

CHAPTER 2

ANIMAL CONTROL*

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* **State Law reference**—Authority of governing body to regulate animals, V.T.C.A., Local Government Code, Sec. 215.001, et. seq.

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ARTICLE 2.100 DEFINITIONS

As used in this chapter the following terms mean:

Owner. Any person, partnership or corporation owning, keeping or harboring animals;

Kennel. Any person, partnership or corporation engaged in the business of breeding, buying, selling, or boarding dogs and cats;

Pet shop. Any person, partnership or corporation engaged in the business of breeding, buying, selling, or boarding animals of any species;

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

Animal. Any living creature, domestic or wild.

Animal shelter. Any premises designated by the city administrative authority for the purpose of impounding and caring for animals held under authority of this article.

Restraint. An animal shall be deemed to be under restraint if on the premises of its owner or if accompanied by a responsible person and under that person's control;

Person. An individual, partnership, company or corporation.

(Ordinance adopting Code)

ARTICLE 2.200 ANIMAL PERMITS

Sec. 2.201 Permit Required

No person shall, without first obtaining a permit therefor in writing from the city clerk, own, keep, harbor, or have custody of any animal over three months of age, except that this section shall not apply to the keeping of small cage birds or aquatic and amphibian animals solely as pets.

Sec. 2.202 Permit Regulations

The city clerk shall promulgate regulations governing the issuance of permits and such regulations shall include requirements for humane care of the owner's animals and for compliance with all provisions of this article and other applicable statutes and ordinances. The city clerk may amend such regulations from time to time as they deem desirable for the public health and welfare and to protect animals from cruelty.

Sec. 2.203 Issuance of Permit

Upon a showing by any applicant for a permit that he is prepared to comply with the regulations promulgated by the city clerk, a permit shall be issued following payment of the applicable fee, as provided for in the fee schedule found in the appendix of this code.

Sec. 2.204 Permit Period

A permit, if not revoked, shall be valid for one year from the date of issue. A new permit shall be obtained each year by every owner and a new fee paid.

Sec. 2.205 Revocation of Permit

The city clerk may revoke any permit if the person holding the permit refuses or fails to comply with this article, the regulations promulgated by the clerk, or any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all animals being owned, kept, or harbored by such person and no part of the permit fee shall be refunded. It shall be a condition of the issuance of any permit to any owner of animals kept for commercial purposes that humane officers or pound keeper shall be permitted to inspect all animals and the premises where animals are kept at any time and the city clerk, shall, if permission for such inspection is refused, revoke the permit of the refusing owner.

Sec. 2.206 License Tag

Upon issuing a permit to keep any dog or cat, the city clerk shall issue to the owner a metallic or durable plastic tag, stamped with an identifying number and with the year of issuance and so designed that it may conveniently be fastened to a dog collar or harness. Such tag shall be fastened to the dog's collar or harness by the owner and shall be worn at all times when the dog is off the premises of its owner. The director of the bureau of licenses shall maintain a record of the identifying numbers and shall make this record available to the public.

(Ordinance adopting Code)

ARTICLE 2.300 CRUELTY TO ANIMALS

No person shall cruelly treat any animal in the city in any way; any person who inhumanely beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of a violation of this article. (Ordinance adopting Code)

ARTICLE 2.400 DANGEROUS ANIMALS

(a) It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city; exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the chief of police.

(b) The members of the police department or any other person in the city, are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

(Ordinance adopting Code)

ARTICLE 2.500 NOISY ANIMALS

It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night. (Ordinance adopting Code)

ARTICLE 2.600 STRAY ANIMALS

It shall be unlawful to permit any cattle, horse, swine, sheep, goats, or poultry to run at large in the city; any such animal running at large in any public place in the city shall be impounded in the manner provided in this article. It shall further be unlawful to picket or tie any such animal in any of the streets of the city for the purpose of grazing or feeding. (Ordinance adopting Code)

ARTICLE 2.700 DISEASED ANIMALS

(a) No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the chief of police.

(b) It is hereby made the duty of the chief of police to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act.

(Ordinance adopting Code)

ARTICLE 2.800 HOUSING; KEEPING OF CERTAIN ANIMALS

(a) No person shall cause or allow any stable or place where any animal is or may be kept to become unclean, or unwholesome, and it shall be unlawful to, keep any live swine or pigs in the city. City council may provide exceptions in case of school agriculture projects.

(b) It shall be unlawful to keep or have any goats anywhere in the city, or any cattle or chickens within one hundred (100) feet of any residence, other than the residence of the person so keeping or having such animals, anywhere in the city.

(c) For the purpose of this article, the term "poultry or animal yard" shall include every enclosure, shed, or structure used to house two or more live fowl, including in the term "fowl" chickens, ducks, geese and other poultry, or two or more cattle, horses, sheep, goats or other domestic animals.

(d) Every person maintaining a poultry or animal yard shall keep the same clean and sanitary, and free from all refuse. It shall be unlawful to permit any decaying food, or any refuse of any kind, to remain in such yard. Refuse from such yard shall, when swept up or collected, shall be kept in airtight containers until disposed of, and it shall be unlawful to permit any such refuse to remain uncovered.

(e) Every poultry or animal yard shall be adequately enclosed so as to be impenetrable against rats or other rodents. The presence of any rats in any poultry or animal yard shall be prima facie evidence that such yard is maintained in violation of the provisions of this article.

(Ordinance adopting Code)

ARTICLE 2.900 DOG REGULATIONS

Sec. 2.901 License Required

No dog shall be permitted to be or remain in the city without being licensed as hereinafter provided.

Sec. 2.902 License Fees

All dogs kept in the city shall be registered as to sex, breed, name and address of the owner and name of dog. At the time of such registration such owner shall obtain a license for such dog and shall pay a fee as provided for in the fee schedule found in the appendix of this code for each dog. It shall be the duty of said owner to cause such license tag to be securely attached around the dog's neck and kept there at all times during the license period.

Sec. 2.903 Dangerous Dogs

No vicious, dangerous, ferocious dog or dog sick with or liable to communicate hydrophobia or other contagious or infectious disease shall be permitted to run at large in the city.

Sec. 2.904 Running at Large

No dog shall be permitted to run at large in the city.

Sec. 2.905 Disturbing the Peace

No person owning any dog shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by barking, making other loud or unusual noises, or by running through or across cultivated gardens or fields.

Sec. 2.906 Nuisances

Any dog found in the city either without a license or running at large under conditions set forth above is hereby declared to be a nuisance and shall be impounded as hereinafter provided.

Sec. 2.907 Duties of Pound Keeper

The pound keeper is hereby charged with the duty of impounding all dogs running at large in violation of the provisions of this article. The chief of police shall be and is hereby authorized to make all necessary arrests in carrying out the provisions of this article.

Sec. 2.908 Fees for Impounding and Keeping

The fees and charges allowed and fixed by the ordinances of said city for taking up, pouncing, and keep and disposing of impounded animals shall be paid hereunder for like services at the time and in the manner fixed by said ordinance.

Sec. 2.909 Dogs Impounded - How Redeemed

The owner or owners of any dogs impounded hereunder may redeem the same by paying all the costs, charges and penalties assessed, if any, that have accrued up to the time of making the redemption, and when the same are paid to said pound keeper it shall be his duty and he shall release the dog from said pound and deliver him to the owner thereof.

Sec. 2.910 Public Notice

(a) Immediately after impounding any dog hereunder, it shall be the duty of the pound keeper to enter upon the records of the pound in a book to be kept by him for such purpose the date of impounding, a description of the dog impounded. and a record as to whether or not such dog has been licensed and tagged as required by the ordinances.

(b) Public notice of the impounding of such dog shall be given by posting a copy of the description of such dog and date of impounding on the bulletin board at the south door of the city hall. Any such dog not redeemed by the owner thereof within three days after the posting of such notice by the pound keeper shall be and he is hereby declared to be a public nuisance. The pound keeper or a vet shall immediately thereafter kill or destroy such dog.

Sec. 2.911 Licensed Dog Impounded

It shall be the duty of the pound keeper to cause notice to be served by mail upon the registered owner of any licensed dog impounded under the provisions of this article, such notice to be mailed at least two days prior to the posting of the notice of impounding herein before provided.

Sec. 2.912 Dog Bites

Whenever any dog bites a person, the owner of the said dog shall immediately notify the chief of police who shall have it impounded for a period of two weeks at a veterinarian at the expense of the owner. The dog shall be examined immediately after it has bitten anyone and again at the end of the two-week period. Verification of rabies inoculation shall be obtained from the owner prior to release of dog to owner after two week period. If at the end of two weeks a veterinarian is convinced that the dog is then free from rabies the dog shall be released from quarantine or from the pound as the case may be. If the dog dies in the meanwhile its head shall be sent to the state department of health for examination for rabies.

Section 2.913: LIMITATION ON THE NUMBER OF DOGS OR CATS:

It shall be declared a nuisance for any person, owner, or family to harbor or maintain more than five (5) dogs and/or cats, or any combination thereof (over six months of age) in a residence in the City of Ladonia.

Section 2.914: STAKING OF ANIMALS:

It shall be unlawful for any person to stake any animal unless such animal is within a fence or wall.

(Ordinance adopting Code)

ARTICLE 2.1000 IMPOUNDMENT**Sec. 2.1001 Dogs - Restraint Required**

All dogs shall be kept under restraint either by a leash or by being kept in an enclosure.

Sec. 2.1002 Impounding

Unrestrained dogs or dogs at large may be taken by police or the city dog warden and impounded in an animal shelter, and there confined in a humane manner. Impounded dogs shall be kept for not less than three (3) days unless reclaimed by their owners. If by a permit tag or other means the owner can be identified, the pound keeper shall immediately upon impoundment notify the owner by telephone or mail of the impoundment of the animal. Dogs not claimed by their owners within three days shall be humanely disposed of by the pound keeper or by an agency delegated by him to exercise that authority.

Sec. 2.1003 Redemption from Pound

An owner reclaiming an impounded animal shall pay a fee as provided for in the fee schedule found in the appendix of this code. The owner may also be proceeded against for violation of this article and his permit may be revoked.

Sec. 2.1004 Returning Animal to Owner If Known

If an animal is found at large and its owner can be identified and located, such animal need not be impounded but may instead be taken to the owner. In such case, the policeman, pound keeper or other officer of the city shall notify the city clerk of the violation of this article, and the city, with a fine for each offense, may proceed against the owner for violation of this article.

(Ordinance adopting Code)

ARTICLE 2.1100 ANIMAL NUISANCES

(a) It shall be unlawful for any owner to fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance.

(b) It is hereby declared to be unlawful for any owner, keeper or walker of any dog or cat to permit his or her dog or cat to discharge such animal's excreta upon any public or private property, other than the property of the owner of any dog or cat, within the city if such owner, keeper, or walker does not immediately thereafter remove and clean up such animal's excreta from the public or private property.

(Ordinance adopting Code)

ARTICLE 2.1200 PENALTY

Any person, firm or corporation violating any provision of this chapter shall be fined in accordance with the general penalty provision found in Section 1.106 of this code and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ordinance adopting Code)

ARTICLE 2.1300 BEEES

Sec. 2.1301 Keeping

It shall be unlawful to keep or harbor any bees in the municipality.

Sec. 2.1302 Nuisance

Any beehive used or occupied by bees is hereby declared to be a nuisance; and it shall be unlawful to keep or maintain any such hive in the city.

(Ordinance adopting Code)

ARTICLE 2.1400 RABIES INOCULATION

(a) It shall be unlawful to keep or harbor any dog over the age of four (4) months in the city unless such dog has been inoculated against rabies by a licensed veterinarian within the preceding year.

(b) No license shall be issued for any dog over the age of six months unless the applicant for such license presents proof that the dog has been inoculated for rabies within the year prior to such application.

(Ordinance adopting Code)

ARTICLE 2.1500 REDEMPTION OF UNLICENSED ANIMALS; ADOPTION

Sec. 2.1501 General Policy Regarding Adoption

(a) The city's main concerns with respect to adoption of a cat or dog from the shelter are:

- (1) that the animal be in good health, that all dogs be immunized against rabies, licensed, spayed (if female), neutered (if male) not vicious by nature, and

- (2) that the animal will be assured of a good home under the control of a responsible person.

(b) The location of residence of the proposed owner is immaterial; however, if it is within the city limits it will be considered subject to checking by a representative of the city or of the society for the prevention of cruelty to animals with respect to suitability of accommodations for the animal adopted.

Sec. 2.1502 Retrieval of Unlicensed Dogs

The city resident owner of a dog that has been impounded and is not currently licensed may be awarded his pet upon payment of all outstanding shelter charges and upon payment of deposits ensuring rabies immunization and licensing. A nonresident must pay the shelter charges and have his animal immunized against rabies if it has not had this treatment within the past twelve (12) months.

Sec. 2.1503 Adoption of Dogs

(a) Qualifications for adoption:

- (1) Good health.
- (2) Not vicious.
- (3) Immunized.
- (4) Licensed (when place of residence is within the city).
- (5) Spayed, if female, neutered (if male) (except in case of purebred animal, and if its registration papers are available).
- (6) In the case of a licensed dog turned in at the shelter by the owner of record or his authorized representative, said owner or representative must give a release in writing for the animal's disposal or adoption.
- (7) In the case of a licensed dog picked up by the animal control officer as a stray or while running at large, or in response to a complaint, the dog will not be available for adoption (other qualifications being met) until the prescribed waiting period of one hundred and twenty hours has expired and the owner of record has failed to claim it; or the owner has given written consent to the adopter for its adoption; or the adopter (after the waiting period) certifies that his efforts to locate the owner were unsuccessful.
- (8) In the case of an unlicensed dog picked up by animal control officer as a stray or while running at large, or in response to a complaint, the dog will not be

available for adoption (other qualifications being met) until the prescribed waiting period of seventy-two (72) hours has expired and the owner has failed to claim it.

(b) Fees associated with adoption: The adopter will be required to pay outstanding charges of the shelter applicable in the subject animal's case, plus such fees indicated as provided for in the fee schedule found in the appendix of this code, as the situation demands. All payments received at the shelter will be turned over to the city clerk.

Sec. 2.1504 Adoption of Cats

(a) Qualifications for adoption:

- (1) Good health.
- (2) Not vicious.
- (3) Spayed, if female, neutered (if male) (except in case of purebred and if its registration papers are available).
- (4) In the case of a cat turned in at the shelter by its owner or his authorized representative, said owner or representative must give a release in writing for the animal's disposal or adoption.
- (5) In the case of a cat suitable for adoption which is picked up by the animal control officer, or brought in by any other person not the owner, the cat will not be available for adoption until expiration of a waiting period of seventy-two hours during which time its owner may claim it.

(b) Fees associated with adoption. The adopter will be required to pay outstanding charges of the shelter applicable in the subject animal's case, plus such fees, indicated as provided for in the fee schedule found in the appendix of this code, as the situation demands. All payments received at the shelter will be turned over to the city clerk.

Sec. 2.1505 Shelter Hours for Adoptions

The city animal shelter will be open to the public for the claiming or adoption of animals as follows:

- (1) Monday through Friday, 10 a.m. to 4 p.m.
- (2) Saturday 4 to 6 p.m.
- (3) Sunday 1 to 5 p.m.

Sec. 2.1506 Holding Animal in Shelter

An animal considered by the control officer to be suitable for adoption may be held in the shelter for seven (7) calendar days following the mandatory retention period if not claimed by the owner during the retention period.

(Ordinance adopting Code)

