

## ORDINANCE # 13-0005

### **AN ORDINANCE AMENDING ORDINANCE 10-0003, ENTITLED PROVIDING FOR THE CONTROL OF ANIMALS IN THE CITY OF TRINITY, TEXAS; PROVIDING DEFINITIONS, ANIMAL VACCINATION, IMPOUNDMENTS, LICENSING, FEES AND FINES, INHUMANE TREATMENT OF ANIMALS; SEVERANCE CLAUSE; AND STAKING OF ANIMALS.**

Be it ordained by the City Council of the City of Trinity, Texas:

#### **SECTION I. DEFINITIONS**

For the purpose of this ordinance, the following definitions shall prevail:

- A. Animal – any of the order Mammalia, all of which are capable of being infected with and transmitting rabies.
- B. Cat – any domestic feline animal (*Felis domesticus*).
- C. Dog – any domestic canine animal or hybrid thereof (*Canis familiaris*).
- D. Bit or Bitten – means that the skin has been penetrated by an animal’s teeth or saliva from the animal has come in contact with an open wound or a mucous membrane.
- E. Own – to keep, harbor, or have control, charge, or custody of an animal.
- F. Owner – any person who keeps, harbors, or has charge or control of, or permits any animal to remain on, or be lodged or fed within his or her house, yard, or premises for a period of more than three days. This term shall not apply to veterinarians or kennel operators who have temporary custody, for a period of less than 60 days, of animals owned by others.
- G. Pound – a public facility that is maintained for the purpose of impounding or harboring animals.
- H. Animal Control Officer – the person or persons who are authorized and responsible for enforcement of this ordinance.
- I. Rabies Control Authority – shall mean the administrative agent for the purposes of this ordinance, whose duties consist of the following:
  - 1. Receiving all reports of animal bites and scratches to humans.
  - 2. Receiving all reports of suspected rabid animals.
  - 3. Investigation of all reported animal bites and scratches and suspected rabid animals.
  - 4. Order quarantine if appropriate, of any animal which has exposed an individual or which may be rabid.
  - 5. Other duties as entailed by the text of this law.
- J. Vaccination Against Rabies – the administration of a rabies vaccine to an animal according to the manufacturer’s written instructions and State law. The rabies vaccine shall be licensed by the United States Department of Agriculture for use in that species. Rabies vaccination must be performed by or under the direct supervision of a veterinarian who is licensed or legally permitted to practice veterinary medicine in Texas.
- K. Vicious Animal – any animal that constitutes a physical threat to human beings or other animals.
- L. Stray Animal – any animal for which an owner has not been identified.
- M. Running At Large – shall pertain to an animal on or off the premises of the owner and not under the restraint of a leash by the owner or his authorized representative. An animal intruding upon the property of another person other than the owner shall be termed “running at large.” An animal within an automobile or other vehicle of its owner shall not be deemed “running at large.”
- N. Wild Animal – refers to any other animal except the domestic species (dog, cat, horse, cow, sheep, goat, pig, and ferret).

#### **SECTION II: RABIES VACCINATION REQUIREMENTS**

##### **A. Initial Vaccination:**

In the City of Trinity, every dog or cat, 3 months of age or older shall be vaccinated against rabies.

Young dogs and cats shall be vaccinated no more than 30 days after they have reached 3 months of age.

Unvaccinated dogs and cats, more than 3 months of age that are acquired or moved into the city must be vaccinated within 10 days of purchase or arrival, unless there is documented evidence of current vaccination.

**B. Revaccination:**

Every dog and cat shall be revaccinated no more than 12 months after the initial vaccination.

**SECTION III. DUTIES**

**A. Duties of Veterinarian**

It shall be the duty of each veterinarian, when vaccinating any dog or cat to complete a certificate of rabies vaccination (in triplicate) for each dog or cat that is vaccinated. The certificate shall include the following information:

1. Owners name, address, and telephone number.
2. Description of the dog or cat (species, breed, sex, markings, age and name).
3. Date of vaccination.
4. Date of vaccination expiration.
5. Rabies vaccination tag number.
6. Vaccine producer.
7. Manufacturer's serial or lot number of vaccine.
8. Veterinarian's signature.
9. Veterinarian's license number and address.

The original certificate of rabies vaccination shall be provided to the owner. A durable metal or plastic, serially numbered rabies tag issued by the veterinarian who administers the vaccine shall be securely attached to the dog's or cat's collar or harness.

**B. Duties of Owner**

The owner is responsible to assure that his or her dog or cat wears a collar or harness with the approved rabies tag securely attached. The tag shall be worn at all times. In the event of loss or destruction of the original rabies tag, the owner shall obtain a duplicate tag. The owner is also responsible for notifying the animal control officer when ownership of his/her dog or cat changes, by the act of selling, barter, or using as a gift. The new owners must provide their name, address, telephone number and a complete description of the dog or cat.

Nuisance Offense (See Fines)

**C. Proof of Vaccination and Licensure**

It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination and/or city licensure upon demand to any person charged with the enforcement of this ordinance.

**D. Harboring Unvaccinated or Unlicensed Animals**

It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate or city license.

**E. Harboring Limited Number of Mature Dogs and Cats:**

It shall be unlawful for any family residence to harbor more than three (3) each dogs and cats that are four (4) months or older.

Nuisance Offense (See Fines)

**F. Harboring Female Dogs and Cats for the Purpose of Breeding:**

It shall be unlawful to harbor more than one (1) female for the purpose of breeding.

Nuisance Offense (See Fines)

**SECTION IV. TRANSIENT DOGS AND CATS**

Owners of dogs and cats who are temporarily visiting a specific rabies control jurisdiction with their dog(s) or cat(s) must carry with them and be prepared, upon demand of a legal authority, to present a current certificate or rabies vaccination for each dog or cat over the required age.

## **SECTION V. MANAGEMENT OF ANIMALS THAT BITE HUMANS**

### **A. Reporting Animal Bites**

1. Any person having knowledge that an animal has bitten a human shall immediately report the incident to the Rabies Control Authority. Every physician or other medical practitioner who treats a person or persons for such bites shall within 24 hours report such treatment to the Rabies Control Authority giving name, age, sex, and precise location of the bitten person or persons and such other information as the Rabies Control Authority may require.
2. Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat or other domestic or wild animal shall immediately report the incident to the Rabies Control Authority stating precisely where such animal may be found. If a known or suspected rabid animal bites or attacks a domestic animal, such incident shall also be reported as required above.

### **B. Vaccinated Dogs and Cats**

1. A healthy dog or cat that is currently vaccinated against rabies and that bites a human will be examined by a veterinarian, who will determine the animal's health status. If no signs of rabies are detected, the animal will be quarantined and observed for a period of 10 days from the date of the bite incident. At the end of the confinement period the dog or cat will be reexamined by a veterinarian. The results of the veterinary examinations will be documented and communicated to the Animal Control Officer, the Rabies Control Authority and the owner.
2. It shall be unlawful for any person to remove from any place of confinement any dog or cat which has been confined as authorized, without the consent of the Animal Control Officer.
3. The owner of the animal may request permission from the Rabies Control Authority for home quarantine if the following criteria can be met:
  - a. Secure facilities must be available at the home of the animal's owner. Fastening an animal by means of a collar or harness to a stationary object is not to be considered an alternative to physical confinement. The Animal Control Officer must approve the quarantine facility.
  - b. A licensed veterinarian must observe the animal on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the Rabies Control Authority must be notified by the person having possession of the animal.
  - c. The animal was not a stray at the time of the bite incident.
4. If at the end of the quarantine period, the dog or cat shows no signs of rabies, it may be released from quarantine with the approval of the Animal Control Officer or attending veterinarian.
5. If at any time during quarantine or upon examination, the dog or cat shows signs of rabies, the Rabies Control Authority will decide the proper course of action after conferring with the examining veterinarian and the Animal Control Officer.

### **C. Unvaccinated Dogs and Cats**

1. A dog or cat which has bitten a human, and has been designated by the Animal Control Officer to be a stray animal may be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a TDH certified laboratory for rabies testing.
2. An unvaccinated dog or cat that bites a human will be considered a rabies suspect and will be seized by the Animal Control Officer and impounded for observation, under the

supervision of a veterinarian, for a period of not less than 10 days. Payment of all fees incurred due to impoundment, veterinary examination and vaccination will be required of the owner upon the animal's release.

3. If at the end of the impoundment period the dog or cat shows signs of rabies, the Rabies Control Authority will decide on the proper course of action after conferring with the examining veterinarian and the Animal Control Officer.
4. If at the end of the impoundment period the dog or cat shows no signs of rabies, it may be released from impoundment with the approval of the Rabies Control Authority. Prior to its release, the dog or cat will be vaccinated against rabies at the owner's expense. Alternatively, the owner will pay the impoundment facility for the cost vaccination and receive that vaccination for their dog or cat within 72 hours from any local veterinarian.

**D. Other Animals**

1. Animals, other than dogs and cats, will be treated according to the circumstances of exposure, the species, and the presence of rabies in the area. The pathogenesis and length of incubation and virus shedding periods of rabies in those other animals is unknown.
2. The animal may, at the discretion of the Rabies Control Authority, be seized by the Animal Control Officer and immediately euthanized by a veterinarian who shall remove and properly preserve the head and submit the head to a qualified laboratory for rabies testing. Reports of the laboratory tests will be provided to the Rabies Control Authority, the Animal Control Officer and the submitting veterinarian.

**SECTION VI. ANIMALS THAT ARE BITTEN BY RABID ANIMALS**

**A. Vaccinated Dogs or Cats**

1. A currently vaccinated dog or cat that is bitten by a rabid animal will be revaccinated within 72 hours and quarantined under observation for 90 days or euthanized.
2. At the end of the quarantine period, the dog or cat will be examined by a veterinarian who will report the results of the examination to the Animal Control Officer or Rabies Control Authority.
3. If the examination determines that the dog or cat is free of signs of rabies, it may be released from quarantine with the approval of the Rabies Control Authority.

**B. Unvaccinated Dogs or Cats**

1. An unvaccinated dog or cat that is bitten by a rabid animal should be euthanized immediately.
2. If the owner is unwilling to consent to euthanasia, the animal shall be seized by the Animal Control Officer and impounded, at the owner's expense for six months, in strict isolation. If it shows no signs of rabies at the end of 5 months, it will be vaccinated against rabies at that time.
3. At the end of the six months impoundment, the dog or cat will be examined by a veterinarian who will report the results of the examination to the Rabies Control Authority or Animal Control Officer.
4. If the examination determines that the dog or cat is free of signs of rabies, it may be released from impoundment with the approval of the Rabies Control Authority.

**C. Other Animals**

1. Any animal, other than a dog or cat that is bitten by a rabies suspect should be euthanized at the discretion of the Rabies Control Authority. However, if the owner is unwilling to consent to euthanasia, the animal will be impounded by the Animal Control Officer, at the owner's expense, until it can be determined whether the rabies suspect that bit the subject animal is infected with or free of rabies.
2. If the rabies suspect is not available for testing or is found to have rabies, the impounded bitten animal will be euthanized at the discretion of the Rabies Control Authority. If the

rabies suspect is free of rabies, the impounded bitten animal may be released with the approval of the Rabies Control Authority.

#### **SECTION VII. IMPOUNDMENT OF DOGS AND CATS**

- A.** If an impoundment facility is provided for the purpose of boarding and caring for any animal impounded under the provisions of this order, such facility shall be constructed in accordance with recommendations from the Texas Dept. of Health. In lieu of constructing an impoundment facility, the City may contract with a chartered humane society organization, private person, or veterinarian having suitable facilities that have been approved by the Texas Dept. of Health.
- B.** Any animal that is found off of the owners premises without a valid rabies vaccination tag shall be impounded. All impounded animals shall be given proper care and maintenance. As soon as practicable after impoundment, if the owner is known or can be traced, notice will be given. Each impounded animal shall be kept and maintained at the pound for a minimum of 5 days, unless it is reclaimed earlier by the owner.
- C.** An owner may reclaim a vaccinated animal that is impounded for lack of a rabies tab and/or running at large by furnishing proof of rabies vaccination (Vaccination Certificate), paying all impoundment fees, and receiving all citations for payment to the City of Trinity prior to release.
- D.** An owner may reclaim an unvaccinated animal during the period of impoundment by paying the prescribed impoundment and rabies vaccination fees and receiving any citations for payment to the City of Trinity. A rabies vaccination must be administered prior to or within 72 hours of release. If rabies vaccination is not performed prior to or at the time of release, arrangements will be made by the pound facility to reimburse the rabies vaccination fee to a veterinarian designated by the owner after receipt of proof of vaccination.
- E. Unclaimed Animals**  
If a seized animal is not redeemed within 5 days, and after reasonable effort has been made to locate the owner, it shall be considered abandoned and may be placed for adoption subject to payment of the impoundment fee, care and feeding charges, veterinarian charges, and such other costs as set by the City Council or the animal may be humanely euthanized.
- F. Disposition of Impounded Animals Being Held on Complaint**  
If a complaint has been filed in City Court in the City of Trinity, Texas against the owner of an impounded animal for violation of this ordinance, the animal shall not be released except on the order of the court which may also direct the owner in addition to all impoundment fees. The court may, upon making a finding that such animal is vicious or that it represents a clear and present danger or nuisance to the citizens or other animals in the community, order said animal to be euthanized in a humane manner. Surrender of an animal by the owner thereof to the Animal Control Officer does not relieve or render the owner immune from the decision of the court, nor the fees and fines which may result from a violation or violations of this ordinance.
- G. Disposition of Diseased Animals**  
Any animal taken into custody or impounded that appears to be seriously ill or injured in such a manner as to render treatment impractical may be euthanized before the end of the holding period or given to a non-profit humane society for the purpose of treatment.

#### **SECTION VIII. ANIMALS RUNNING AT LARGE**

- A. Running at Large** – It shall be unlawful for any animal owned, kept, or harbored to run at large, as defined in Section I – M of this ordinance. The Animal Control Officer shall have the authority to impound such animal running at large. The Animal Control Officer shall furthermore be enabled by this ordinance to enter on to privately owned property for this purpose, so long as in doing so the Animal Control Officer does not violate a property owner’s “posted” or “no trespassing” notice. Note: Unfenced or open frontage (cartilage). Outside the immediate area is not protected by a trespassing notice.

- B. Nuisance – It shall be unlawful for any owner to harbor any animal which by any sound or cry or other activity shall disturb the peace, comfort, or property of the inhabitants of the neighborhood, and such disturbance is hereby declared to be a public nuisance and a violation of this ordinance.
- C. Confinement During Estrus – Any unspayed female dog in the state of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure and said area of enclosure shall be so constructed that no other dog may gain access to the confined animal. Owners who do not comply shall be ordered to remove the animal in estrus to a boarding kennel, veterinary hospital, or animal shelter. All expenses incurred as a result of this confinement shall be paid by the owner. Failure to comply with the removal order of the Animal Control Officer shall be violation of this order and the dog will then be impounded as prescribed in this order.
- D. Injured Animals – Animals injured on public property may be impounded and given adequate veterinary medical treatment pending notification of the owner. If the injured animal is treated and/or impounded, the owner of such animal shall be liable for all expenses of the treatment and/or impoundment, however, disposition may be made according to Section VIII – E.
- E. Livestock Running at Large – It shall be unlawful to permit any horse, mule, cattle, sheep, goat, swine, geese, chicken or fowl to run at large within the city.
- F. Staking and Grazing – It shall be unlawful for any person to stake any livestock for the purpose of grazing upon or within reach of any public street, alley, sidewalk or public place within the limits of the city.

#### **SECTION IX. VICIOUS ANIMALS**

- A. Vicious Animals – No person shall own or harbor a vicious animal within the City of Trinity, Texas. Such an animal shall be impounded as a public nuisance. If impoundment of said animal running at large cannot be made with safety to the Animal Control Officer or other persons, the animal may be destroyed without notice to the owner or harbinger.
- B. Guard Dogs – It shall be unlawful to place or maintain any dog which has been specifically trained to attack, in any area for the protection of persons or property unless the dog is physically confined to a specific area or is under complete and absolute control. The area or premise on which a guard dog is confined must be conspicuously posted with warning signs not less than two inches high. Underground electric barrier fencing systems are not considered physical confinement.

#### **SECTION X. ANIMALS PROHIBITED**

- A. Animals Prohibited – It is hereby prohibited and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit in the City of Trinity, Texas, any monkey or other nonhuman primate, skunk, raccoon, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, cougar, bear, wolf, coyote, fox, other carnivorous animal or venomous reptile.
- B. Endangered Species – It is hereby prohibited and it shall be unlawful for any person to import, offer for sale, keep, maintain, or harbor in the City of Trinity, Texas, any endangered species of animal as defined by the United State Dept. of the Interior or the Texas Dept. of Parks and Wildlife.
- C. Section X does not apply to:
  1. A bona fide publicly or privately owned zoological park.
  2. A bona fide research institution using animals for scientific research.
  3. A circus duly authorized to do business in the City of Trinity, Texas.
  4. A facility used for the training of hunting dogs to avoid snakebite.

#### **SECTION XI. INHUMANE TREATMENT**

- A. Cruelty to Animals – It is hereby prohibited and it shall be unlawful for any person to commit or cause to be committed any act of cruelty, harassment, or torture to any domestic animal or intentionally cause such animal to be mutilated or inhumanely killed. Ownership or the

commission of such acts of cruelty on private property shall not be justifiable defense for violation of this section.

- B. Poisoning** – It is hereby prohibited and shall be unlawful for any person to poison any domestic animal or to distribute poison or toxicants on public or private property in any manner whatsoever with the intent of poisoning any domestic animal.
- C. Animal Abandonment** – It is hereby prohibited and shall be unlawful for any person to willfully abandon any animal, or to withhold food or water from any animal such that its health is endangered or it is caused to suffer unduly.
- D. Fighting Animals** – It is hereby prohibited and it shall be unlawful for any person to cause, instigate or encourage any dog or other animal to fight with one of its own species or with one of a different species excepting those animals used in the act of livestock capture and control. It shall be unlawful for any person to train or keep any dog or other animal for the purpose of fighting. It shall be unlawful for any person to maintain a place where any dog or other animal is permitted to fight for exhibition or for wager or for sport.
- E. Staking Animals** – It is prohibited and it shall be unlawful for any person to stake any one or more cows, horses, mules, jacks, jennets, hogs, sheep or goats, unattended in an area less than (2500), two thousand, five hundred square feet for each animal. The leash length from stake to animal collar must be a minimum of (25) twenty-five feet but not greater than fifty feet (50). An adequate supply of drinking water must be available within the boundary of the leash being used. No animal shall be staked during a storm or during extreme freezing weather or summer heat, and no animal shall be staked before 8:00 am or after 8:00 pm. All staked animals shall be staked at a distance that will keep the animal at a minimum of ten (10) feet from any right of way including roads, highways, streets or alley ways.

## **SECTION XII. SAFETY PROVISIONS**

- A. Interference** – It shall be unlawful for any person to interfere with, molest, hinder, or prevent the Rabies Control Authority or Animal Control Officer in the discharge of their duties as herein prescribed, or to violate any of the provisions of this order.
- B. Penalty for Violations** – Any person who violates any of the provisions of this order shall be guilty of a Class C misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00 or by confinement in the City jail for not more than 60 days, or by both such fine and imprisonment.
- C. Severance Clause** – If any section, subsection, sentence, clause or phrase of this order is for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this order.
- D. Safety Clause** – The Rabies Control Authority of the City of Trinity, Texas, hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety.
- E. Repealer** – All other ordinances and parts of ordinances in conflict herewith are hereby repealed.
- F. Effective Date** – This act has been in effect since January 1, 1998.

## **SECTION XIII. CITY LICENSES, FEES AND FINES**

- A.** Effective since January 1, 1998 in the City of Trinity, every dog or cat 4 months of age and older shall be licensed. On proof of rabies vaccination and in accordance with Section II of this ordinance, and upon application of licensure and payment of the required fee to the clerk at Trinity City Hall, a license shall be issued.
- B.** The license fees per pet shall depend on the type of license desired by the owner. An annual license shall be available which must be renewed each year, or a lifelong license shall be available which would be obtained once for the animal's entire lifespan. Should such license be lost a replacement must be obtained, however, at the original fee.
- C.** Costs of the licensing of dogs and cats are as follows:

	<u>Annual</u>	<u>Lifelong</u>
Neutered Male	\$2.50	\$20.00
Intact Male	\$5.00	\$30.00
Spayed Female	\$2.50	\$20.00
Intact Female	\$5.00	\$30.00

D. The initial fee schedule set forth and approved by the City Council of the City of Trinity, Texas is as follows:

- |                                |         |
|--------------------------------|---------|
| 1. Impoundment Fee             | \$20.00 |
| 2. Wildlife Capture at Premise | \$25.00 |
| 3. County Calls                | \$25.00 |
| 4. Rabies Vaccination Fee      | \$ 8.00 |

E. Fines – Violations

The Animal Control Officer of the City of Trinity, Texas will establish a schedule of fines for the violation of any provisions of any sections of this order. This schedule of fines will be subject to review and approval by the City Council and will be subject to proper implementation and enforcement of the provisions contained herein. The following is the initial schedule of fines for violations of any of the provisions of this ordinance. The fines shall be mandatory for each offense and in some cases each day of non-compliance shall constitute a separate offense, to be determined by the city judge.

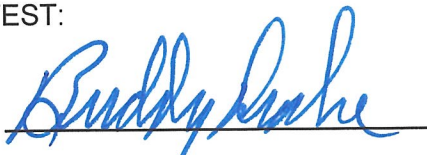
- |                                      |                           |          |
|--------------------------------------|---------------------------|----------|
| 1. Running At Large                  |                           |          |
|                                      | 1 <sup>st</sup> Offense   | \$100.00 |
|                                      | Additional Offenses Up to | \$150.00 |
| 2. Nuisance Offenses – Same as above |                           |          |
| 3. Failure to Produce Proof of:      |                           |          |
|                                      | Current Ownership         | \$ 50.00 |
|                                      | Rabies Vaccination        | \$ 50.00 |
|                                      | City Licensure            | \$ 50.00 |

F. Records

It shall be the duty of the Animal Control Officer of the City of Trinity, Texas, to maintain such records as deemed necessary to the enforcement of all provisions of this order and have those records available for display to the City Council, or to the public at any time during regular business hours of the City Hall.

PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF NOVEMBER, 2013.

ATTEST:

By:   
Buddy Drake, City Manager

By:   
Lyle Stubbs, Mayor