

ORDINANCE 2017-16

AN ORDINANCE OF THE CITY OF COLORADO CITY, TEXAS, AMENDING CHAPTER 2, ANIMAL CONTROL, OF THE COLORADO CITY CODE OF ORDINANCES; REPEALING AND REPLACING ORDINANCE 2010-17, ORDINANCE 2010-03, ORDINANCE 2003-02, ORDINANCE 1992-08, ORDINANCE 1987-12, AND ORDINANCE 1986-07, IN ORDER TO ESTABLISH A COMPREHENSIVE ANIMAL CONTROL ORDINANCE; ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, past ordinances, provided a rules and regulations for Animal Control in the City of Colorado City's (the "City") which have proven ineffective in regulating Animal Control;

WHEREAS, the City has amended various sections of the City Code relating to Animal Control multiple times effort to correct these issues; and

WHEREAS, the City Council of the City of Colorado City (the "City Council") wishes to incorporate all prior amendments into a comprehensive Animal Control Ordinance to aid in the efficient management of animal control issues within the City; and

WHEREAS, the City Council desires to strengthen the enforcement powers of the animal control department and its officers, and to remove all fees from Chapter 2 to establish a separate Animal Control Fee Schedule which may be easily amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO CITY, TEXAS, AS FOLLOWS:

I. Repeal. The following ordinances are, hereby, repealed.

- Ordinance No. 86-07 adopted on September 16, 1986
- Ordinance No. 87-12 adopted on September 8, 1987
- Ordinance No. 92-08 adopted on July 14, 1997
- Ordinance No. 2003-02 adopted in 2003
- Ordinance No. 2010-03 adopted on February 16, 2010
- Ordinance No. 2010-17 adopted on August 10, 2010

All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

II. Enactment. The following provisions shall be and are, hereby, enacted and adopted as the "Animal Control Ordinance", to be codified in Chapter 2 of the Code of Ordinances of the City of Colorado City.

ARTICLE 2.01 GENERAL PROVISIONS¹

Sec. 2.01.001 Definitions

As used in this chapter the following terms mean:

Animal control officer. Any person designated by the city as an officer who is authorized and qualified to perform animal control duties under the laws of the city.

Animal establishment. Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provision of U.S. Public Laws 89544 and 91579.

Animal Fancier. Anyone who keeps more than three (3) dogs or cats.

Animal shelter. Any facility designated or recognized by the city for the purpose of impounding and caring for animals held under the authority of this chapter and state law.

At large. Off the premises of the owner and not under the complete control, either by leash, cord, chain, or effective verbal command, of the owner who is then physically present with the dog; or on the premises of the owner and not within the direct, constant and immediate presence of a person having effective verbal command of the dog, or otherwise confined to said premises by means of a leash, cord, chain or enclosure.

Cat. All members of the feline family of either sex including one neutered or sterilized.

Dangerous Dog.² A dog that

- (a) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (b) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dog. All members of the canine family of either sex including one neutered or sterilized.

Harbor or harboring. The act of keeping or caring for an animal or of providing a premise to which the animal returns for food, shelter or care for a period of three (3) days or more.

Humane manner. Care of an animal to include, but not limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of

¹ State law reference-Health and safety of animals, V.T.C.A., Health and Safety Code, Chapter 821

² State law reference -- Definition of dangerous dog, V.T.C.A., Health and Safety Code, §822.041(2)

the animal's size, species and breed.

Kenel. An establishment kept for the purpose of breeding, selling or boarding dogs or cats or engaged in training dogs or cats, and the location must comply with all zoning regulations.

Livestock. Any horse, mule, jack, jenny, cow, cattle, sheep, goat, rabbit or guinea pig.

Neutered. Surgically sterilized sexually, that is spayed or castrated; rendered permanently incapable of reproduction.

Nuisance. A dog or cat, or another animal either licensed or unlicensed, which:

- (a) Molests passersby;
- (b) Chases passing vehicles;
- (c) Is not vaccinated against rabies as required by this chapter;
- (d) Is repeatedly at large;
- (e) Turns over garbage cans;
- (f) Barks, whines, or howls in an excessive, loud, continuous fashion so as to unreasonably disturb nearby persons;
- (g) Yowls, growls, or hisses in an excessive, loud, continuous fashion so as to unreasonably disturb nearby persons;
- (h) Damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner;
- (i) Causes insanitary, dangerous, or offensive conditions;
- (j) Molests, attacks, or interferes with persons or other domestic animals; or
- (k) Is without an owner.

Owner. Any person, firm, partnership, corporation, company or association who has, harbors, keeps or causes or permits to be harbored or kept or has in his care or who permits a dog, cat, or other animal on or about his premises for a period of three (3) days or more.

Person. Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

Pet shop. Any person, firm, partnership, corporation or company conducting business at a properly zoned location therefor, whether operated separately or in connection with another business enterprise other than a kennel that engages in the business of buying or selling at retail dogs or cats or

other animals for profit-making purposes.

Poultry. Chickens, turkeys, geese, ducks and guineas.

Property. Any object of value that a person may lawfully acquire and hold; that which may be owned as land, a residence, a vehicle, an animal, etc.

Residence. A house, apartment, room or duplex inhabited as the principal dwelling place of a person or persons.

Residential building. A structure or building designed, constructed, or converted for use as a residence.

Trap. Any device placed by an animal control officer, employed or used in the capture of animals which is not under the constant supervision of an officer and which functions in such a manner as to confine any animal entering same.

Vicious animal. Any animal, wild or domestic, which demonstrates a propensity toward the unprovoked biting or attacking of animals or humans, or which demonstrates a disposition toward savagery or ferociousness toward animals or humans or which represents a physical threat to animals or humans.

Wild animal. Any nondomestic animal normally found in a natural habitat.

Sec. 2.01.002 Penalty

Unless otherwise provided in state law or in this chapter, any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be penalized according to the general penalty provision set forth in section 1.01.009 of this Code.

Sec. 2.01.003 Vehicle striking domesticated animal

The driver of any vehicle which collides with or strikes any domesticated animal shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible without interfering with traffic, render reasonable assistance to said animal, and then and there either locate and notify the owner of said animal or report said accident and the injury to the department of animal control, the police department, or the local humane society. The provisions of this section shall not apply to any emergency vehicle or to a driver taking an ill or injured person to medical care, nor shall it require assistance to an animal if providing such assistance would place any person in danger from the animal or traffic.

Sec. 2.01.004 Wild animals

No wild animals shall be kept within the city limits for any purpose.

Sec. 2.01.005 Beekeeping

It shall be unlawful for any person, firm or corporation to keep, own, maintain or have in their possession within the corporate limits of the city beehives or any other structure for the purpose of

attracting and keeping bees for the production of honey or otherwise.

Sec. 2.01.006 Running at large prohibited

The running at large of domestic animals, domestic fowl, or any other animal within the city limits is hereby declared to be a nuisance, and it shall be unlawful for the owner or keeper of any such animal or fowl to permit the same to run at large within the city.

Sec. 2.01.007 Care of animals

Every owner, caretaker, or user of any animal within the city limits shall be required to observe the following rules, regulations, terms, and conditions in connection with the care, keeping, and using of such animals; any person violating any provisions hereof shall be deemed guilty of an offense:

(a) All enclosures in which such animal is kept and the ground upon which same are situated shall be kept and maintained in a clean and sanitary condition, and all fences surrounding such lot where the animal is kept and the feed troughs and water troughs with which such animals are fed and watered shall be free from any projection or thing whereon or whereby such animal may be injured.

(b) All animals shall be fed with a quantity of good wholesome food sufficient to keep them in a good, well-nourished condition, and such food shall be served to such animals in a clean, sanitary manner.

(c) All animals shall be provided access to shelter with a minimum of two sides and a roof.

Sec. 2.01.008 Staking, tying or hobbling animal

It shall be unlawful for any person to stake, chain, tie, or hobble any animal whatsoever as a normal day-to-day method of restraint. If an animal is restrained in any of the above-described ways or a combination of the above-described ways for more than three days, it shall be deemed to be a normal day-to-day method of restraint and therefore becomes unlawful.

ARTICLE 2.02 ANIMAL CONTROL DEPARTMENT

Sec. 2.02.001 Duties of Animal Control Officers

(a) It shall be the primary duty of the members of the animal control department to enforce the provisions of this chapter unless specifically otherwise provided by this chapter.

(b) It shall be the duty of the animal control department to keep accurate records of:

(1) The impounding of animals and the disposition of impounded animals.

(2) All cases and incidents coming to the attention of the department which involve animal bites of persons and other animals. The report shall include information concerning the observation of the animals involved, the conclusion of the department as to the existence of a rabies hazard, and the disposition of any animals under observation.

(3) All money received by the animal control department shall be turned in to the finance department. A receipt shall be issued for any funds received by animal control. The records shall be subject to audit by the city auditor or such other persons as the City Manager may designate.

Sec. 2.02.002 Powers of Animal Control Officers

Animal control officers and other authorized employees of the city shall have all the powers and authority of police officers to the extent only, and no further, of enforcing this chapter and other ordinances of the city relating to animals.

Sec. 2.02.003 Interference with animal control department

No person shall interfere with, hinder, or molest any agent of the animal control department in the performance of any duty of the agent, or seek or release any animal in the custody of the animal control department or its agents.

Sec. 2.02.004 Notice of violation

All duly appointed and qualified peace officers and animal control officers are authorized to issue written citations to person(s) violating this chapter or any other ordinance governing the regulation of animals.

Sec. 2.02.005 Traps

(a) It shall be unlawful for any person to tamper with, destroy, damage, spring, or cause to malfunction any trap set by the animal control department or to release any dog or cat from any such trap.

(b) No person shall set up or allow to be set up on his property steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, or any type of trap with a holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing, or otherwise traumatizing of the entrapped prey for the purpose of ensnaring domestic or wild animals within the city limits, unless the use of such traps is specifically deemed necessary by the department of public health in or for the control of communicable disease.

(c) This section is not to be construed to include those traps designed to kill common rodents, i.e., rats, mice, gophers and groundhogs; provided, that the owner is responsible for taking care that any of the above said "rodent" traps are not placed or used on or about his property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal or a human. It shall be prima facie violation of this section that the traps prescribed herein where, in fact, set up by the person in question; no intent or further culpable mental state shall be required to prove such a prima facie violation.

ARTICLE 2.03 DOGS AND CATS

Division 1. Generally

Sec. 2.03.001 Limitation on number kept without permit

(a) It shall be unlawful for any person to keep, maintain, or shelter more than three (3) dogs, plus one (1) litter to the age of three (3) months, within the city without a written permit. Any person desiring to keep, maintain, or shelter more than three (3) dogs plus one (1) litter to age three (3) months shall request from the director of the department of animal control a written permit to keep a specified number of dogs, and shall be identified as an Animal Fancier. The Chief of Police may issue such permit if he determines that such person has a proper and adequate enclosure in which to keep the dogs, and a proper and sanitary shelter for the dogs.

(b) After issuance, a permit may be revoked by the Chief of Police in the event either of the above criteria is not maintained, the dogs become a nuisance, the person issued the permit is convicted of any violation of this chapter, or if any one of the dogs is on two (2) separate occasions caught by an animal control officer while at large.

(c) The provisions of this section shall equally apply to the keeping of cats. It is specifically provided, however, that any person may keep up to three (3) cats, plus one (1) litter to age of three (3) months, without a permit, and may with a permit keep a larger number of cats.

(d) The fee for a permit pursuant to this section shall be established in the Animal Control Fee Schedule.

(e) The terms, provisions and limitations of this section shall not apply to dogs or cats kept upon the business premises of any veterinarian, kennel, animal shelter, pet shop or scientific research institution.

(f) The term of the permit granted under the provisions of this section shall be one year.

(g) Every Animal Fancier, or person engaged in animal husbandry, shall also be required to have an annual health permit issued by the animal control department.

(h) Any person who is identified as an Animal Fancier, or is engaged in animal husbandry, shall allow an animal control officer or anyone appointed by the animal control department access to the premises where such animals are housed, to inspect said premises for compliances with animal and human health mandates.

Sec. 2.03.002 Care and disposal of feces

(a) Care of a dog or cat must include, but is not limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

(b) The owner of every dog or cat shall be responsible for the sanitary disposal of, and shall dispose of, any feces deposited by his animal on public walks, streets, recreation areas, or upon private

property not within the control, possession or supervision of said owner.

(c) It shall be unlawful for the owner of any dog to suffer, permit, or allow such dog to be at large within the city limits.

(d) It shall be unlawful to keep, shelter, or enclose any dog or cat within any residential building or property which is not occupied as a residence by a person.

Sec. 2.03.003 Reward for persons leading to arrest and conviction of poisoners

A reward may be offered by the city as set by the city council to any person who shall furnish testimony or evidence leading to the conviction of any person or persons who have willfully poisoned any dog or cat within the city.

Sec. 2.03.004 Control of dogs

Every person who owns, keeps, or is in charge of a dog shall restrain the dog at all times. No dog of fierce, dangerous, and/or vicious propensities shall be allowed upon any street, avenue, highway, alley, sidewalk, parkway, park or other public place in the city, except as provided by this section. The animal shall be confined within a building or a secure enclosure and not taken out of such building or secure enclosure unless such animal is securely muzzled and under the control of the owner or any other person by either leash, cord, chain or otherwise. No female dog in heat shall be allowed upon any street, avenue, highway, alley, sidewalk, parkway, park or other public place in the city whether said dog is under the control of the owner or any other person either by leash, cord, chain or otherwise.

Sec. 2.03.005 Barking dogs

It is unlawful for any person to harbor or keep on his/her premises or in or about his/her premises, or under his/her control, any dog which, by loud or unusual barking or howling, shall cause the peace and quiet of the neighborhood or the occupants of adjacent premises to be disturbed or reasonably liable to be disturbed.

Sec. 2.03.006 Feeding stray cats or dogs

(a) It shall be unlawful for any person intentionally to cause, suffer or permit the maintenance of an attractive environment for the assembly of a congregation of unconfined and unlicensed stray cats or dogs by the placement of dog food or cat food. For purposes of this section, a "congregation of unconfined and unlicensed stray cats or dogs" means any three or more dogs or cats which:

(1) Are not confined in such a manner that they cannot of their own volition enter or leave the lot, tract, or parcel of land upon which the food is placed; and

(2) Are not wearing valid city license tags issued pursuant to division 2 of this article.

(b) For purposes of this section, "cat food" or "dog food" means any commercially prepared cat or dog food or any other food item or product which is subject to consumption by dogs or cats. It shall be an affirmative defense that the person placed the food solely for the purpose of apprehending

stray cats and dogs and delivering them to the department of animal services facility or a humane organization or to vaccinate them against rabies and license them.

Secs. 2.03.007—030. Reserved

Division 2. Registration, Licensing, and Vaccination³

Sec. 2.03.031 Registration

All cats and dogs, harbored or maintained by their owners within the city shall be registered. Registration tags shall be issued under the direction of the animal control officer or any designated person assigned by the city manager. Applicants for a license shall provide the following information:

- (a) The name, address and telephone number of the owner;
- (b) The kind and breed of dog or cat, if known;
- (c) The sex of the dog or cat, and, if neutered, so state;
- (d) The coloration of the dog or cat and any other distinguishing characteristics; and
- (e) Proof of vaccination.

Sec. 2.02.032 Deadline for registration

All dogs and cats presently in the city shall be registered. All newly acquired dogs or cats shall be registered within thirty (30) days of their acquisition. All newly born dogs or cats shall be registered within four (4) months of their birth. This requirement will not apply to a nonresident keeping a dog or cat within the corporate limits of the city for no longer than thirty (30) days.

Sec. 2.03.033 Registration license fee

- (a) License fees shall be as established in the Animal Control Fee Schedule.
- (b) License fees shall be waived for dogs serving the blind or government-owned dogs used for law enforcement. All other licensing provisions shall apply.

Sec. 2.03.034 Expiration of license

Such license shall be valid for one (1) year, and all licenses shall expire the date on which said cat or dog last received a rabies vaccination.

Sec. 2.03.035 Failure to pay annual fee

If the owner of a dog or cat has not paid the annual license fee within thirty (30) days of the date it is

³ State law reference-Rabies vaccinations, V.T.C.A., Health and Safety Code, sec. 826.051 et seq.

due, the owner of the animal to which the fee applies may be cited in the manner set out in Division 3 of this article.

Sec. 2.03.036 Rabies vaccination⁴

(a) No person shall own, keep, or harbor any dog or cat over four (4) months of age within the corporate limits of the city unless such dog or cat is vaccinated against rabies and licensed (registered).

(b) All dogs and cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians.

(c) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.

(d) The owner of any dog or cat within the city shall have said animal vaccinated against rabies by a licensed veterinarian each calendar year.

Sec. 2.03.037 Reserved.

Sec. 2.03.038 Record of ownership; record as evidence

Upon rabies vaccination of a dog or a cat, the veterinarian shall cause a record to be made, which record shall include the date of administration, the vaccination receipt number, the name of the owner of said dog or cat, the address of the owner of said dog or cat, and a brief description of the dog or cat including the breed, if known. The veterinarian shall cause a true and correct copy of said record for rabies vaccinations administered in the immediate preceding week to be forwarded to the city. The record provided by the veterinarian shall be kept by the animal control department and shall be prima facie evidence of the ownership of any dog or cat wearing a collar with said durable tags attached thereto. The owner of a dog or a cat licensed and vaccinated shall wear both durable tags issued attached to a collar worn by the dog or the cat. It shall be unlawful for an owner to allow a dog or a cat to leave the owner's residence while not wearing said durable tags. It shall be unlawful for any person to cause a dog or a cat to wear attached to its collar, or otherwise, the license tags or vaccination tags issued for any other dog or cat.

Secs. 2.03.039—054. Reserved.

Division 3. Impoundment

Sec. 2.03.055 Authority

Dogs which are a nuisance shall, if reasonably possible, be captured or taken by an animal control officer, or other designated employee of the city, if an animal control officer is not available, impounded in an animal shelter and there confined in a reasonably humane manner with necessary

⁴ State law reference-Rabies vaccinations, V.T.C.A., Health and Safety Code, sec. 826.051 et seq.

food and shelter. In the event of actual and immediate danger of bodily injury to any person because of a dog's or cat's vicious nature or actions, or in the event a dog or cat which constitutes a threat to the health of people or other dogs or cats is about to elude capture by an animal control officer, the officer shall be justified in immediately destroying the dog or cat by the use of any reasonable means available to him, without liability of any nature to the owner for the death of the cat or dog.

Sec. 2.03.055 Enforcement

(a) For the purpose of enforcing this chapter, any animal control officer or police officer is hereby authorized to issue to any owner, or other person who violates any provision of this chapter a citation which shall be dated and signed by the issuing officer. The citation shall set forth the general nature of the violation charged and shall direct the violator to appear in the municipal court of the city on or before a certain day. The violator shall sign the summons to indicate his agreement to appear. In the event a violator refuses to sign the agreement to appear, a police officer may be called to the scene and, upon the continued refusal of such person to sign, may arrest such person. In those instances, wherein the violator is not present, the citation may be issued, a complaint filed, and procedure followed as permitted by law.

(b) An animal control officer shall, upon observing a dog at-large, pursue said dog and capture same if possible. In the event ownership of the dog is determined, said officer shall issue a citation to the owner and deliver the dog to said person upon said person's exhibiting acceptable identification. In the event a dog at-large is captured and the owner is not located, or ownership is not determined, it shall be impounded.

(c) Unless reclaimed as herein provided, all impounded dogs shall be kept for not less than five (5) days, the first day of which shall be the day next following the day of impoundment.

(d) If the owner of an impounded dog can be readily identified, the animal control officer or his agent shall, within twenty-four (24) hours after impoundment, notify the dog's owner by telephone, if possible, or by mail if no telephone number is available.

Sec. 2.03.056 Redemption

(a) It is the responsibility of the pet owner to make sure their dog or cat is secured. This code requires that an animal be secured at all times. Allowing an animal to run at-large may result in penalties assessed by the municipal court of the city. In the event a dog or cat is found roaming and is picked up by an officer, the animal will be impounded and taken to the shelter. The owner may reclaim his dog or cat from the shelter upon payment of a reclamation fee. The fee for the reclamation is found in the Animal Control Fee Schedule.

(b) If the dog or cat is at least four (4) months old or older and not wearing a collar with valid rabies and license tags attached, the owner must present a certificate showing that the dog or cat has been vaccinated and licensed within the immediate preceding twelve (12) calendar months. If such a certificate of vaccination and/or the license cannot be produced, and the animal is three (3) months old or older, a warning notice shall be issued to the owner and the animal may be released to its owner on the condition that the owner shall immediately have the animal vaccinated against rabies and purchase a city license. In that event, the animal shall be vaccinated and/or licensed, as herein provided and acceptable proof thereof exhibited to the Chief of Police or his agent within seventy-two (72)

hours after the animal's release. If acceptable proof of vaccination and/or licensing is not presented within the seventy-two (72) hours, the Chief shall cause a complaint to be filed against such owner in the municipal court of the city. Animals which are not at least three (3) months of age may be released without immediate vaccination and licensing being required. However, the department of animal control may give written notice to the person claiming said animal that proof of vaccination and licensing must be presented, as required herein, on or before a certain date. The date shall be a date estimated as falling between the third and fourth monthly anniversary of the animal's birth. In the event such written notice is given and the proof of vaccination and licensing is not provided on or before the date stipulated, the Chief of Police shall cause a complaint or complaints to be filed.

Sec. 2.03.057 Disposition of Impounded Animals

(a) Any animal not reclaimed by its owner in compliance with the provisions of section 2.03.056 within the five (5) days excluding the day of impoundment shall become the property of the city and shall be either placed for adoption or humanely euthanized by an animal control officer.

(b) An impounded animal which is not claimed and redeemed by its owner within the five-day period may, if in good health and not having been observed to be vicious, be adopted by any person who pays an adoption fee and the cost of impoundment plus cost of vaccination, provided that the requirements of section 2.03.056 above must be met by such person, and provided that it shall be unlawful for any person to adopt or attempt to adopt any impounded animal in an effort to avoid or circumvent the penalties applicable to owners-violators.

Sec. 2.03.058 Neutering of dogs and cats

In accordance with applicable state law, the Animal Control Department shall establish procedures to ensure that no unneutered dog or cat is released from the city's animal services facilities except under the terms of a neuter agreement.

Secs. 2.03.059—074. Reserved.

Division 4. Dangerous or Vicious Dog

Sec. 2.03.075 Requirements for owner of dangerous dog.⁵

(a) No later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

- (1) Register the dangerous dog with the animal control department;
- (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure; and
- (3) Obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the liability

⁵ State law reference – Dangerous Dogs, V.T.C.A., Health & Safety Code, Chapter 822, Subchapter D.

insurance coverage or financial responsibility to the animal control department.

(b) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

(1) The owner knows of an attack qualifying the dog as a “dangerous dog”, as defined herein; or

(2) The owner is informed by the animal control department that the dog has been declared a dangerous dog.

Sec. 2.03.076 Determination

(a) If a person reports an incident which may qualify a dog as a dangerous dog, the animal control department may investigate the incident. If after receiving the sworn statements of any witnesses, the animal control department determines the dog is a dangerous dog, it shall notify the owner of that fact.

(b) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control authority to the municipal court by filing a written appeal with the court. An owner may appeal the decision of the municipal court in the same manner as appeal for other civil cases.

Sec. 2.03.077 Registration.

(a) The animal control department shall annually register a dangerous dog if the owner:

(1) Presents proof of:

A. Liability insurance or financial responsibility as required by Sec. 2.03.043(a)(3);

B. Current rabies vaccination of the dangerous dog; and

C. The secure enclosure in which the dangerous dog will be kept; and

(2) Pays an annual registration fee established in the Animal Control Fee Schedule.

(b) The animal control authority shall provide to the owner registering a dangerous dog, a registration tag. The owner must place the tag on the dog’s collar.

(c) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the animal control authority for the area in which the new address is located.

(d) If a dangerous dog moves to the City of Colorado City, the animal control department shall issue a new registration tag to be placed on the dangerous dog’s collar, on presentation by the current owner of the dangerous dog’s prior registration tag and payment of the fee established in the Animal Control Fee Schedule.

(e) An owner of a registered dangerous dog shall notify the office in which the dangerous dog was registered of any attacks the dangerous dog makes on people.

Sec. 2.03.078 Violations.

(a) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.

(b) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any provision of this article.

(c) An offense under this section is a class C misdemeanor.

(d) If a person is found guilty of an offense under subsection (a), the court may order the dangerous dog destroyed by the animal control authority.

(e) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed ten thousand dollars (\$10,000.00). The city attorney may file suit in district court to collect the penalty.

Sec. 2.03.079 Seizure of dog causing serious bodily injury.⁶

(a) The municipal court shall order the seizure of a dog and issue a warrant authorizing said seizure upon:

(1) A sworn complaint that the dog caused the death or serious bodily injury to a person; and upon

(2) A showing of probate cause to believe that the dog caused death or serious bodily injury to a person.

(b) The dog is to be seized and impounded by the animal control department until the court orders the disposition of the animal.

(c) A hearing shall be set by the court not later than the 10th day after the date on which the warrant is issued. The court shall give written notice to the concerned parties, the owner and complainant, and any other interested party, including the city attorney.

(d) The dog shall be destroyed if the court finds that the dog caused the death of a person; the dog may be ordered destroyed if the court finds it caused only serious bodily injury by attacking, biting or mauling a person. If such findings are not made, the court is to release the dog to the owner, the person from whom the dog was seized or to any other authorized person.

⁶ State law reference – Dogs that attack persons or are a danger to persons, V.T.C.A., Health & Safety Code, Chapter 822, Subchapter A.

to surrender any dog or cat which has bitten or scratched a human or which is suspected of having been exposed to rabies, for quarantine, which expenses shall be borne by the owner.

Sec. 2.04.017 Release to owner

The quarantined dog or cat may be reclaimed by the owner if adjudged free of rabies, upon payment of the fees set forth, upon compliance with the vaccination provision set for in Sec. 2.03.039.

Sec. 2.04.018 Pathological examination

When a dog or cat under quarantine diagnosed by a licensed veterinarian as being rabid or suspected of being rabid dies while under observation, the animals control department shall immediately send the head of such dog or cat to the health department for pathological examination. The animal control department shall notify the proper health officer of reports of human contacts, and then diagnosis shall be made of the suspected dog or cat after the pathological examination has been made.

Sec. 2.04.019 Duties of health officer

When a dog or cat bites or scratches a person so that the city health officers believes that the quarantine observation period cannot be observed because of danger of developing rabies, the city health officers shall order that the animal control department immediately forward the dog's or cat's head for pathological examination.

Sec. 2.04.020 Quarantine fees

The owner of the quarantined suspect dog or cat shall pay all fees incident to the quarantine prior to release of the dog or cat from quarantine by the veterinarian with the following exceptions.

(a) Should a dog or cat bite or scratch a person while such dog or cat is vaccinated against rabies and registered with the city within the twelve-month period immediately preceding the date of the bite or scratch incident, and is properly confined or restrained on the premises of the owner, as required by other sections of this chapter, the person so bitten or scratched by the dog or cat shall be liable, in advance, for all fees incident to said veterinary examination and quarantine, provided the person so bitten or scratched was on the property without the actual or implied consent of the owner and the person bitten demands quarantine. Otherwise, no quarantine is required, unless ordered by the animal control department, in which case the dog or cat shall be quarantined at the facilities of the animal control department at no expense to the owner.

(b) Should any dog or cat bite or scratch the owner or a member of his immediate family, such dog or cat may be quarantined at the home of the owner without regard to vaccination, registration, or restraint status of said dog or cat at the time of the incident, provided the veterinary examination of said dog or cat at the beginning of the quarantine period reveals no reason to suspect the presence of rabies in said dog or cat. Should there be any doubt as to the rabies status of said dog or cat by the examining veterinarian, then quarantine shall be accomplished by one of the methods described above, or the dog or cat destroyed as described herein. Said dog or cat must be examined at the conclusion of the quarantine by a veterinarian and all other portions of this chapter shall apply.

2.04.021 Unknown owner

In the event the owner of a suspect dog or cat is unknown, said dog or cat shall be considered a stray and it shall be quarantined at the city pound or any authorized animal shelter. Should a person subsequently appear and claim said dog or cat, then said person shall be considered as the owner and be liable for all fees incident to the quarantine as described herein. If all fees are not paid within three (3) days following the quarantine period at the city pound, said dog or cat may be sold or destroyed by the Animal Control Officer.

Sec. 2.04.022 City-wide quarantine⁹

(a) A city-wide quarantine may be invoked for a period of thirty (30) days by the City Council upon the recommendation of the animal control department after it has been notified by the city health officer of a positive diagnosis of rabies of a dog or cat or after an investigation has determined there exists an immediate threat of rabies.

(b) In the event there are additional positive cases of rabies occurring within the thirty-day period of city-wide quarantine, such period of quarantine shall be extended for an additional reasonable period of time.

(c) During such period of city-wide rabies quarantine, every dog or cat bitten by a rabid animal shall be dealt with in accordance with the compendium of animals as advised by the City veterinarian.

(d) It shall be unlawful for any person to take or permit any dog or cat in the streets or any other public place during the period of quarantine.

ARTICLE 2.05 NUISANCES

Sec. 2.05.001 Nuisance declared

(a) Any dog or cat or other animal which meets the definition of a nuisance in section 2.01.001 of this chapter is hereby declared to be a nuisance.

(b) A dog, cat, or other animal which is a nuisance may be picked up by the department of animal control.

(c) Any person who owns, keeps, or harbors a dog or cat or other animal which is declared to be a nuisance shall be guilty of a misdemeanor.

Sec. 2.05.002 Procedure and court authority for abatement

(a) Upon written complaint wherein any dog or cat or other animal is alleged to be a nuisance, as defined in this article, the municipal court of the city shall have the authority to order and hold a hearing upon giving notice to the owner of such dog or cat or other animal, and if such court shall determine at such hearing that such dog or cat or other animal is vicious or dangerous to persons or animals or has bitten or attacked any person, or other animal,

⁹ State law reference—Area rabies quarantine, V.T. C.A., Health and Safety Code, sec. 826.045.

the court may order that such dog or cat or other animal be kept muzzled; or that same be kept within a sufficient enclosure; or that same be delivered to the Animal Control Officer and by him be destroyed; or assess a fine against the owner thereof, as provided herein; or any combination of the foregoing.

(b) If such court shall determine that any dog or cat disturbs the peace and quiet of the neighborhood or occupant or any adjacent premises by loud, unusual or prolonged barking or howling, the court may order that such dog or cat be removed permanently beyond the city limits or delivered to the Animal Control Officer and by him/her destroyed, and failure or refusal to do so within twenty-four (24) hours after receiving said order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose there for, personally delivered or enclosed in a correctly addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than ten (10) days prior to the date of such hearing, shall be deemed sufficient and proper notice.

(c) Provided, however, if it appears upon trial thereof that any person attacked or bitten was trespassing upon the property of the owner or person having control of such dog or cat, or if any person attacked or bitten was provoking or teasing such dog or cat, or if such loud, unusual or prolonged barking or howling was provoked as the result of teasing or harassment by persons other than the owner, such conduct shall be a complete defense to any complaint brought hereunder.

(d) A person commits an offense if he knowingly possesses and fails to release to the animal control officer, or any peace officer under his direction, a dog or cat that has been charged by sworn complaint as provided in this article.

ARTICLE 2.06 DESTRUCTION OF ANIMALS

Sec. 2.06.001 Killing or removing rabid animals from city

(a) No person shall kill or cause to be killed any rabid animal, any animal suspected or having been exposed to rabies, or any animal which has bitten a human or suspected of having bitten a human, except as herein provided, nor remove same from the city limits without permission from the animal control department:

(b) The carcass of any dead animal suspected of having been exposed to rabies shall upon demand be surrendered to the animal control department.

(c) The animal control department shall direct the disposition of any animal found to be infected with rabies.

(d) No person shall fail or refuse to surrender any animal for quarantine, destruction or disposal as required herein when demand is made therefor by the animal control department.

Sec. 2.06.002 Injured or diseased animals

(a) Any animal which has been injured to the extent of broken legs, severe lacerations, internal injuries, etc., may be immediately put to death in a humane manner if, within the judgment of the director of the department of animal control, the animal is in pain and suffering and it is

Sec. 2.08.004 Licensed; applications; inspections; cancellations

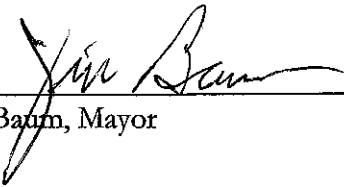
The procedure and requirements for the granting and keeping in force of licenses shall be as follows:

- (a) Any person desiring a license permitting him to keep livestock or poultry within the city limits shall file an application with the City Manager on a form provided by said City Manager for that purpose. Said application shall among other things call for the name and address of the applicant, estimated average number and types of livestock or poultry to be kept, description of the structures and facilities to be used for the enclosure of the livestock or poultry and for the disposal of manure and debris incident to their maintenance and care, and the distance to the adjacent residence from the outside boundaries of the structure or fence in which the livestock or poultry are to be enclosed.
- (b) The application shall be accompanied by a fee established in the Animal Control Fee Schedule.
- (c) When an application has been filed in due form, the city manager shall turn the same over to the city health officer and/or animal control officer who shall inspect the facilities where in the livestock or poultry are to be kept, and prepare an opinion as to whether the same follow the regulations herein above provided.
- (d) The city health officer and/or animal control officer may periodically on his own initiative, and shall upon written complaint of the Chief of Police or any other resident of the City, inspect as to whether the regulations as hereinbefore provided are being observed. If he finds that the aforesaid regulations are violated, he shall prepare and file a statement of that effect with the City Manager. The City Manager shall review the regulations being violated and upon determination that said regulations are violated, shall order the cancellation of said permit. In addition to the cancellation of the permit, charges may be filed in Municipal Court as provided in this Chapter against any person violating the terms of this portion of the Chapter.
- (e) The term of the permit required by this article shall be one year.

III. Severability Clause. It is hereby declared to be the intention of the City Council of the City of Colorado City that any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

IV. Publication and Effective Date. The City Secretary is hereby authorized and directed to publish the caption of this Ordinance in the manner and for the length of time prescribed by law and this ordinance shall become effective after publication of same as provided by charter and/or State law.

PASSED AND APPROVED by the City Council of the City of Colorado City, Texas, on this the 12th day of September 2017.



Jim Baum, Mayor

ATTEST:



Donna Madrid, City Secretary