

ORDINANCE NO. 03272008

AN ORDINANCE OF THE CITY OF THRALL, TEXAS, ESTABLISHING GENERAL REGULATIONS FOR THE CONTROL OF ANIMALS WITHIN THE CITY; ESTABLISHING AN ANIMAL CONTROL OFFICER; ESTABLISHING AN ANIMAL CONTROL APPEALS BOARD; REQUIRING VACCINATIONS AND REGISTRATIONS OF REQUIRED ANIMALS; PROHIBITING ANIMALS FROM RUNNING AT LARGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE, EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE, OR FOR ANY VIOLATION OF ANY PROVISION WHICH GOVERNS FIRE SAFETY, ZONING, OR PUBLIC HEALTH OR SANITATION WHICH SHALL BE PUNISHED BY PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND PROVIDING EFFECTIVE DATE.

Section 1. Definitions

In this Ordinance the following words and terms shall have the following meanings ascribed to them unless the context indicates otherwise:

"Abandon" shall mean to dump, desert, or leave any animal on public or private property with the intent of terminating any further responsibility for said animals and shall also mean failing to properly redeem any animal impounded or quarantined by the City.

"Animal" shall mean any living creature, domestic or wild, including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowls, chickens and livestock but specifically excluding human beings.

"Animal Control Officer" shall mean the chief of police or a designated representative, unless another person is designated by the City to enforce this Ordinance. The Animal Control Officer has the power to delegate enforcement of the Ordinance to any city employee.

"Cat" shall mean a domesticated animal that is a member of the felidae (feline) family but does not include a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other wild animal of this family or hybrids.

"City" shall mean the City of Thrall, Texas.

"Dangerous Dog" shall mean a dog that:

1. makes an unprovoked attack on a person or other animal 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
2. 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 caused a person to reasonably believe that the dog will attack and cause bodily injury to that person.

"Designated veterinarian" shall mean a licensed veterinarian who has been approved by the City to collect fees for and issue licenses for animals.

"Dog" shall mean a domesticated animal that is a member of the canidae (canine) family but does not include a wolf, jackal, fox or other wild animal of this family or hybrids.

"Fowl" shall mean geese, ducks, turkeys or chickens.

"Guard Dog" shall mean any dog which has been trained for the purpose of protecting property by a guard dog company which is required to be licensed pursuant to Article 4413(29bb) V.T.C.S., as amended from time to time.

"Hybrid" shall mean the product of the mating of two different species of animals regardless of the number of

generations born since that original mating.

"Licensed Veterinarian" shall mean a person licensed to practice veterinarian medicine.

"Livestock" shall mean horses, or any member of the domesticated horse family, including but not limited to, mules, donkeys, and ponies; and all types of varieties of cattle, bulls, and all members of the cow family, and all types of domesticated swine, sheep and goats.

"Owner" shall mean any person owning, keeping or harboring an animal.

"Person" shall mean an individual, firm, partnership, association, corporation or other legal entity.

"Prohibited Animal":

1. Means an animal, other than a common domestic species and regardless of state or duration of captivity, that poses a potential physical or disease threat to the public or that is protected by international, federal or state regulations including, but not limited to the following:
 - a. Class Reptilia: Family Helodermatidea (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); Family Elapidae (coral snakes, cobras, mambas, and other elapids); the following listed species of Family Colubridae - Dispholidus typus (Boomslang), Hydrodynastes gigas (water cobra), Boiga (mangrove snake), and Thelotornis (African twig snake) only Order Phidia, Family Boidae (racers, boas, water snakes and pythons); and Order Crocodilia (crocodiles, alligators, caimans, and gavials);
 - b. Class Aves: Order Falconiforms (such as hawks, eagles, and vultures); Subdivision

Ratitae (such as rheas, and cassowaries);
and Order Strigiforms (such as owls):

- c. Class Mammalia: Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), except commonly accepted domesticated cats; Family Canidae (such as wolves, wolf-dog hybrids, dingos, coyotes, and jackals), except domesticated dogs; Family Mustelidae (such as weasels, skunks, martens, ferrets, mink, and badgers); Family Procyonidae (raccoon); Family Ursidae (such as bears); Order Marsupialia (such as kangaroos and common opossums); Order Edentata (such as sloths, anteaters, and armadillos); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees, and gorillas); Order Rodentia (such as porcupines); and Order Ungulata (such as antelope, deer, bison, and camels);
- d. Animals not listed: The Animal Control Officer may declare any species of animal not listed in this subsection as "prohibited" if the confinement of the animal within the City can be shown to constitute a threat to public health and safety; and

2. does not mean:

- a. a bird kept in a cage or aviary that is not regulated by international, federal, or state law; or
- b. a gerbil, hamster, guinea pig, or laboratory mouse or rat.

"Running at large" shall mean not completely confined by a building, wall or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash, or held in the hands of the owner or keeper, or under

direct supervision of the owner within the limits of the owner's private property. Any animal confined within an automobile or other vehicle shall not be deemed running at large.

"Secure enclosure" means a fenced area or structure that is:

1. locked;
2. capable of preventing the entry of the general public, including children;
3. capable of preventing the escape or release of a dog or chicken;
4. clearly marked as containing a dangerous dog, if applicable; and
5. in conformance with the requirements for enclosures established by the Animal Control Officer.

"Serious bodily injury" means any physical injury that involves a substantial risk of death, disfigurement, or impairment of any part of the body including, but not limited to, a broken bone or a laceration requiring either multiple stitches or cosmetic surgery.

"Slaughter" means the act of killing cattle, goats, sheep, rabbits, swine or fowl.

"Unprovoked" means action by an animal that is not:

1. in response to being tormented, abused, or assaulted by any person;
2. in response to pain or injury; or
3. in protection of itself or its food, kennel, immediate territory, or nursing offspring.

"Wild animal" shall mean any animal except the common domestic species (dogs, cats, horses, livestock and other common

farm animals) regardless of the state or duration of captivity.

Section 2. Enforcement.

- A. City shall designate an employee as the Animal Control Officer.
- B. Enforcement of this Ordinance and any state laws regulating animal control shall be the responsibility of the Animal Control Officer.
- C. The Animal Control Officer is authorized to:
 - 1. impound any animal in violation of this Ordinance;
 - 2. issue citations for any violation of this Ordinance or applicable state law.
- D. No person shall interfere with any Animal Control Officer or any authorized representative in the performance of their duties.
- E. The City Council shall establish the fees required by this Ordinance by resolution from time to time.

Section 3. Vaccination.

- A. The owner of a dog or cat shall have the animal currently vaccinated against rabies by a licensed veterinarian when the animal is four (4) months of age and within each subsequent twelve (12) month interval. After immunization the veterinarian shall issue to the owner of the animal a certificate of vaccination which contains the following information:
 - 1. name and address of owner;
 - 2. animal identification including species, sex, age, size, predominant breed and colors;
 - 3. type of vaccination; and

4. rabies tag number.
- B. Concurrent with the issuance of the certificate of vaccination the veterinarian shall provide to the owner of the dog or cat a metal rabies tag serially numbered showing the date of vaccination, the name, address and phone number of the veterinarian which shall be securely attached to the collar or harness of the vaccinated dog and worn at all times and able to be presented for a cat.
- C. A person, including a fostering organization, commits an offense without regard to mental state if the person owns, keeps, or harbors a dog or cat within the City without a current rabies vaccination, and fails to display a current license tag on a dog or able to be presented for a cat.

Section 4. License Tag by Designated Veterinarian.

- A. A licensed veterinarian located within or outside the City and who treats dogs and cats which are maintained within the City may apply annually to the Animal Control Officer to become a designated veterinarian. Application shall be in a form prescribed by the Animal Control Officer and shall be signed by the veterinarian applying for designation and shall have the force and effect of a contract. The City Council or its designee is hereby authorized to approve such application on behalf of the City. Agreement shall be valid only for the calendar year and shall expire on December 31st.
- B. A designated veterinarian is authorized to issue a license tag to the owner of a dog or cat upon proof of a current rabies vaccination certificate for the animal to be licensed and payment of the applicable license fee. A designated veterinarian shall not register any dog or cat without proof that the animal is currently vaccinated against rabies.
- C. A designated veterinarian shall collect the City's

current license fee for each animal he registers and may retain from the fee an amount established by the City Council as payment for services and shall submit the balance to the City. A designated veterinarian assumes full responsibility for insuring that full payment is made to the City for each license tag. License fees collected by a veterinarian shall be paid to the City no later than the fifth (5th) day of the month following the month in which the fees were collected. A designated veterinarian shall be responsible for the proper handling of all City license tags issued to the veterinarian by the Animal Control Officer and shall be responsible for contacting Animal Control to receive additional tags prior to the supply running out.

- D. Any designated veterinarian who fails to comply with the procedures or requirements for the collection and payment of license fees shall immediately forfeit the designation.
- E. The Animal Control Officer shall provide the designated veterinarian with necessary monthly report forms and City license tags. The Animal Control Officer shall establish a collection procedure for the fees, a format for the tags and shall record the number of dogs and cats registered, name of owner, and other appropriate information. The Animal Control Officer may at reasonable times inspect the license records at a designated veterinarian's office.

Section 5. Registration; license.

- A. The owner of a dog or cat four (4) months of age or older shall annually register the animal with the City. Written application to register the animal for a license and payment of the applicable license fee shall be made to the City or to a designated veterinarian. The application shall include the name and address of the applicant, a description of the animal, and proof of a current rabies vaccination. Upon acceptance of the application, a City license tag shall be issued, which shall bear an identifying

number for the animal and the year of issuance. The license tag shall be securely attached to the collar or harness of a dog and worn at all times or able to be presented for a cat. No license fee shall be charged for dogs trained to assist audio- or visually-impaired persons, and police dogs.

- B. Animals fostered within the City shall wear the fostering tag for the appropriate organization until such time as the animal is adopted.
- C. Except as provided in Subsection B. above, a person commits an offense without regard to mental state, if the person owns, keeps, or harbors a dog or cat over four (4) months of age without having such dog or cat currently licensed by the City.
- D. A person commits an offense without regard to mental state, if the person owns, keeps, or harbors a dog or cat required to be licensed by this section and fails to display on the dog at all times a valid City license tag or be able to present a valid City license tag for a cat immediately upon request.
- E. A person commits an offense without regard to mental state if the person owns, keeps, or harbors a dog or cat and displays on the animal a City license tag issued to another animal.
- F. A person commits an offense without regard to mental state if the person owns, keeps, or harbors more than six (6) animals over six (6) months of age.

Section 6. Revocation and Denial of Registration.

- A. The Animal Control Officer may deny or revoke registration for an animal owned by a person who: (1) has been convicted of Texas Penal Code, Article 42.09, as amended, or four or more separate violations of this Ordinance or of an animal control ordinance of another jurisdiction within any twelve (12) month period; (2) has had the same animal impounded four or more times within any twelve (12) month period; or (3)

has abandoned an animal.

- B. If the Animal Control Officer revokes or denies registration of a dog or cat, a written notice of the action and of the right to an appeal shall be given to the owner. The owner may appeal the decision of the Animal Control Officer to the Animal Control Appeals Board. The filing of a request for an appeal hearing stays an action of the Animal Control Officer in revoking or denying the registration until the Appeal Board makes a final decision.
- C. Within fifteen (15) calendar days after receipt of a notice of revocation or denial of registration, or after a final decision of the Appeals Board if an appeal is filed, a dog or cat owner shall remove the affected animal from the City limits. The Animal Control Officer or the Appeals Board may extend the fifteen (15) day removal period for an additional fifteen (15) calendar days. The owner shall provide the Animal Control Officer with a sworn statement confirming the removal of the animal.
- D. A person commits an offense without regard to mental state, if the person owns, keeps, or harbors a dog or cat within the City during a period when registration for the animal has been revoked or denied, or fails to remove a dog or cat when required by this section.

Section 7. Animal Control Appeals Board.

- A. There is hereby created the Animal Control Appeals Board comprised of the City Health Officer, a veterinarian to be appointed by the City Council and one resident of the City who shall not be an employee. The denial or revocation of registration may be appealed by filing with the Animal Control Officer a written request for hearing within ten (10) days after notification of the denial or revocation. The filing of a request for an appeal stays the action until the Appeals Board makes a final decision, although it does not preclude the necessity for the animal to be removed from the City until all appeals are final. If

written request for an appeal is not timely made, the denial or revocation is final.

- B. The Appeals Board may consider evidence offered by any interested person. The formal rules of evidence do not apply. The Appeals Board shall make its decision on the basis of a preponderance of the evidence presented at the hearing. The Appeals Board should conduct a hearing and render a decision within fifteen (15) days after the request for an appeal is filed or as soon thereafter as practicable. The Appeals Board may affirm or reverse the denial or revocation. The decision of the Appeals Board shall be sent to the owner of the affected animal. The decision of the Appeals Board is final.

Section 8. Running at Large.

It shall be unlawful for an owner of an animal without regard to mental state, to fail to keep the animal from running at large as defined in this Ordinance.

Section 9. Guard Dogs.

All guard dogs shall be registered annually with the Animal Control Officer prior to use as guard dogs. The City license tag for a guard dog shall be securely attached to the collar or harness on the animal and worn at all times. Guard dogs shall be restrained by a chain or leash not exceeding six (6) feet in length and humanely muzzled when off the premises where used.

Section 10. Impoundment.

- A. The following animals may be impounded:
1. Cats and dogs not exhibiting evidence of vaccination or registration.
 2. Any animal kept under conditions which can endanger the public or animal health.
 3. Any animal that has rabies or symptoms thereof or

that a person could reasonably suspect of having rabies or that bites, scratches or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being or animal, or that requires observation for rabies as determined by the Animal Control Officer.

4. Any animal running at large.
 5. Any animal treated in a manner determined to be in violation of Texas Penal Code, Article 42.09, as amended.
 6. Any animal in violation of any provision of this Ordinance.
 7. Any animal reasonably suspected of having inflicted bodily harm on any human being or animal that poses a threat to public safety or constitutes a public nuisance.
 8. Any prohibited animal.
- B. If any animal is found on the premises of any person, that person may confine such animal in a humane manner until the Animal Control Officer impounds such animal. When so notified, it shall be the duty of the Animal Control Officer to have such animal impounded.
- C. The City Council shall select and establish facilities in the City for the impoundment, quarantine, maintenance, and destruction of animals.
- D. Reasonable effort shall be made by the Animal Control Officer to contact the owner of any animal impounded which is wearing a current registration tag. However, the final responsibility for an impounded animal is that of the owner.

Section 11. Redemption of Animal.

- A. The owner may redeem an impounded animal upon payment

of all applicable impoundment fees, handling fees, and any veterinarian bills or other cost incurred by the City for the impoundment, care and welfare of the animal and upon proof of compliance with the vaccination/registration requirements of this Ordinance. Any animal being held under quarantine or observation for rabies shall not be redeemed until released from quarantine.

- B. Impounded animals shall be held for three (3) days after the date of impoundment except any animal wearing a current registration and/or vaccination tag shall be impounded for seven (7) days. If the owner of an impounded animal does not redeem it within the period of impoundment, disposition will be in accordance with this Ordinance.

Section 12. Disposition of Animals.

- A. Except as provided herein, any animal not redeemed within the above stated time periods after impoundment, or release from quarantine, shall become the property of the City and shall at the direction of the Animal Control Officer be placed for adoption, transferred to a bona fide humane society or humanely destroyed.
- B. Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by a court of competent jurisdiction.
- C. Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide care for the baby may be immediately destroyed to prevent further suffering. Any impounded animal that appears to be suffering from extreme injury or illness may be immediately destroyed to prevent further suffering.
- D. Any owner who no longer wishes responsibility for an animal or believes the animal to be ill or injured may sign a written waiver supplied by the Animal Control

Officer allowing the animal to be immediately destroyed by the City. The owner of such animal shall be charged a fee for this service.

Section 13. Adoption of Dogs and Cats.

- A. A person may adopt a dog and/or cat from the City impoundment facility that has been spayed or neutered and classified as adoptable. If the animal is under six (6) months of age, the adopting owner must sign an agreement to have the animal spayed or neutered when the animal reaches the age of six (6) months.
- B. The Animal Control Officer may refuse to allow a person to adopt an animal to whom he has reason to believe:
 - 1. Would not have proper facilities to contain or care for the animal.
 - 2. Wants the dog or cat for the purpose of resale or for purposes other than pet ownership.
 - 3. There are reasonable grounds to believe the animal would be subjected to abandonment or cruelty.
- C. The person adopting the dog and/or cat shall pay all applicable costs of adoption, including vaccination, registration and veterinarian fees.

Section 14. Animal Quarantine.

- A. Any animal that has rabies or symptoms which could reasonably indicate rabies or that bites, scratches or otherwise creates a condition which may expose or transmit the rabies virus to a human being or other animal shall be impounded immediately. Upon notification, the owner shall surrender the animal to the Animal Control Officer for quarantine at the City's designated animal shelter, or with approval from the Animal Control Officer deliver the animal to a state-approved veterinarian quarantine facility for

quarantine at the owner's expense. Quarantine shall be for a minimum of ten (10) days beginning on the date the incident occurred or longer as the Animal Control Officer may deem necessary. Animal quarantine shall be in accordance with any applicable rules and regulations adopted by the Texas Department of Health.

B. Quarantine shall be subject to the following conditions:

1. The quarantine animal showing clinical signs of rabies shall be immediately destroyed and the head submitted to the nearest Texas Department of Health Laboratory for testing.
2. The animal placed in quarantine shall not be released without prior notification to and written approval from the Animal Control Officer.
3. Home quarantine at the residence of the owner, if approved by the Animal Control Officer, must satisfy the following conditions.
 - a. Secure facilities are available and approved by the Animal Control Officer.
 - b. The animal is currently vaccinated against rabies.
 - c. A licensed veterinarian must observe the animal on the first and last days of the quarantine period.
 - d. The owner of the animal shall notify the Animal Control Officer if the animal escapes, becomes or appears to become sick, or dies; and, in case of death of the animal while under quarantine, shall immediately surrender the dead animal to the Animal Control Officer for diagnostic purposes.
 - e. The animal was not running at large at the time of the incident.

- f. The animal is isolated from all other animals, and human beings other than the individual(s) who own the animal.
- C. Any person shall immediately report to the Animal Control Officer, or Police Officer, knowledge or information regarding any animal that has
1. exhibited symptoms of rabies, or
 2. been exposed to rabies, or
 3. bitten, scratched or otherwise created a condition which may have exposed or transmitted the rabies virus to any human being or animal.
 4. The report shall include the name and address of the victim and owner of the animal, if known, and any other information relating to the incident or animal.
- D. An owner shall submit an animal for quarantine to the Animal Control Officer or any Police Officer, if such animal is reported to have, or if the owner knows or suspects the animal to have:
1. rabies or symptoms thereof, or
 2. been exposed to rabies, or
 3. bitten, scratched or otherwise created a condition which may have exposed or transmitted the rabies virus to any human being or animal.
 4. If the animal dies prior to the quarantine, the owner shall submit the animal to the Animal Control Officer for rabies diagnosis.
- E. The body of an animal that has died of rabies or that dies or is destroyed while in quarantine shall be disposed of only as directed by the Animal Control Officer.

- F. The owner of a quarantined animal shall pay all reasonable costs of the quarantine and disposition of the animal, including charges for shipment of animal tissues, if required, to the Texas Department of Health Laboratory for testing.
- G. An animal that has been quarantined may be released by the Animal Control Officer after a licensed veterinarian determines that the quarantined animal does not show clinical signs of rabies and under the following conditions:
1. At the end of the observation period upon proof of vaccination prior to release from quarantine.
 2. When all applicable fees have been paid.
 3. If the animal is not being held for legal proceedings.
 4. If appropriate City license registration has been obtained.
- H. It shall be unlawful for any person to interrupt the observation period or otherwise interfere with quarantine.
- I. It shall be unlawful for any person to destroy or remove from the City any animal that has bitten a person or other animal or that has been placed under quarantine, except when necessary to protect the life of any person or other animal or otherwise approved by the Animal Control Officer.
- J. The carcass of a dead animal exposed to rabies or suspected of having been rabid, shall, upon demand, be surrendered to the Animal Control Officer.
- K. Wild animals shall not be placed in quarantine. Wild animals shall be humanely destroyed in such a manner the brain is not mutilated. The brain will then be submitted to a Texas Department of Health laboratory

for testing.

- L. No person shall fail or refuse to surrender an animal for quarantine or for destruction when ordered by the Animal Control Officer.

Section 15. Animal Nuisances.

The following shall be considered a public nuisance and shall be unlawful:

- A. The keeping of an animal in such a manner as to endanger the public health, by the accumulation of animal waste which causes foul and offensive odors considered to be a hazard to other animals or human beings.
- B. To permit or allow an animal to defecate upon private or public property other than the property of the owner of said animal; and to fail to remove and dispose of in a sanitary manner any feces left by such animal.
- C. Property not kept free from carrion or other putrescible material.
- D. The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger the health and safety of others.
- E. The keeping of any animal which causes loud and unusual or frequent barking, howling or other noise that disturbs the peace and quiet of any person of ordinary sensibilities.
- F. The breeding, raising or keeping of any fighting roosters, game cock or other fowls which are to be used for fighting purposes.

Section 16. Animals Prohibited as Novelties.

- A. It shall be unlawful for any person to sell, offer for sale, rent, barter or give away as toys, premiums or

novelties, baby chickens, ducklings or other fowl under three (3) weeks old, rabbits under two (2) months old, unless the manner or method is first approved by the Animal Control Officer.

- B. It shall be unlawful to color, dye, stain or otherwise change the natural color of any chickens, ducklings, or other fowl or rabbits or to possess for the purpose of sale or to be given away, any of the above mentioned animals which have been so colored.

Section 17. Wild; Wild-Hybrid; Prohibited Animals.

- A. It shall be unlawful to own, possess, keep or harbor any wild, wild-hybrid, or prohibited animal within the City.
- B. It is a defense to prosecution under this subsection that the owner or possessor:
 - 1. holds a valid prohibited animal permit issued under this section; or
 - 2. is a governmental entity.
- C. A permit for possession of a prohibited animal may be issued to:
 - 1. public zoo:
 - 2. public or private primary or secondary school; or
 - 3. an animal exhibition, rodeo, or circus of which the animal is an integral part, if the animal is restrained from inflicting injury upon persons, property, or other animals.

Section 18. Dangerous Dogs.

- A. Nuisance Declared

It is hereby declared to be a public nuisance that an owner harbors, keeps or maintains a dangerous dog in

the City unless the owner complies with the requirements of this section, and State statutes regulating dangerous dogs.

B. Requirements for Owner of Dangerous Dog

1. Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

a. register the dangerous dog with the Animal Control Officer;

b. restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure:

c. obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00, to cover damages resulting from an attack by the dangerous dog causing injury to a person. The liability policy must insure for the acts of the dangerous dog committed on or off the owner's premises, whether the dog is supervised or unsupervised and at all times. The liability policy of insurance cannot have a deductible amount and the policy must provide insurance for the full \$100,000.00 policy amount. The liability policy must insure for each occurrence for no less than \$100,000.00.

2. For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

a. the owner knows of an attack described in the definition of "Dangerous Dog"; or

b. the owner is informed by the Animal Control Officer that the dog is a dangerous dog.

3. If a person reports an incident described in the definition of "Dangerous Dog", the Animal Control Officer may investigate the incident. If, after receiving sworn statements of any witnesses, the Animal Control Officer determines the dog is a dangerous dog, it shall notify the owner of that fact.
4. The owner, not later than the 30th 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 Officer to the Municipal Court. An owner may appeal a decision of the Municipal Court in the same manner as appeal for other civil cases.

The determination of the Animal Control Officer is final if the owner does not timely appeal.

5. The Animal Control Officer shall provide notice of the date, time and location of the hearing to the owner of the dangerous dog and to any complainant, either in person or by certified mail, return receipt requested. At the hearing, all interested persons shall be given the opportunity to be heard.

C. Registration.

1. The Animal Control Officer shall annually register a dangerous dog if the owner:
 - a. presents:
 - (1) proof of liability insurance or financial responsibility in an amount of at least \$100,000.00, to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person as required by this Ordinance.
 - (2) proof of current rabies vaccination of the dangerous dog.

- (3) proof of a secure enclosure in which the dangerous dog will be kept.
 - b. pays an annual registration fee established by resolution of the City Council from time to time.
 - c. provides two color identification photographs of at least three inches by three inches of each dangerous dog with one photograph showing the frontal view and the other photograph showing the side view of each dog.
 - d. provides the name, general description, including sex, weight, color, predominate breed, height and length and any other discernible features of the dangerous dog.
 2. The Animal Control Officer shall provide to the owner registering a dangerous dog, a registration tag which shall be placed and maintained on the dog's collar at all times.
 3. If the owner of a dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of sale or move, shall notify the Animal Control Officer. If the dangerous dog has been sold or given away, the former owner shall provide the Animal Control Officer with the name, address and telephone number of the new owner. If the new owner resides in the City or if the animal is kept in the City, the Animal Control Officer shall notify the new owner in person or by certified mail, return receipt requested, that a determination has been made that the dog is dangerous and provide the new owner with a copy of the requirements for the owner of a dangerous dog. It shall be unlawful for the new owner to fail to comply with such requirements.

4. The owner of a registered dangerous dog shall notify the Animal Control Officer or Thrall Police Department immediately if the dangerous dog is running at large, has bitten or attacked a human being or another animal, has died, or has been sold or given away.
5. Until the owner of the dangerous dog complies with both the requirements of State law pertaining to dangerous dogs and this Ordinance, the dangerous dog shall be impounded by the Animal Control Officer or shall remain impounded at the Owner's or person having custodial control until compliance is achieved to the satisfaction of the Animal Control Officer.

D. Attack by dangerous dog

1. A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on a person or another animal outside the dog's enclosure and causes bodily injury to a person or another animal.
2. An offense under this subsection is a Class C Misdemeanor, unless the attack causes serious bodily injury or death to a person in which event the offense is a Class A Misdemeanor.
3. If a person is found guilty of an offense under this section, the Court which hears the case may order the dangerous animal destroyed by a licensed veterinarian or a person authorized by State law.
4. In addition to criminal prosecution, a person who commits an offense under this subsection is liable for a civil penalty not to exceed \$10,000.00. The City Attorney may file suit in a court of competent jurisdiction to collect the penalty, which shall be retained by the City.

E. Violations

A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any requirements for ownership of a dangerous dog. If the owner of any dog determined to be dangerous under this section fails or refuses to comply with requirements of this section, the dog shall be seized by the Animal Control Officer and humanely destroyed.

F. Defense

1. It is a defense to prosecution under Section 18(D) or Section 18(E) that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter or a person employed by the State or political subdivision of the State to deal with stray animals, and has temporary ownership, custody and control of the dangerous dog in connection with that position.
2. It is a defense to prosecution under Section 18(D) or Section 18(E) that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or correction purposes.
3. It is a defense to prosecution under Section 18(D) or Section 18(E) that the person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies Act, Article 4413(29bb), Vernon's Texas Civil Statutes, as amended.

Section 19. Swine, Livestock and Fowl.

- A. It shall be unlawful for any person to keep any swine within the City.
- B. It shall be unlawful for any person to keep livestock

or fowl, other than chickens, on any premises.

- C. It shall not be unlawful for any person to keep chickens so long as:
1. the owner provides a covered and enclosed structure which can be used to adequately house and contain the chickens;
 2. the owner provides an additional permanent fence at least six (6) feet in height which prevents the chickens from leaving the property and running at large;
 3. the chickens are contained within the fenced area;
 4. the owner provides adequate food and water; and
 5. no more than one (1) rooster and six (6) hens are kept on the property.
- D. In addition to the other penalties provided in this Ordinance, if any owner violates the requirements under this Section three times, then all chickens will be removed from the premises and the owner will be prohibited from keeping any chickens in the city.

Section 20. Commercial Businesses.

- A. No person shall engage in the business of selling, grooming, breeding, showing, exhibiting or the boarding of animals without first having obtained a permit from the City. Written application for a permit and payment of the applicable permit fees shall be made to the Animal Control Officer. The permit issued under this section shall be valid for one year from the date of issuance and shall be renewed annually thereafter. The permit shall be conspicuously displayed in public view at the business at all times.

- B. Permit shall not be required for licensed veterinarians, veterinarian clinics, or any person raising livestock in an area properly zoned for such use.
- C. The Animal Control Officer is authorized to inspect any such business, the animals, and the premises where such animals are kept at reasonable times during normal business hours to insure compliance with all provisions of this Ordinance.
- D. In addition to the other requirements of this Ordinance, such businesses shall keep all locations where animals are kept in a clean and sanitary condition. Exercise areas shall be cleaned of excrement at least twice each week or more often upon complaints from adjacent property owners.

Section 21. Sanitary Requirements.

- A. The owner or person who has custody or control of any animal shall comply with the following standards upon complaints from adjacent property owners:
 - 1. All manure and other animal waste shall be removed from pens, corrals, cages, yards, or other enclosures as necessary to control foul and offensive odors to an approved disposal site;
 - 2. Refuse on the premises shall be removed and disposed of by means approved by the Animal Control Officer;
 - 3. Watering troughs or tanks shall be equipped with adequate facility so as to prevent breeding of flies, mosquitos or other insects;
 - 4. No putrescible material shall be allowed to accumulate on the premises, and all such materials shall be removed and disposed of by sanitary means.

Section 22. Animal Care.

- A. The owner or person who has custody or control of any animal shall provide:
 - 1. Sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal in good health;
 - 2. Clean and wholesome water, served to the animal in a clean container, such water to be available to the animal at all times;
 - 3. Adequate shelter and protection from the weather at all times; and
 - 4. Veterinarian care as needed to prevent suffering.
- B. It shall be unlawful for an owner or other person having custody or control of any animal to abandon such animal.
- C. No person other than a licensed veterinarian shall crop a dog's ears or tail.
- D. The operator of any motor vehicle which strikes or injures a domesticated animal shall stop and immediately render aid and report such incident to the Animal Control Officer or the Thrall Police Department.
- E. It shall be unlawful for any person to beat, starve or overwork, or to otherwise abuse any animal.
- F. It shall be unlawful for any person to slaughter any animal or to maintain any property for the purpose of slaughtering any animal, except at those establishments that have been duly licensed to slaughter animals under the laws of this state and applicable city ordinances. This ordinance shall not apply to those areas designated as RA or rural/agricultural in the City of Thrall Development Ordinances.

Section 23. Texas Department of Health

The City shall comply with any applicable rules and regulations adopted by the Texas Department of Health.

Section 24. Severability.

If any article, paragraph, or part of a paragraph of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force or effect of any other article, paragraph or part of a paragraph of this Ordinance which shall remain in full force and effect.

Section 25. Repealer.

All other ordinances, parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

Section 26. Penalty.

- A. A person who violates any provision of this Ordinance, or who fails to perform an act required by this Ordinance commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted or continued.
- B. An offense under this Ordinance is punishable by a fine not to exceed:
 - 1. \$500.00;
 - 2. \$2,000.00, if the provision violated governs fire safety, zoning, or public health or sanitation; or
 - 3. the amount fixed by state law if the violation is one for which the state has fixed a fine.

Section 27. Publication.


The City Clerk is hereby authorized and directed to publish the caption of this Ordinance, together with the penalty provision contained therein, in the manner and for the length of time prescribed by law.

PASSED, APPROVED and ADOPTED on this the 27 day of March, 2008.



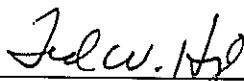
Troy Marx, Mayor

ATTEST:



Cheleen McQuaide
City Secretary

APPROVED AS TO FORM:



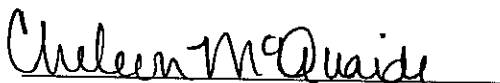
Ted W. Hejl, City Attorney

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

I, Cheleen McQuaide, being the City Secretary of the City of Thrall, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 03272008, passed and approved by the City Council of the City of Thrall, Texas, on the 27 day of March, 2008, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this the 27 day of March, 2008.



Cheleen McQuaide
City Secretary

RESOLUTION NO. 03272008-RESO

A RESOLUTION OF THE CITY OF THRALL, TEXAS, ABATING THE ENFORCMENT OF ANIMAL CONTROL ORDINANCE AS IT APPLIES TO "CAT[S]," AS DEFINED THIS RESOLUTION AND THE ANIMAL CONTROL ORDINANCE, UNTIL SUCH TIME AS THE CITY OF THRALL, TEXAS, ISSUES A SUBSEQUENT RESOLUTION LIFTING SAID ABATEMENT.

Section 1. Definitions

In this Resolution the following words and terms shall have the following meanings ascribed to them unless the context indicates otherwise:

"Cat" shall mean a domesticated animal that is a member of the felidae (feline) family but does not include a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other wild animal of this family or hybrids.

"City" shall mean the City of Thrall, Texas.

"Feral Cat Program" shall mean a 3-year grant given to the Austin Humane Society by PetsMart Charities and the National ASPCA.

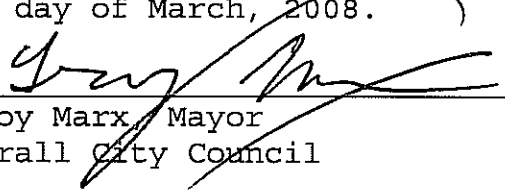
"Animal Control Ordinance" shall mean Ordinance No. 03272008 or any subsequent amendments.

Section 2. Abatement

In order to protect the health and safety of the citizens of Thrall, Texas, the City is currently participating in the Feral Cat Program, a 3-year grant given to the Austin Humane Society by PetsMart Charities and the National ASPCA. The Feral Cat Program has been successful in reducing the number of cats in the City and is, thereby, having a positive effect on the health and safety of the citizens of Thrall. Subsequent to the City's participation in the Feral Cat Program, the City passed an Animal Control Ordinance which applies to, among other animals, cats. Because of the success of the Feral Cat Program, the City would like to maintain the Feral Cat Program in lieu of enforcing the Animal Control Ordinance as it applies to cats. Accordingly, the City hereby

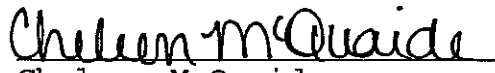
resolves to abate the enforcement of the Animal Control Ordinance as it applies to cats. This abatement does not apply to any other animals contained in the Animal Control Ordinance. The abatement will remain in effect until the City otherwise resolves to begin enforcing the Animal Control Ordinance as it applies to cats.

INTRODUCED, PASSED, and APPROVED by the City Council of the City of Thrall this the 27th day of March, 2008.



Troy Marx, Mayor
Thrall City Council

ATTEST:



Cheleen McQuaide
City Secretary