept for not fewer than 72 hours. (3das)

d. Wild cats, dogs, livestock, or other animals may be kept or destroyed within zero to 72 hours at the discretion of the Animal Control Officer.

e. Sick or injured animals, wearing no apparent identification

through which ownership can be determined, may be kept or destroyed within zero to 72 hours at the discretion of the Animal Control Officer after consultation with a licensed veterinarian.

f. If, by a license tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall, upon impoundment, notify the owner by direct contact, telephone, mail, or other reasonable means.

g. An owner reclaiming an impounded dog or cat shall pay all impounding fees and licensing fees according to the Fee Schedule and boarding fees as set by the City of Fair Oaks Ranch. If no proof of a current rabies vaccination can be produced, the owner will be charged according to the Fee Schedule. The owner must present proof of rabies vaccination on said dog or cat within ten (10) days to the Animal Control Officer or will be considered in violation again of section 1-5 (g) and subject to a second fine. Impoundment and boarding fees for all other animals shall also be according to the Fee Schedule.

h. No sick impounded animal shall be released to the owner until the Animal Control Officer shall be satisfied that arrangements have been made for proper treatment of the sick animal.

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i. Any dog or cat not reclaimed by its owner within 120 hours for a licensed animal or 72 hours for an unlicensed animal or zero to 72 hours for wild, sick, or injured animals may be released to a humane organization for adoption in a suitable home. Animals not considered adoptable or surplus animals may be humanely euthanized. Other impounded animals will be the responsibility of the Sheriff's Department in the County of record following the procedure outlined in the Section 1-7 of this ordinance.

j. In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer or Police Officer may issue to the known owner of such animal a notice of ordinance violation. A person who is convicted of owning an animal at large shall pay a fine as listed in the Penalty Schedule of this ordinance. Subsequent convictions of this subsection within a 12 month period shall double the minimum applicable fine.

k. The licensing authority shall review automatically all licenses issued to animal owners against whom three or more ordinance violations have been assessed in a twelve month period. If deemed necessary, appropriate legal action may be taken against the owner.

l. The receiving facility shall present documented bills for services provided on all animals impounded. Any extraordinary care (i.e. veterinary) shall receive authorization from the City prior to administration of treatment.

Section 1-6 **Authority to destroy animals running at large**

If any animal found at large in violation of this ordinance cannot be safely taken up and impounded, such animal may, if deemed necessary, be destroyed by any authorized Police Officer or Animal Control Officer.

Section 1-7 **Sale of unredeemed animals, except a dog or cat**

All livestock will be the responsibility of the Sheriff's Department in the county of record. Said animals will be sold at public auction according to procedures outlined in the Counties laws.

Article IV. Care and Keeping of Animals

Section 1-8 **Animal care**

a. No owner shall fail to provide their animal with sufficient wholesome and nutritious food, water in sufficient quantities, adequate ventilation, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

b. No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

c. No owner of an animal shall abandon such animal. If an owned animal has been impounded by the Animal Control Officer no owner shall allow the animal to remain at the impound facility beyond the 120 hour maximum for a licensed or 72 hour maximum for an unlicensed animal, for the purpose of adopting the animal at a lower of cost that the fine or fee(s).

d. Chickens, ducklings, or rabbits may not be sold at any time during the year.

e. No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition; as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

f. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall be lawful for a person to expose on their own property common rat poison mixed only with vegetable substance.

g. It shall be unlawful for any person to use steel jaw leg

and/or neck traps with the intent of trapping any animal.

h. Any form of hunting by means of firearms or archery is unlawful within the City of Fair Oaks Ranch.

i. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the Animal Control Officer. If a non-domestic animal is struck, the operator shall report the injury or death to the Police Department.

Section 1-9 Keeping of domestic animals

a. It shall be unlawful for any person to own, keep, or harbor more than three unspayed/unneutered dogs or three unspayed/unneutered cats over four (4) months of age at any one address or location within the city limits of Fair Oaks Ranch. The breeding of one litter per year per residence is permitted; however, the breeding of more than one litter per year will result in the declaration of the residence as a commercial animal establishment and subject to fine.

b. All persons residing in the city limits of Fair Oaks Ranch who own one or more dogs must keep such dog or dogs at the residential premises permanently occupied and inhabited by said dog owner. It shall be unlawful for said dog owner to keep their dog or dogs at any other location within the city limits of the City of Fair Oaks Ranch.

c. It shall be unlawful for any person who is the owner of any hog, or any person who has any hog under their management or control, to keep the same, or allow the same to remain, in any pen, or in any other place within the city limits of Fair Oaks Ranch.

d. Household pets which are normally and customarily kept as household pets will be allowed in any zoning district.

e. Clauses (a), (b), (c), and (d) shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements and keep animals securely caged or penned.

f. Where any animal is being kept at lawfully existing premises within the City of Fair Oaks Ranch immediately prior to the passage of clauses (a), (b), (c), and (d) on March 17, 1988 or at a location outside the city limits which by annexation becomes a part of and within the boundaries of the incorporated area of the city, the requirements shall not apply for a period of one (1) year from and after the passage of this section or the date of annexation,

respectively.

g. The show barn (riding stable) located on Venturer Road in Kendall County shall be permitted to continue operation because the show barn was in existence prior to the subdivision of Fair Oaks Ranch and the formation of deed restrictions regarding future development.

Section 1-10 Keeping of wild animals

a. No person shall own, possess, or have custody on their premises of any wild or vicious animal (including a reptile) for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to animal shelters operated under the authority of the governing body of Fair Oaks Ranch.

b. No person shall keep or permit to be kept any wild animal, including a poisonous or otherwise dangerous reptile, as a pet, unless licensed to do so by the Texas Parks and Wildlife Department and with approval of the governing body of Fair Oaks Ranch.

Section 1-11 Animal waste

The owner of every animal shall be responsible for the removal of any excreta deposited by their animal(s) on public walks, recreation areas, or private property, including the property of the owner.

Section 1-12 Storage of feed

All feed provided for animals shall be stored and kept in a ratproof, flytight building, box, container, or receptacle. Horse stables must carry out a continuous, active rat control program.

Section 1-13 Evaluation of animals and premises

Animals and premises whereon animals are kept or maintained shall be subject to evaluation with just cause by the Local Health Authority or their authorized representative or employees at any reasonable hour, or at any hour in cases of emergency.

Section 1-14 Abatement of conditions not complying with chapter

Whenever any premises where animals are kept are in an unsanitary condition, or the facilities are not in keeping with the provisions of this chapter or any other regulations herein, or if any health ordinance of law is not observed, the Local Health Authority or their representative, by written notice to the person responsible for the condition of the premises or the keeping of the animals or the person owning or in control of such premises, may order the abatement of the conditions which are not in accordance with this

chapter or other regulations, or conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal or administrative proceedings, by grounds for and entitle the city to obtain relief by injunction.

Section 1-15 Loan of live capture traps

a. Small animal live capture traps may be ~~borrowed~~^{rented} from City of Fair Oaks Ranch Animal Control Officer (check for availability). No charge will be assessed if the traps are returned in the same usable condition within three days. All lost or damaged dog or cat traps will be assessed the cost of replacement.

b. Live traps will be checked by the individual setting the trap at least every 12 hours. Traps will be protected from the elements and humane care will be provided to the captured animals.

Section 1-16 Sterilization of adopted animals

No unclaimed dog or cat shall be released for adoption from the City without being sterilized or without written agreement from the adopting party guaranteeing that such animal will be sterilized by the specified date in the contract.

Section 1-17 Compliance with chapter not relief from compliance with other regulations

The keeping of any animal in accordance with the provisions of this chapter shall not be construed to authorize the keeping of the same in violation of the zoning ordinance or any other ordinance of the city.

Article V. Rabies Control

Section 1-18 Rabies vaccination

a. It shall be unlawful for any person to own, keep, harbor, or have custody or control of a dog or cat over 120 days of age within the City of Fair Oaks Ranch unless such dog or cat is currently vaccinated against rabies by the injection of anti-rabies vaccine by or under the direct supervision of a licensed veterinarian.

b. Every owner of a dog or cat immunized against rabies as required herein shall procure a rabies vaccination certificate from the veterinarian administering the vaccine. Such certificates shall contain the following information:

1. Owner's name, address, and telephone number.
2. The species, sex, age, size (weight), predominate breed, and color of the vaccinated animal.
3. The vaccine used, producer, expiration date, and serial number.

4. Date vaccinated
5. Rabies tag number
6. Veterinarian's signature and license number.

c. A veterinarian or person under the direct supervision of a veterinarian who vaccinates a dog or cat as required herein shall furnish the owner thereof with a metal tag approved by the Rabies Control Officer bearing a number corresponding to the number placed on the certificate, and with lettering showing immunization and the year thereof. This tag shall be attached to the properly fitted collar of the dog for which it is issued, and shall be worn at all times in a conspicuous place on the collar. Proof of vaccination must be maintained by cat owners but the cat need not wear the tag. Vaccination proof must be presented on demand by the animals owners to appropriate authorities.

d. The Rabies Control Officer and Animal Control Officer shall have received the pre-exposure rabies vaccination series prior to assuming their duties.

Section 1-19 Report of exposure to rabies

a. Any veterinarian who shall find any animal within the city limits affected with a disease which is transmissible from animal to man shall immediately report to the Local Health Authority or their designee such case together with the name and address of the owner and the location of the premises where the animal can be found.

b. Persons having knowledge of any animal exhibiting symptoms of or exposed to rabies, or that has bitten, scratched, or otherwise attacked an individual or other animal, or that the person suspects to be rabid or could reasonably foresee as capable of transmitting rabies, shall report the animal or incident to the Animal Control Officer or the Rabies Control Officer as soon as possible, but not later than twenty-four (24) hours from the time of the incident. The report shall include the name and address of any victim and the owner of the animal, if known, and any other information relating to the incident or animal

Section 1-20 Quarantine procedures for animals

a. Every animal that has rabies or symptoms thereof, or every animal that a person could reasonably suspect as having rabies, or that bites, scratches, or otherwise attacks another animal or any person within the City of Fair Oaks Ranch, shall be impounded at once and held for observation and quarantined at a place designated by the Rabies Control Officer.

b. The owner of any animal that is reported to have rabies or symptoms thereof, or to have been exposed to rabies, or to have bitten, scratched, or otherwise attacked any person or other animal

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 Boone Animal Shelter for 10 days, they pay \$15/per day
 board + quarantine fee to Animal Shelter.
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within the city limits, or that the owner knows or suspect to be rabid or to have attacked an individual, shall submit such animal to the Animal Control Officer for a quarantine period of ten days at the owner's expense. The ten day observation period shall begin on the day of the bite incident. The owner will have the animal quarantined for the ten day period at an approved local veterinarian. In the event the owner of such animal refuses to surrender such animal on demand, such action shall constitute a misdemeanor and upon conviction be punishable by a fine not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00).

c. The owner of an animal quarantined under this section shall pay to the quarantine facility the reasonable costs of the quarantine and disposition of the animal, including the charges for preparation and shipment of the animal's head or brain, if required, to the nearest Texas Department of Health certified laboratory for rabies testing. If the owner chooses not to pay for quarantine, the animal shall be humanely destroyed and the brain submitted to a Texas Department of Health Certified Laboratory for rabies diagnosis, at the owner's expense. All quarantine related payment arrangements shall be at the discretion of the individual quarantine facility.

d. The following quarantine procedures shall be observed:

1. Biting animals and animals suspected of rabies that are placed in confinement for observation must be separated from all other animals in such a manner that there is no possibility of physical contact between animals.
2. The quarantined animal must be observed at least daily by a person responsible for notifying the Rabies Control Officer if clinical signs of rabies are noted.
3. At the discretion of the Rabies Control Officer or their designee, the unowned animal may be destroyed for rabies diagnosis prior to the end of the quarantine period.
4. The Rabies Control Officer may require a written agreement by the owner or the custodian at the time of quarantine and the animal may be disposed of according to the terms of this agreement.

Section 1-21 Quarantine method and testing

a. Animals quarantined at the approved facility under the provisions of this ordinance shall be observed at least on the first and last days of the quarantine period by the Rabies Control Officer or their designee. If no clinical signs of rabies are noted during the quarantine period, the Rabies Control Officer or their designee shall sign a release form authorizing the

Veterinarian to return the animal to the custody of the owner. If the veterinarian determines that the animal has rabies, the animal shall be humanely destroyed and the head or brain submitted for testing.

b. The Rabies Control Officer shall obtain the veterinarian's certification that the animal has been found to be free of the clinical signs of rabies at the end of the quarantine period. This form shall be returned to the Rabies Control Officer at the end of the quarantine period.

c. No dog or cat shall be released from quarantine unless:

1. The owner has an unexpired rabies vaccination certificate and license for the animal (if the licensing requirement is applicable); or
2. The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense and a license (if required) is obtained at the owner's expense.

d. All wild animals involved in biting incidents will be handled according to the current Rabies Control State Guidelines.

Section 1-22 Disposition of domestic animals exposed to rabies

a. Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be humanely killed or, if sufficient justification for preserving the animal exists, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for six months, and given a booster vaccination one month prior to release from isolation.

b. Vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal shall be humanely euthanized or, if sufficient justification exists for preserving the animal, the exposed vaccinated animal shall be given a booster rabies vaccination and placed in strict isolation for three months.

c. These provisions apply only to domestic animals for which an approved rabies vaccine is available.

d. These provisions will be in accordance with current state law.

Article VI. Special provisions

Section 1-23 Enforcement

The civil and criminal provision of this ordinance shall be enforced by those persons or agencies designated by the municipal authority. It shall be a violation of this ordinance to interfere with an Animal Control Officer in the performance of their duties.

Section 1-24 **Fee Schedule**

a. Standard licensing fee

- 1. Unneutered dog Fee schedule available at City
- 2. Neutered dog Fee schedule available at City

b. Impoundment fee

An impoundment fee must be paid for each animal captured.

- 1. Dog or cat (biting animal) Fee schedule available at City
- 2. Dog or cat (non-biting animal) Fee schedule available at City

c. Boarding fee

A boarding fee must be paid for each animal confined by the Animal Control Officer: dog or cat per day of confinement. The fee will depend on the current fees charged by the facility holding the animal.

d. Observation fee for animals under rabies quarantine will be set by the veterinarian observing the animal.

Section 1-25 **Penalties**

Any person who shall violate any of the provisions of this ordinance, or fail to comply therewith, or with any of the provisions thereof, shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than twenty five dollars (\$25.00) and not more than two hundred dollars (\$200.00). Unless specifically listed on the minimum penalty schedule below, each and every day's violation shall constitute a separate and distinct offense. Subsequent convictions for any violation of this ordinance within a twelve (12) month period shall double the minimum applicable fine listed below, up to and including the maximum allowed by law.

Upon conviction of the specific ordinance violations listed, the minimum fine shall be as follows:

a. Operating commercial animal establishment	\$200.00
b. Animal abandonment	\$100.00
c. Unconfined and/or non-muzzled vicious animal	\$100.00
d. Failure to surrender animal for rabies observation	\$100.00
e. Hunting or trapping in city limits	\$100.00
f. Interference with animal control officer	\$100.00
g. Keeping wild animals (per animal)	\$50.00
h. More than three unneutered dogs, per animal	\$30.00
i. More than three unneutered cats, per animal	\$30.00
j. Unconfined female dog or cat in heat	\$30.00
k. No rabies vaccination	\$25.00