

Ordinance 10042011-01

AN ORDINANCE OF THE CITY OF FLORENCE, TEXAS, AMENDING AN ORDINANCE ADOPTING THE ANIMAL CONTROL ORDINANCE (ORD 07-31-01); PROVIDING FOR DEFINITIONS; PENALTIES AND ENFORCEMENT; ANIMALS RUNNING AT-LARGE; LIVESTOCK, FOWL, BEES AND WILD AND EXOTIC ANIMALS; IMPOUNDMENT OF ANIMALS; RABIES DESIGNATION AND RULES; PROVIDING FOR SAVINGS CLAUSE; REPEAL OF ORDINANCES IN CONFLICT; SEVERABILITY; AND EFFECTIVE DATE.

PART ONE: RECITALS

The recitals contained below are determined to be true and correct and are hereby adopted as a part of this Ordinance:

- (1) The City Council (“City Council”) of the City of Florence, Texas (“City”) seeks to maintain the beauty of the City; and
- (2) The City Council finds that the enactment of this Ordinance is necessary for the health, safety, and welfare of the citizens of the City; and
- (3) The City Council further finds that the prior Animal Control Ordinance (ORD 07-31-01) does not sufficiently protect the health, safety and welfare of the citizens; and
- (4) It is the purpose of this Ordinance to encourage responsible animal ownership and to protect the public health, safety, and welfare of the City; and
- (5) The provisions of this Ordinance shall not be construed to authorize the keeping of any animal in violation of any other city ordinance, state or federal statute or law; and
- (6) The City Council deems it in the best interest of the City to amend said Ordinance No. 07-31-01 in its entirety and for said Ordinance to be replaced in its entirety as follows:

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

SECTION 1. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. Ordinance No. 07-31-01 is amended in its entirety and shall read as provided in Attachment “A” attached hereto and incorporated herein as if fully set forth for all purposes.

SECTION 3. That the Rabies Control Act of 1981 as set out in Chapter 826 of the Texas Health and Safety Code is hereby adopted and the following orders are promulgated to establish a rabies control

program in Florence, Texas, as set forth in Attachment “A”.

SECTION 4. That this Ordinance shall become effective after its passage and publication as required by law.

SECTION 5. This Ordinance, upon its enactment and effective date, shall repeal all conflicting provisions that may be contained in other City ordinances or regulations. Except to the extent they apply to obligations and violations arising prior to the enactment of this Ordinance, this ordinance expressly repeals Ordinance No. 07-31-01, which shall remain in effect only in regards to actions that were taken when Ordinance No. 07-31-01 was applicable.

SECTION 6. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any previous ordinances which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. In the event that any one or more of the provisions, clauses, or words of this ordinance or the application thereof to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provisions, clauses, or words of this ordinance or the application thereof to any other situations or circumstance and it is intended that this ordinance shall be severable and that it shall be construed and applied as if such invalid or unconstitutional clause, section, provision, or word had not been included herein.

SECTION 8. That the meeting at which this Ordinance was enacted, was open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meetings Act.

PASSED AND APPROVED on FIRST READING, on this, the 4th day of October, 2011, by a 5 (ayes) to 0 (nays) and 0 (abstentions) vote of the CITY COUNCIL of the CITY OF FLORENCE, TEXAS.

PASSED AND APPROVED on SECOND READING, on this, the 6th day of October, 2011, by a 5 (ayes) to 0 (nays) and 0 (abstentions) vote of the CITY COUNCIL of the CITY OF FLORENCE, TEXAS.

CITY OF FLORENCE

By: _____
Mary Condon, Mayor

ATTEST:

Amy Crane, City Secretary

Attachment "A"

Section 1. Definitions.

Sec. 1.01 "Animal" means any live, vertebrate creature, domestic or wild.

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Sec. 1.02 "Animal Control Officer" means any person designated by the City Council, or any designee or agent of said employee, to perform the duties and responsibilities established by this order.

Sec. 1.03 "Animal Nuisance" means the keeping of any animal in such a manner as to endanger the public health, to annoy neighbors through the accumulation of animal wastes which cause foul and offensive odors, is a hazard to any other animal or human being, or any animal that by its presence interrupts or otherwise interferes with the quality of life of those individuals in its proximity.

Sec. 1.04 "Animal Shelter" means any facility used for the purpose of impounding and/or caring for animals that is operated by a humane society, another governmental entity, a private entity, a veterinarian, or Williamson County, and which meets all standards for such facility as required by law and the Texas Department of Health.

Sec. 1.05 "At-Large" means off the premises of the owner and not under the complete control of any person by leash, cord, chain, halter, cage, or other means of secure confinement, or not under the effective verbal command of the owner who is then physically present; or on the premises of the owner and not within the direct, constant and immediate presence of a person having effective verbal command, or otherwise confined to said premises by means of a leash, cord, chain, halter, cage, or other means of secure confinement, only where said animal is creating a nuisance.

Sec. 1.06 "Cat" means *Felis Catus*.

Sec. 1.07 "Chief of Police" means the Chief of Police of the City of Florence, Williamson County, Texas.

Sec. 1.08 "City" means the City of Florence, Williamson County, Texas.

Sec. 1.09 "Dog" means *Canis Familiaris*.

Sec. 1.10 "Exotic Animal" means any and all species of animals which commonly exist in a natural, unconfined state, are usually not domesticated and can pose a potential physical threat to the public or that is protected by international, federal or state regulations. This definition shall apply regardless of state or duration of captivity.

Sec. 1.11 "Fowl" means all of those birds commonly called poultry, but not limited to chickens, ducks, geese, guinea fowl, turkeys, pigeons, and all the relatives of those birds which can be kept in pens, coops, cages, or enclosures of any kind.

Sec. 1.12 “Keep” means to retain on a premises by any means; to harbor, control, own, or have custody or possession of.

Sec. 1.13 “Licensed Veterinarian” means a veterinarian licensed to practice veterinary medicine in the State of Texas.

Sec. 1.14 “Maintain” means to feed, shelter, protect, provide for, or bear the expense of.

Sec. 1.15 “Nuisance” means such actions on the part of an animal that constitute a legitimate threat to a person or property, or to the animal itself, or that cause a reasonable concern for the welfare of a person, property, or the animal itself.

Sec. 1.16 “Owner” means any person, firm, association, corporation, partnership, or any other legal entity harboring, keeping, exercising effective control of, or maintaining an animal. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days.

Sec. 1.17 “Person” means any natural individual, firm, association, corporation, partnership, or any other legal entity.

Sec. 1.18 “Running At-Large” means either off premises, or on premises, which are defined as follows:

- (1) “Off Premises” means any animal which is not restrained by means of a leash or chain of sufficient strength not more than six feet (6') in length, to control the actions of such animal while off the owner’s property.
- (2) “On Premises” means any animal not confined on premises of owner by a substantial fence of sufficient strength and height to prevent the animal from escaping there from, or secured on the premises by a metal chain or leash of sufficient strength to prevent the animal from escaping there from.

Sec. 1.19 “Quarantine” means strict confinement of an animal as directed by the Animal Control Officer and in such a secure manner as to prevent escape and to avoid exposure or injury to any person or another animal by the animal quarantined.

- (1) on the private premises of the animal’s owner or at a facility approved by the City Council and/or Animal Control Officer; and
- (2) under restraint by closed cage or paddock or in any other manner approved by the Animal Control Officer.

Sec. 1.20 “Rabies” means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

Sec. 1.21 “Restrain” means to retain control by leash, cord, halter, cage, or other secure confinement, or by effective verbal command of the owner or other person, whether on or off the premises of the owner.

Sec. 1.22 “Special Use Permit” means a permit issued by the City Council to allow certain exemptions to this Ordinance including, but not limited to allow for animals located on school property and designated as a “show animal,” or animals located at a “livestock show” for a time not to exceed 72 hours.

Sec. 1.23 “Stray” means roaming with no physical restraint beyond the premises or control of an animal’s owner or keeper.

Section 2. Penalties and Enforcement

Sec. 2.01 Any person found to be in violation, disobedience, omission, neglect, failure or refusal to comply with the enforcement of any of the provisions of this chapter shall be punished by a fine not to exceed five hundred dollars (\$500.00) for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.

(a) If any owner is found guilty of having violated any provision of this chapter, such violation may result in the revocation of such owner’s authorization to keep or maintain the animal(s) in question.

Sec. 2.02 Enforcement

(a) Representatives of the police department shall enforce the provisions of this chapter. Police officers and animal control officers shall have the authority to issue citations to persons violating the provisions of this chapter. If the person is not present, an animal control officer shall have the authority to send the citation to the alleged offender by registered or certified mail.

(b) It shall be unlawful for any owner or person to interfere with a police officer or an animal control officer in the performance of their duties as prescribed by this chapter.

(c) Police officers and animal control officers shall have the right to pursue and apprehend animals running at-large onto private property while enforcing the provisions of this chapter.

Sec. 2.03 Permit/License Revocation.

Animal control may revoke any permit or license of any person regulated by this chapter if the person holding the permit or license refuses or fails to comply with this chapter or any law governing the protection and keeping of animals.

Sec. 2.04 Public Nuisances.

(a) It shall be unlawful and constitute a public nuisance for any person to maintain any animal or fowl in such a manner or allow any pen, enclosure, yard, or similar place used for the keeping of animals or fowl to become unsanitary, offensive by reason of odor, or create a condition that is a breeding place for fleas, flies or other vector and which is offensive to persons of ordinary sensibilities residing in the vicinity thereof or is determined to be a public nuisance by the animal control authority.

(b) It shall be unlawful and constitute a public nuisance for any person to maintain any animal which repeatedly roams at large in violation of this chapter on public or private property; attacks another animal(s); or damages public or private property.

(c) Animals defecating and urinating in certain places; removal of excreta.

(1) Prohibited. It shall be unlawful for the person controlling to permit, either willfully or through failure to exercise due care or control, any dog or animal to urinate or defecate upon the sidewalk or parkway of any public street, or upon the floor of any common hall in any entranceway, stairway, or wall immediately abutting on a public office building or other buildings used in common by the public or upon the floor, stairway, entranceway, office, lobby, foyer, or patio used in common by the public. For the purpose of this section, the term “parkway” shall mean the portion of a public street other than a roadway or a sidewalk.

(2) Removal of excreta. It shall be unlawful and an offense for any person to fail to promptly remove and dispose of, in a sanitary manner, feces left by a dog, cat, or other animal being handled or controlled by the person upon public works, parks, recreation areas, sidewalks, parkways, or public streets or any other public areas specified in subsection (1) of this section, or upon any private property other than the premises of the owner, handler, or controller of such animal.

(d) It shall be unlawful and constitute a public nuisance for the owner of any animal to allow any excreta deposited by his animal to remain on public or private property. Any condition injurious to public health caused by the lack of or improper disposal of animal waste will be considered a violation of this section.

(e) It shall be unlawful for any person to allow any animal to remain a public nuisance as defined herein.

(f) It shall be unlawful for any person to permit the carcass of any dead animal to be or remain, upon any property under his control for more than twenty-four (24) hours after the death of the animal.

(g) It shall be unlawful for any person to permit more than a total of six (6) animals on their property absent a special use permit which would permit a larger number of animals such as a boarding or kennel facility which would have the capacity to handle a larger number of animals.

Section 3: Animals Running at-Large.

Sec. 3.01 Dogs Running at-Large.

It shall be unlawful for the owner of a dog in the City limits of the City to fail to restrain said dog or to allow said dog to run at-large off premises, and any stray dog shall be declared a public nuisance, subject to the requirements of this order. It shall also be unlawful for the owner of a dog in the City limits of the City to fail to keep the dog confined on premises as provided by this Ordinance.

Sec. 3.02. Any Animal Running at-Large.

It shall be unlawful for any person owning or keeping any animal to suffer or permit such animal to run at-large (off premises) upon the public streets, avenues, alleys, parks or other public property of the City, or to suffer or permit any animal to run at-large or go upon any premises owned or in the

possession of any other person in the City (on premises). It shall also be unlawful for any person to walk, suffer, or permit any animal to walk or to run, without a leash, rope, chain, tether, or harness, upon any public walking trail or track or upon any public bicycle trail or track. This prohibition includes public buildings, streets, sidewalks, and/or any other public walking or bicycle trail or track in the City of Florence, as well as the City Swimming Pool and any other City of Florence park and/or sports fields.

Sec. 3.03. Staking upon or within reach of street, sidewalk or park.

It shall be unlawful for any person to stake any live animal for the purpose of grazing upon or within reach of any public street, sidewalk or park within the limits of the City.

Sec. 3.04. Confinement of dogs.

Every person raising, owning, or keeping any dog within the City shall confine such dog to the premises of the owner or person controlling him. The dog shall be confined by a fence or wall and shall be kept within the enclosure, unless accompanied by a responsible person and restrained by a leash, rope, or tether in the hands of such person.

Sec. 3.05. Confinement of animals which have bitten or scratched persons.

It shall be the duty of any person owning or having charge of any warm-blooded animal, which has bitten, clawed or scratched any person, to have such animal confined by a licensed veterinarian for a period of ten (10) days, and, if for any reason such animal is not so confined by the owner or other person keeping the same, the animal control officer shall impound the animal for observation. If, at the expiration of the ten (10) days, the health of such animal is satisfactory, it may be released upon the payment of all expenses incurred by such confinement and compliance with all provisions of this chapter. In the alternative, at the discretion of the Chief of Police, any animal subject to the provisions of this section may be confined for the required period of time by its owner or keeper under the supervision and direction of the Chief of Police or a licensed veterinarian, provided that the permission hereby granted to keep the animal may be revoked at the discretion of the Chief of Police. Livestock are expressly excluded from the provisions of this section.

Section 4: Livestock, Fowl, Bees, Wild and Exotic Animals.

Sec. 4.01 Running at-large.

It shall be unlawful for any person to permit any horse, donkey, mule, sheep, cow, hog or goat owned or kept by such person to run at-large within the corporate limits of the City.

Sec. 4.02 Keeping of livestock.

It shall be unlawful (subject to the provisions of Sec. 4.03 and 4.04 of this Ordinance) for any person to keep a cow, horse, donkey, mule, or other livestock, except goats or sheep, on any premises of which the overall area is less than one-half (1/2) of an acre for each animal kept, or to keep more than can be cared for under sanitary conditions so as not to create a public nuisance, and in no event exceed the permitted number of adults and their young up to six (6) months of age. The number of livestock permitted shall not exceed one (1) adult per one-half (1/2) acre not occupied by inhabitable buildings. Goats and sheep shall require 2,500 square feet of land not occupied by inhabitable

buildings for each animal. When such livestock is kept on unplatted and undeveloped land within the city limits and such land exceeds three (3) acres in size, then no maximum number of livestock is established. In addition, it shall be unlawful to keep or maintain any livestock within two hundred feet (200') of any dwelling or public place within the City limits unless a specific use permit has been granted by the City Council. It shall be unlawful to keep or maintain any livestock or other animal in a manner as to establish a nuisance.

Sec. 4.03 Keeping of poultry, fowl, and/or small fur-bearing animals.

It shall be unlawful for any person to permit chickens or any other fowl owned or kept by him or under his control to run at-large within the corporate limits of the city. Chickens, geese, ducks, turkeys, pigeons and similar type fowl shall require one hundred (100) square feet of land not occupied by inhabitable buildings for each fowl. It shall be unlawful for any person to keep or have on his premises more than five (5) such fowl and one (1) brood of chickens, turkeys, ducks, geese, pigeons or other poultry or domestic fowl or more than two (2) and one (1) litter of rabbits, guinea pigs, hamsters, gerbils, mink, ferrets or other small fur-bearing animals within one hundred feet (100') of any dwelling or public place within the City limits unless a specific use permit has been granted by the City Council in accordance with the city's zoning regulations. This provision does not apply to undeveloped land within the City limits that exceeds three (3) acres in size.

Sec. 4.04 Keeping of swine.

(a) It shall be unlawful subject to the provisions of subsection (b) below, for any person to keep or have on his premises any hogs or pigs within the city limits unless a specific use permit has been granted by the city council.

(b) Requirements for keeping potbellied pigs.

(1) It shall be unlawful for any person to keep, harbor or raise more than two (2) adult potbellied pigs in any one (1) household within the city.

(2) It shall be unlawful for any person to keep or maintain potbellied pigs outdoors. A person may permit potbellied 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 potbellied pig may not escape and may not be located within fifteen feet (15') from any adjacent property line. Potbellied pigs are subject to all other sections of this chapter, including, but not limited to, the sections on restraint of animals.

(3) All potbellied pigs kept within the city must be either spayed or neutered. Under no circumstances may a person engage in the propagation or breeding of potbellied pigs within the city limits.

(4) All potbellied pigs kept within the city must be vaccinated against erysipelas, parvo virus and leptospirosis in accordance with all applicable state regulations.

(5) All potbellied pigs kept within the city must be registered with the city within fourteen (14) days from the time the animal is taken to its place of residence. The following requirements shall apply to registration of all potbellied pigs:

(A) The filing of a health certificate from a licensed veterinarian;

(B) Payment of an annual fee of seventy-five dollars (\$75.00) to the city secretary;

(C) Obtaining a registration tag from the city.

(6) All locations where potbellied pigs are kept shall be kept in a clean and sanitary condition. Exercise areas shall be cleaned of swine excrement on a daily basis.

Sec. 4.05 Keeping of bees.

It shall be unlawful to keep bees in any residential, commercial or developed area of the city. This section does not apply to undeveloped land within the city limits that exceeds three (3) acres in size.

Sec. 4.06 Keeping of wild and exotic animals/reptiles.

It shall be unlawful to harbor, keep, or maintain any wild or exotic animals within the city limits including, but not limited to, poisonous reptiles, reptiles over five (5) feet in length, bats, skunks, coyotes, foxes, wolves, alligators, lions, tigers, leopards, and monkeys. Further, the Chief of Police, or the Chief's designated representative within the police department, may declare any species of animal not listed in this section as "prohibited" if the confinement of the animal within the City can be shown to constitute a threat to the public health and safety. The City Council, however, may grant exceptions from time to time, such as for special events.

Section 5: Impoundment.

Sec. 5.01 Generally.

(a) Any animal found in violation of any provision of this chapter or any animal that is treated in a cruel or inhumane manner may be impounded by an animal control officer. Any such animal shall be held for at least five (5) days, except that any dog or cat wearing a current vaccination tag and/or a city registration tag shall be held for ten (10) days before any measure of disposition of such animal shall be taken. Any impounded animal that is found to be vicious or wild may be immediately and appropriately disposed of provided there is no evidence that said animal has an owner.

(b) A reasonable effort will be made by animal control to contact the owner of any impounded animal that is wearing a current registration tag; however, the ultimate responsibility for the location of an impounded animal is that of the owner.

Sec. 5.02 Unclaimed animals.

(a) Any animal except dangerous animals, not reclaimed by the owner may be humanely euthanized after being impounded for five (5) days, except for any animal wearing a current registration or vaccination tag shall be impounded for ten (10) days before euthanizing it.

(b) Any impounded animal not wearing a current registration and/or vaccination tag, other than animals under quarantine or found to be dangerous, may be given up for adoption or given to a nonprofit humane organization after five (5) days.

(c) Any impounded animal wearing a current registration and/or vaccination tag, other than animals under quarantine or found to be dangerous, may be given up for adoption or given to a nonprofit humane organization after ten (10) days.

Section 6: Rabies Control.

Sec. 6.01 Animal Control Officer.

(a) Designation of Animal Control Officer. There is hereby created the position of “Animal Control Officer”, which position shall constitute the Williamson County local rabies control authority authorized by Chapter 826, Health and Safety Code.

(b) The Animal Control Officer shall be the Chief of Police of the City of Florence, Texas, or any person designated by the Chief of Police, or the Chief’s designated representative within the police department, to represent and act for the city in impounding animals, controlling animals running at large, and to enforce all regulations including as authorized by the state.

(c) The Animal Control Officer shall have the responsibility for the following duties:

A. Enforcement of the requirements of this ordinance, the provisions of Chapter 826 (Texas Health and Safety Code) and Texas Department of Health rules comprising the minimum standards for rabies control, and the rules established by the Texas Department of Health in the event of the declaration of an area rabies quarantine.

B. Investigation of reports of stray dogs or cats or other animals in the incorporated areas of City, and the performance of any impoundment or regulation procedures authorized by this order.

C. Maintenance of appropriate records pertaining to enforcement of this order as may be required by the Chief of Police or the City Council.

D. Concurrent jurisdiction with the Williamson County Health District as pertains to animal or rabies control.

E. Authority to issue citation to and file in the appropriate court a complaint on any persons alleged to have violated one or more provisions of this order.

F. Conducting himself or herself in a proper law-abiding manner and avoiding the use of inhumane or unnecessary force on animals in the officer’s possession or under his or her control.

Sec. 6.02. Designation of Local Rabies Control Authority.

(a) The Chief of Police is hereby appointed the Local Rabies Control Authority for the City.

Sec. 6.03. Stray Cats.

(a) It shall be unlawful for the owner of a cat that has not been vaccinated for rabies to allow said cat to run at-large, and any cat at-large that has not been vaccinated for rabies shall also be declared a public nuisance, subject to the requirements of this order.

(b) The Animal Control Officer or any peace officer shall be authorized to capture and impound any stray cat or dog and place said cat or dog in an authorized animal shelter. The Animal Control Officer or any peace officer may issue a citation to the owner of a stray cat or dog whether or not the animal is subsequently impounded.

(c) In the event that a stray cat or dog or any other animal is of a vicious nature, and said animal’s actions or behavior constitutes an immediate threat to the health and safety of any person, or said animal is about to elude capture by the Animal Control Officer, the Animal Control Officer or peace officer shall be justified in immediately destroying the animal by the use of the most reasonable means available at the time.

(d) An impounded dog or cat shall be maintained in an animal control shelter for at least three (3) working days prior to release for adoption, unless sooner released to the owner, and no less than five (5) working days prior to humane destruction, not including the day of impoundment.

(e) A reasonable effort will be made by the Animal Control Officer to locate the owner of any

impounded dog or cat, if any, by license tag or other means, and notify said owner by telephone, mail, personal contact or leaving a written notice on the door of the owner's last known residence, of the location of the animal and the procedure for releasing the animal. Any impounded dog or cat, except those subject to quarantine, shall be released to its owner upon payment of the appropriate fee charged by the animal shelter in which the animal has been impounded, as well as additional fees or expenses, if any, related to expenses of impoundment and boarding of the animal, upon presentation of satisfactory proof of ownership. No dog or cat shall be released until all fees due are paid by the owner. Possession of a vaccination certificate describing the dog or cat or bearing the same serial number that appears on a metal tag worn by the animal shall be accepted as *prima facie* proof of ownership.

(f) Any impounded dog or cat not under quarantine that is not claimed and redeemed by an owner within three (3) working days following impoundment of the animal shall become the property of City, and may then be released to any person for adoption in a suitable home for an appropriate adoption fee charged by the animal shelter in which the animal is impounded. The decision to release a dog or cat for adoption shall be in the sole discretion of the authorized custodian of the animal shelter in which the dog or cat has been placed for impoundment. The custodian may charge the new owner any necessary additional fees for sterilization of the animal, pursuant to a sterilization agreement required by law, or other medical treatment necessary to the health of the animal.

(g) Any impounded dog or cat not under quarantine that is not claimed and redeemed by an owner or adopted by another person within five (5) working days following impoundment of the animal may be destroyed by the custodian of the animal shelter in which the animal has been impounded. The destruction of any animal shall be done in a humane manner, and the remains shall be disposed of lawfully.

(h) All fees collected on behalf of expenses incurred by the City for release of a dog or cat from impoundment shall be deposited with the City Secretary, subject to any contractual agreements with the animal shelter involved. Such fees may be used only to defray the cost of enforcing this order.

Sec. 6.03. Rabies Vaccinations.

(a) It shall be unlawful for a person to fail or to refuse to have each cat or dog owned by the person vaccinated against rabies by the time the animal is four (4) months of age and annually thereafter.

(b) It shall be unlawful to keep or maintain in the City limits of the City a dog or cat over the age of (4) four months that does not have a current rabies vaccination.

(c) The veterinarian vaccinating any dog or cat against rabies shall deliver to the animal's owner a vaccination certificate, as approved by the Texas Board of Health, and a numbered metal tag corresponding to said certificate. The veterinarian shall maintain a record of said vaccination for at least two (2) years showing date of issuance and serial number of each tag issued, the name and address of the animal's owner, and a brief description of the cat or dog vaccinated. On request, a veterinarian shall provide to the Animal Control Officer ownership information on any animal contained in the veterinarian's vaccination records.

(d) It shall be unlawful for any person to allow a dog or cat over the age of (4) four months to be at-large without wearing a current metal vaccination tag as issued by a veterinarian. It shall also be unlawful to cause a dog or cat to wear attached to its collar, or otherwise, a vaccination tag not issued for that dog or cat.

Sec. 6.04: Rabies Control.

(a) Any person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall immediately report the incident or animal to the Animal Control Officer, to include the name and address of the victim and of the animal's owner, if known, and any other information that may help in locating the victim and/or the animal. It shall be unlawful for any person to fail to report an animal bite or scratch that could be reasonably foreseen as capable of transmitting rabies.

(b) The Animal Control Officer shall investigate thoroughly any report of an animal bite or scratch to an individual, or of any suspected rabid animal.

(c) The Animal Control Officer, or any veterinarian, shall quarantine in accordance with the rules of the Texas Department of Health any animal that the Animal Control Officer or veterinarian has probable cause to believe is rabid, may have been exposed to rabies, or may have exposed an individual to rabies by bite or scratch or other means. The animal shall be quarantined at the owner's expense for observation for a period of not less than ten (10) days following a bite, scratch, or exposure constituting a risk. Pending quarantine, such animal shall be confined by the owner in a building or other secure enclosure, or securely changed to prevent escape or injury to such animal and to prevent contact with other persons or animals. Failure of an owner to so confine an animal prior to quarantine shall be unlawful.

A. Should an animal bite or scratch the owner or a member of his immediate family, the animal may be quarantined at the home of the owner without regard to vaccination or restraint of the animal at the time of the incident if a veterinary examination of the animal reveals no reason to suspect the presence of rabies in the animal. Should there be any doubt as to the presence of rabies in the animal by the examining veterinarian, then the animal shall be kept in quarantine at a facility approved by the Animal Control Officer. The animal shall be examined by a veterinarian at the conclusion of the quarantine period.

B. Should an animal that has been vaccinated, and is properly confined or restrained on the owner's premises, bite or scratch a person who is trespassing on the owner's property, the animal shall be quarantined only if demanded by the person bitten or scratched, who shall pay in advance all fees incident to a veterinary examination and quarantine, or if ordered by the Animal Control Officer, in which case the animal shall be quarantined at an appropriate facility at no expense to the owner.

(d) An owner shall submit at the Animal Control Officer's request any animal that is reported to be rabid or to have exposed an individual to rabies, or the owner knows or suspects is rabid or has exposed an individual to rabies. Failure of an owner or person in control of a suspect animal to submit such animal to the Animal Control Officer or a veterinarian as requested shall be unlawful.

(e) If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the veterinarian or Animal Control Officer shall release the animal to its owner at the expiration of the quarantine period if the owner has an unexpired rabies vaccination certificate of the animal, or the animal is vaccinated against rabies at the owner's expense.

(f) If a veterinarian determines that a quarantined animal shows the clinical signs of rabies, the veterinarian or Animal Control Officer shall immediately and humanely destroy the animal. If the animal dies or is destroyed while in quarantine, the head or brain of the animal shall be removed and submitted to a Texas Department of Health laboratory for testing.

(g) The owner of an animal quarantined under this order or state law shall be responsible for paying

the veterinarian and/or Animal Control Officer all reasonable costs of the quarantine and disposition of the animal. In the event that an owner fails to redeem the quarantined animal within four (4) days following expiration of the quarantine period, the Veterinarian or Animal Control Officer may sell the animal or keep or humanely destroy the animal.

(h) If the owner of a quarantined animal is unknown, the animal shall be considered a stray and handled in accordance with this order.

(i) Should any owner fail or refuse to comply with the provisions of this section, a justice court may, upon a finding of probable cause based on the affidavit of a credible person showing that the animal in question bit or scratched an individual, or is reasonably believed to have rabies or to have been exposed to rabies, issue an order to the Animal Control Officer or any peace officer directing that any suspect animal be seized and impounded for quarantine observation in accordance with this order. The expense of such quarantine shall be paid by the owner.