

## **ORDINANCE NO. 06-13**

AN ORDINANCE OF THE CITY OF DANBURY, TEXAS, REGULATING THE OWNERSHIP, KEEPING, HARBORING, AND POSSESSION OF ANIMALS; PROVIDING DEFINITIONS, A BIRD SANCTUARY, AND DESTRUCTION OF CERTAIN BIRDS; PROVIDING FOR ENFORCEMENT; PROHIBITING ANIMALS RUNNING AT LARGE; AUTHORIZING IMPOUNDMENT OF ANIMALS; RESTRICTING NUMBERS OF LIVESTOCK; PROHIBITING ANIMAL NUISANCES; REQUIRING CONFINEMENT OF FOWL AND RABBITS; REQUIRING SANITARY CONDITIONS; REQUIRING CARE OF ANIMALS; PROVIDING FOR REPORTS AND ACCOUNTING BY ANIMAL CONTROL; PROHIBITING TRAPPING; PROHIBITING THE KEEPING OF WILD ANIMALS; REQUIRING SANITARY DISPOSAL OF ANIMAL FECES; LIMITING NUMBERS OF DOGS AND CATS; REQUIRING REGISTRATION OF DOGS AND CATS; PROVIDING FOR REGISTRATION TAGS, FEES, CERTIFICATES, TRANSFER, AND EXEMPTIONS; PROVIDING FOR NON-LIABILITY OF VETERINARIANS; PROVIDING FOR NOTIFICATION OF IMPOUNDMENT OF ANIMALS; REQUIRING RABIES VACCINATIONS AND TAGS; PROVIDING REGULATIONS CONCERNING VACCINATIONS; REQUIRING REPORTS OF HUMAN EXPOSURE TO RABIES; PROVIDING FOR RABIES QUARANTINE, TESTING, INSPECTIONS, APPEALS, AND REMEDIES; PROVIDING FOR IMPOUNDMENT FEES, ADOPTION OF IMPOUNDED ANIMALS, DISPOSITION OR RELEASE OF IMPOUNDED OR QUARANTINED ANIMALS, AND DISPOSITION OF DOMESTIC ANIMALS EXPOSED TO RABIES; REQUIRING KENNEL PERMITS AND PROVIDING LICENSE FEES; PROVIDING OFFENSES AND PENALTIES; PROVIDING EXEMPTIONS; PROVIDING FOR CONFLICTS IN TERMS; AND PROVIDING A SEVERANCE CLAUSE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY,  
TEXAS, DULY ASSEMBLED:

**PART 1.** The following regulations and provisions are hereby enacted:

**General**

Section 1. Definitions

Section 2. Bird sanctuary established; destruction of certain birds.

Section 3. Enforcement.

Section 4. Animals running at large prohibited

Section 5. Authority of supervisor of animal control to impound.

Section 6. Livestock.

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Section 33. Impoundment fees.  
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Section 37. Animal quarantine--Authority.  
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### **Section 1 : Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Animal* shall mean any living creature, warm-blooded or cold-blooded, excluding human beings.

*Animal control* shall mean the animal control division of the City of Danbury and all peace officers of the City.

*Animal control officer* shall mean any person designated by the supervisor of animal control to enforce the provisions of this chapter and any peace officer with jurisdiction in the City.

*Animal shelter* shall mean a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

*At large animal* shall mean an animal that is:

- a. Not completely confined by a building, wall, or fence of sufficient strength and construction to restrain the animal; and
- b. Not on a leash; not held in the hands of the owner or keeper; and not under the clearly effective control of the owner.

*Cat* shall mean any *Felis catus*, including hybrids and including those that have been neutered or sterilized.

*City* shall mean the City of Danbury.

*Commercial stable* shall mean a facility where a fee is charged to house, pasture, or rent horses or other livestock.

*Companion animal* shall mean any animal kept for companionship and/or any pet.

*Cruelly treated* shall mean tortured, seriously overworked, unreasonably abandoned, unreasonably deprived of necessary food, care or shelter, cruelly confined, or caused to fight with another animal.

*Currently vaccinated* shall mean a vaccinated and satisfying the following criteria:

(a) The animal must have been vaccinated against rabies at three months of age or earlier as prescribed by the United States Department of Agriculture and/or the State of Texas.

(b) At least 30 days have elapsed since the initial vaccination.

(c) Not more than 12 months have elapsed since the most recent vaccination.

*Custodian* shall mean a person or agency which feeds, shelters, harbors, has possession or control, or has the responsibility to control an animal.

*Dangerous or vicious animal* shall mean any animal attempting to bite, chase, or attack any person or animal.

*Disposition* shall mean the action that is taken to end an animal's impoundment.

*Dog* shall mean any *Canis familiaris*, including hybrids and including those that have been neutered or sterilized.

*Domestic animal* shall mean any animal normally adapted to live in intimate association with humans or for the advantage of humans.

*Domestic ferret* shall mean any *Mustela putorius furo*.

*Epizootic* shall mean the occurrence in a given geographic area or population of cases of a disease clearly in excess of the expected frequently.

*Feral cat* shall mean cats that revert to a wild state.

*Guide dog* shall mean a domestic dog that is in service to a legally blind person.

*High risk animals* shall mean those animals designated by the Texas Department of Health which have a high probability of transmitting rabies, including skunks, bats, species of foxes indigenous to North America, coyotes, and raccoons, and their hybrids and livestock as described in §161.041 of the Texas Agricultural Code.

*Housing facility* shall mean any room, building, or area used to contain a primary enclosure or enclosures.

*Humanely kill* shall mean to cause the death of an animal by a method which:

(a) rapidly produces unconsciousness and death without visible evidence of pain or distress; or

(b) utilizes anesthesia produced by an agent which causes painless loss of consciousness, and death following such loss of consciousness.

*Hybrid* shall mean any offspring of two animals of different species.

*Impoundment* shall mean the collecting and confining of an animal because of state or local ordinance.

*Isolation* shall mean the separation of an animal exposed or potentially exposed to rabies.

*Keep* shall mean own, keep, harbor, possess, shelter, or manage.

*Large livestock* shall mean horses or any equine, including, but not limited to, mules, donkeys, and ponies; and all types and varieties of cattle, bulls, and all bovines, and any other animal weighing more than 250 pounds.

*Livestock* shall mean an animal raised for human consumption or an equine animal.

*Low risk animals* shall mean those animals designated by the State of Texas which have a low probability of transmitting rabies, including all animals of the orders Marsupialia, Insectivora, Rodentia, Lagomorpha, and Xenarthra.

*Non-companion animal* shall mean any animal kept for any reason other than companionship.

*Observation period* shall mean the time following a bite incident during which the biting animal's health status must be monitored. The observation period for domestic dogs and cats and ferrets (only) is 10 days (240 hours); the observation period for other high risk animals, is 30 days or until their head is tested.

*Owner* shall mean any person who owns, harbors, shelters, keeps, controls, manages, possesses, or owns any interest (other than a mere lien) in any animal. The occupant of any premises on which an animal (other than a wild animal over which the person exercises no control nor voluntarily provides food or shelter) remains for a period of five (5) consecutive days is presumed to be the owner of the animal within this definition, unless the person notifies the Animal Control of the presence of said animal and that the person is not the owner. If a minor owns an animal, then (1) the parent or guardian with custody of the minor and (2) the head of the household of which such minor is a member, shall each be deemed to be an owner of such animal for the purpose of this ordinance, whether or not such parent, guardian, or household head is a minor. There may be more than one Owner of an animal.

*Police service animal* shall mean a domestic animal that is owned or employed by a governmental law enforcement agency.

*Primary enclosure* shall mean any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

*Quarantine* shall mean a strict confinement of an animal as specified in this ordinance at any veterinary facility that complies with applicable law concerning the procedure and method of quarantine.

*Quarantine facility* shall mean a structure where animals are held for rabies observation.

*Quarantine period* shall mean the same as "observation period".

*Rabies* shall mean an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

*Sanitize* shall mean to make physically clean and to destroy disease - producing agents.

*Small livestock* shall mean all types of domesticated swine, sheep, and goats of any size; and non-companion animals weighing 250 pounds or less.

*Stray* mean roaming with no physical restraint beyond the premises of the animal's owner or keeper.

*Stray* shall mean an animal located beyond the private property of the animal's owner or keeper, with no physical restraint.

*Supervisor of animal control* shall mean the person designated by the city administrator to supervise all aspects of animal control.

*Unowned animal* shall mean any animal for which an owner has not been identified.

*Vaccinated* shall mean properly injected by a licensed veterinarian with a rabies vaccine licensed for use in that species by the United States Department of Agriculture.

*Wild animal* shall mean "dangerous wild animal" as defined in Texas and Health Safety Code § 822.101(4), which are as follows:

Cougars	lynx	coyotes	lions	gorilla
leopards	servals	jackals	tigers	cheetah
caracals	baboons	ocelots	jaguars	heynas
chimpanzees	bobcats	bears	orangutan	

**Section 2. Bird sanctuary established; destruction of certain birds.**

- (a) The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.
- (b) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird's nests or wild fowl nests. If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property in the opinion of the proper health authorities or of Animal Control, then such birds may be destroyed in such numbers and in such manner as is deemed advisable by the health authorities or Animal Control under the supervision of the Chief of Police.
- (c) Animal Control may - - but shall not be required to - - meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or similar clubs, concerning alternative methods of abating such nuisance.

**Section 3. Enforcement.**

Enforcement of this chapter shall be the responsibility of the supervisor of Animal Control. Any peace officer shall have the authority to issue citations for any violation of this chapter. It shall be unlawful for any person to interfere with any animal control officer in the performance of his duties.

**Section 4. Animals At Large Prohibited.**

Every person shall prevent every animal owned by that person from being at large.

**Section 5. Authority of Supervisor of Animal Control Impound.**

The supervisor of animal control is authorized to impound animals at large and animals that were at large until captured by a person other than the owner.

**Section 6. Livestock.**

- (a) It shall be unlawful for a person to keep any swine within the city limits.
- (b) No person shall keep any large livestock on premises smaller than one-half acre. No person shall keep more than one adult large livestock animal per one-half acre of space available to the livestock. The offspring up to six months of age of large livestock do not count against the limitation of the number of animals.
- (c) Male equines (horses) that have not been neutered shall be confined in such a manner that the animal will not be dangerous to human beings. All breeding shall be under the control of the owner or handler.

### **Section 7. Animal nuisances.**

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

- (1) The keeping of any animal, which, by causing frequent or long-continued barking or noise, shall disturb any person of ordinary sensibilities;
- (2) The keeping of any animal in such manner as to endanger the public health; to annoy neighbors by the accumulation of animal wastes which cause foul and offensive odors, or are considered to be a hazard to any other animal or human being, or by continued presence on the premises of another;
- (3) All animal pens, stables or enclosures in which any animal may be kept or confined which, from use, have become offensive to a person of ordinary sensitivities;
- (4) The keeping of bees in such a manner as to impair the lawful use of adjacent property or endanger personal health and welfare.
- (5) Any animal that molests, attempts to molest, attacks, or attempts to attack any person, animal, or vehicle.
- (6) Any vicious animal.
- (7) Any animal in violation of this ordinance or being owned, harbored, possessed, or kept in violation of any provision of this ordinance.

### **Section 8. Fowl and rabbits.**

Fowl and rabbits shall be kept in a secure pen or enclosure.

### **Section 9. Sanitary conditions.**

- (a) The owner of any animal shall keep yards, pens, and enclosures in which such animal is confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities in the vicinity, or to breed or attract flies, mosquitoes, or other noxious insects, or, in any manner, to endanger the public health or safety, or create a public nuisance.
- (b) All persons keeping any animal shall comply with the following sanitary regulations:
  - (1) Manure and droppings shall be removed from pens, stables, yards, cages and other enclosures at least twice weekly and handled or disposed of in such manner as to keep the premises free of any nuisance;
  - (2) Mound storage of droppings or manure between such removals shall be permitted only under such conditions as to protect against the breeding of flies and to prevent migration of fly (maggots) into the surrounding soil;
  - (3) The feeding of vegetables, meat scraps, or garbage shall be done only in impervious containers or on an impervious platform;
  - (4) Watering troughs or tanks shall be provided which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes, or other insects;
  - (5) No putrescible material shall be allowed to accumulate on the premises, and all such material used to feed which is unconsumed shall be removed and disposed of by burial or other sanitary means;
  - (6) Any pen or enclosure shall be maintained in such a manner as to be not less than five feet from any adjoining residentially zoned property.

**Section 10. Animal care.**

- (1) No owner shall fail to provide his or her animals with sufficient good and wholesome food and water, appropriate shelter and protection, if any, from the weather as are usual and customary in Brazoria County for that type of animal, veterinary care when needed to prevent suffering, and humane care and treatment;
- (2) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal; or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans;
- (3) No owner of an animal shall abandon such animal;
- (4) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency.

**Section 11. Reports and accounting.**

Animal control shall monthly, or at such times as may be required by the mayor, account the to city for all moneys received and shall at the time render a full statement of all dogs received into the pound during the month, showing the name of the owner, if known, the date when received, and final disposition.

**Section 12. Trapping.**

Any form of animal trapping or poisoning without a permit from the supervisor of animal control is prohibited, except for trapping rats or mice, and except for poisoning rats or mice in a way that prevents the poison from harming any person or other animal.

**Section 13. Wild Animals Prohibited.**

No person shall keep any wild animal in the City.

**Section 14. Defecation by dogs or cats.**

It shall be unlawful for any person to fail to promptly remove and dispose of, in a sanitary manner, feces left by a dog or cat being handled by that person on property, public or private, other than the premises of the owner or handler of such dog or cat. For the purposes of this section, "handler" means the person having custody and control of such dog or cat, whether by leash or by voice and sight.

**Section 15. Limitation on number of dogs and cats that can be kept; exception.**

- (a) *Private premises.* It shall be unlawful for any person to keep, harbor, posses, maintain, or allow to be kept, harbored, possessed, or maintained more than four dogs or four cats or four companion animals or a combination of said animals with the total number exceeding four, over three months old, upon or within any premises owned, occupied, or under the control of such person within the city except where specifically allowed by this ordinance.

(b) *Multiple dwellings.* It shall be unlawful for any person to keep, harbor, possess, maintain, or allow to be kept, harbored, possessed, or maintained more than two dogs or two cats or two companion animals or a combination of said animals with the total number exceeding two, over three months old, upon any premises or within any apartment of a multiple dwelling structure within the city.

(c) *Litters.* Only one litter of animals is permitted at any given time on any premises.

(d) *Exemptions.* The provisions of this section limiting the number of animals shall not apply to the following:

- (1) Veterinary hospitals;
- (2) Pet shops;
- (3) Kennels licensed by the City;
- (4) Traveling circuses that are in the City for no more than 10 consecutive days;
- (5) Animal shelters;
- (6) Hobby breeding activities conducted on tracts of land of not less than five acres, provided that the total number of animals shall not exceed two per acre or 12, whichever is less. Provided further, all enclosures or other kennel facilities utilized by hobby breeders operating pursuant to this paragraph shall be located and constructed so as to protect adjacent property owners from noise and air pollution which may result from such breeding activities. A hobby breeding activity shall not be exempt from the requirement of obtaining a kennel license or from any provision other than this section.

#### **Section 16. Registration of Dogs and Cats Required.**

(a) No owner shall have within the city any dog or cat four months of age or older that is not currently registered with the city.

(b) A current metal registration certificate issued by animal control or the City Secretary must be affixed to a collar or harness that must be worn by the dog or cat at all times.

(c) No dog or cat shall be registered until it has a current Rabies vaccination. Proof of current vaccination will be a current, signed certificate of rabies vaccination in compliance with this ordinance.

#### **Section 17. Application and issuance; fee.**

Application for issuance of each registration must be made by the owner. Registration will be at city hall. Registration is valid for one year, beginning on the date issued and ending one year later. The fee to register an animal shall be \$5.00 for a neutered animal and \$10.00 for a non-neutered animal.

**Section 18. Register to be kept; fee for duplicate tags.**

- (a) Upon payment of such registration fee as provided herein, the city secretary shall keep a list of all registrations issued in which shall be entered the name of the applicant, description of the dog or cat, the numbers of the registration tag issued, and the date of issuance.
- (b) Such metal tag shall be attached to a collar or harness of the dog or cat for which issued, and worn by the dog or cat at all times when upon the streets, alleys, sidewalks or public grounds of the city.
- (c) In the event an animal registration tag is lost, a replacement will be issued, upon application, for a fee of \$3.00.

**Section 19. Limitation of registration certificates.**

Registration and/or vaccination certificates (and tags) shall be valid only for the animal for which they were originally issued.

**Section 20. Transfer of ownership and/or address.**

If there is a change in ownership and/or address of a registered animal, the owner of the animal shall immediately have the registration transferred to his name and/or new address. There shall be no charge for said transfer. Application for said transfer shall be made to the city secretary in writing or in person.

**Section 21. Fee-exempt registrations.**

- (a) Fee-exempt registrations may be issued for the following:
  - (1) Police or sheriff's department dog; and
  - (2) Dogs trained to assist the audio- or visually-impaired person.
- (b) Eligibility for fee-exempt registration does not relieve the owner of his responsibility under other provisions of this chapter.

**Section 22. Limitation on Liability.**

A veterinarian performing duties under this chapter shall not be liable to the owner of the animal for the death of or injury to the animal except in a case of willful misconduct or gross negligence.

**Section 23. Impoundment of certain animals.**

- (a) The following animals may be impounded:
  - (1) Dogs and cats not exhibiting evidence of vaccination or registration, as required herein;

- (2) Any animal infected or kept under conditions that could endanger the public or animal health;
  - (3) Any animal that is or creates a nuisance as defined herein;
  - (4) Any animal at large in violation of this ordinance;
  - (5) Any animal treated in a cruel or inhumane manner;
  - (6) Any animal that has bitten a human being or suspected of being rabid shall be placed under observation for rabies determination, in the discretion of an animal control officer;
  - (7) Any animal violating any provision of this ordinance or kept, harbored, possessed, or owned in violation of any provision of this ordinance.
- (b) If any animal is found upon the premises of any person other than the owner of the animal, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify an animal control officer to come and impound such animal. When so notified, it shall be the duty of an animal control officer to have such animal impounded as herein provided.

#### **Section 24. Notification of owner.**

Reasonable effort shall be made by an animal control officer to contact the owner of any animal impounded which is wearing a current registration tag. Final responsibility for location of an impounded animal is that of the owner.

#### **Section 25. Vaccination of Dogs and Cats Required. Rabies Tags.**

- (a) The owner of a dog or cat shall have the animal vaccinated against rabies by the time the animal is four months of age and revaccinated twelve months after the first vaccination. The animal must then be vaccinated at intervals of 1 to 3 years, according to the type of vaccine used. Any such owner moving into the City from a location outside the City shall comply with this ordinance within 30 days after having moved into the City.
- (b) Concurrent with the issuance and delivery of the certificate of vaccination referred to in Section 26, the owner of the animal shall cause to be attached to the collar or harness of the vaccinated animal, a metal tag bearing the date of issuance and the name and telephone number of the issuing veterinary clinic. Such tag shall be worn by the animal at all times. In addition, the owner shall retain the current signed certificate of rabies vaccination as further described in Section 26, which shall be shown to Animal Control upon request.
- (c) In the event of loss or destruction of the original tag, the owner of the animal shall obtain a duplicate tag from the original veterinary clinic.

#### **Section 26. Vaccination Specifications.**

- (a) Only USDA-licensed rabies vaccines with a three-year duration of immunity in dogs or a vaccine which has been licensed for less than two years, and for which testing to obtain approval for three-year duration of immunity is in progress, may be used according to label directions in any species for which it is approved. The vaccine has to be administered once a year.
- (b) Upon vaccination, the veterinarian shall execute and furnish to the owner of the animal, as evidence thereof, a signed certificate of rabies vaccination, containing the following information:
  - (1) owner's name, address, and telephone number;
  - (2) animal identification - species, sex, age (three months to 12 months, 12 months or older), size (pounds), predominant breed, and colors;
  - (3) vaccine used - producer, expiration date, and serial number;
  - (4) date vaccinated; and
  - (5) rabies tag number if a tag is issued.
- (c) A copy of each rabies vaccination certificate issued shall be retained by the issuing veterinarian in a readily retrievable status for a period of not less than three year from the date of issuance.
- (d) If a veterinarian ceases the practice of veterinary medicine, the duplicate rabies vaccination certificates retained by that practice shall be turned over to the Animal Control. This does not apply to the sale or lease of a practice, when the records of the practice are transferred to a new owner.

#### **Section 27. Use and Sale of Rabies Vaccine.**

- (a) Rabies vaccine for animals shall be administered only by or under the direct supervision of a veterinarian.
- (b) A veterinarian may not administer or directly supervise the administration of rabies vaccine unless the person is:
  - (1) licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine; or
  - (2) practicing veterinary medicine on an installation of the armed forces or National Guard.
- (c) A person may not sell or distribute rabies vaccine for animals to any person except a licensed veterinarian or to a person working in a veterinary clinic who accepts the vaccine on behalf of the veterinarian.
- (d) This section does not prohibit a pharmacy licensed by the Texas State Board of Pharmacy from supplying rabies vaccine for animals to a licensed veterinarian.
- (e) This section does not prohibit a veterinarian licensed by the State Board of Veterinary Medical Examiners from selling or dispensing rabies vaccine to an individual with whom the veterinarian has a veterinarian-client-patient

relationship as described by the Veterinary Licensing Act (Texas Occupations Code Chapter 801) for the sole purpose of allowing that individual to administer the rabies vaccine to that individual's own livestock.

**Section 28. Reports of Human Exposure to Rabies.**

- (a) A person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the Animal Control if the City is the location in which the person lives, in which the animal is located, or in which the exposure occurs.
- (b) The incident shall be reported as soon as possible, but not later than 24 hours, unless the animal is a low risk animal as defined herein.
- (c) The report must include: -
  - (1) the name, address, Texas driver's license number and date of birth of the victim and of the animal's owner, if known; and
  - (2) any other information that may help in locating the victim or animal.
- (d) The Animal Control shall investigate a report filed under this section.
- (e) The owner of the potentially rabid animal shall place that animal in quarantine or submit it for testing as prescribed herein.

**Section 29. Quarantine Method and Testing.**

- (a) Any animal which has bitten or scratched a human shall be reported to the Animal Control for a determination that the animal must be quarantined or tested for rabies. When a domestic dog, cat, or ferret which has bitten or scratched a human has been identified, the owner or custodian will be required to transport and present the animal to a licensed veterinarian for placement in quarantine at the owner's expense. The animal must be quarantined for the observation period prescribed herein or humanely destroyed and tested for rabies. The observation period will begin on the day of the bite incident. The animal must be observed at least twice daily.
- (b) A domestic animal which has bitten or scratched a human and has been designated by the Animal Control as unclaimed may be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of Health certified laboratory for rabies diagnosis.
- (c) If the biting animal is a high risk animal, it shall be humanely killed and the brain submitted for rabies testing by a Texas Department of Health certified laboratory.
- (d) If the biting animal is a low risk animal, neither quarantine nor rabies test will be required unless the Animal Control has cause to believe the biting animal is rabid, in which case it should be humanely killed and tested for rabies.

- (e) The Animal Control may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to the face, head, or neck of a person to be humanely killed and the brain tested for rabies.
- (f) If the biting animal is not included in subsection (a), (b), (c), (d), or (e) of this section, the biting animal may be humanely killed and the brain tested for rabies or Animal Control may require the animal to be confined for a 30-day observation period as an alternate method to killing and testing, otherwise conforming to the requirements delineated in subsection (a) of this section.
- (g) Any animal required to be quarantined under this section, which cannot be maintained in a secure quarantine, may be humanely killed and the brain tested for rabies.
- (h) Currently vaccinated guide dogs in service or currently vaccinated police service animals when a bite is inflicted in the line of duty shall not be required to be placed in quarantine, unless the animal exhibits abnormal behavior after the incident in which case the animal shall be made available for testing by animal control.

**Section 30. Public and Private Entities That Operate a Quarantine Facility.**

- (a) Quarantine procedures.
  - (1) Quarantine facilities shall have and use written standard operating procedures (SOP) to ensure effective and safe quarantine procedures, and shall produce the SOP upon request by the Texas Department of Health. The quarantine facilities shall post the SOP on the quarantine procedures that are specific for that facility.
  - (2) Biting animals suspected of rabies that are placed in confinement for observation must be separated from all other animals in such a manner that there is no possibility of physical contact between animals. To avoid contact between animals, a solid partition extending from the floor to ceiling of the confinement chamber is required between chambers such as runs or cages. Half wire - half solid partitions between runs and cages or an empty chamber between animals are not acceptable alternatives. To prevent escape, the chamber must be enclosed on all sides, including the top.
  - (3) Unowned animals may be destroyed for rabies diagnosis prior to the end of the quarantine period.
  - (4) The Animal Control may require a written agreement by the owner at the time of quarantine and the animal may be disposed of according to terms of this agreement.
- (b) Facilities planning.

The Animal Control shall submit plans of a proposed animal quarantine facility to the Texas Department of Health for approval.

### **Section 31. Inspections, Appeals, and Legal Remedies.**

- (a) The Animal Control shall conduct a reasonable inspection of a quarantine or impoundment facility at a reasonable hour to determine if the facility complies with applicable law.
- (b) Any person aggrieved by an action of Animal Control in amending, limiting, suspending, or revoking any approval required in Sections 29 and 30 shall be entitled, upon request, to a hearing before the Police Chief or his designee.
- (c) With the approval of the City Counsel, the City Attorney may bring suit in the name of the City in a district court in the County to enjoin the operation of the quarantine or impoundment facility that fails to meet the minimum standards established by this order. If a court orders the facility closed, the animals shall be handled pursuant to the Health & Safety Code §826.054(c).

### **Section 32. Payment of impoundment fees.**

Each person owning, keeping, possessing, or harboring an impounded animal shall be liable to the city for all impoundment fees, handling fees, and any veterinary bills incurred by animal control for the welfare of the animal or the public unless the person only kept, harbored, or possessed the animal for the sole purpose of delivering it to animal control as soon as reasonably possible and did in fact so deliver the animal. The owner of an impounded animal may resume possession of the animal upon payment of all fees described in this ordinance and upon compliance with all vaccination, registration, and other requirements of this section or any other provision of this chapter.

### **Section 33. Impoundment fees.**

Minimum impoundment fees shall be as follows:

- (a) The fee for picking up or receiving an impounded animal shall be as follows:

		<i>Impoundment</i>
(1)	<i>Class A. Dogs</i>	<i>\$25.00</i>
(2)	<i>Class B. Small livestock, such as: goats, sheep, lambs, pigs, sows, shoats, calves, foals, and animals of the same approximate size and weight, each animal</i>	<i>\$35.00</i>
(3)	<i>Class C. Large livestock, such as: cattle, horses, ponies, mules, and animals of the same approximate size and weight, each animal</i>	<i>\$50.00</i>

(4)	<i>Class D. Animals not listed herein above shall be disposed of at discretion of animal control.</i>	<i>Actual Cost</i>
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(b) In addition, a daily handling fee shall be charged for every day, or fraction thereof, that an animal is impounded. Said daily fee shall be based upon the class of animal enumerated in (a) above, as follows:

- (1) Class A . . . \$10.00
- (2) Class B . . . \$20.00
- (3) Class C . . . \$30.00
- (4) Class D . . . Actual cost to the City

(c) In addition, if the actual cost or obligation incurred by the City in connection with the handling, care or, impoundment of the animal exceeds the amounts stated in this section, then the impoundment fees shall also include such excess.

(d) If the City incurs any cost or obligation to another person for the handling, care, or impoundment of an animal, then the impoundment fee shall also include such cost. Nothing in this ordinance shall be construed to require double payment of the same cost to the City and to another person.

#### **Section 34. Adoption of impounded animal.**

(a) An individual may adopt an animal from the city animal shelter under the following conditions:

- (1) The animal has been classified as adoptable by the supervisor of animal control and is eligible for release under this ordinance;
- (2) The prospective adopter has proper facilities to care for the animal;
- (3) The prospective adopter obtains all necessary vaccinations and registrations; and
- (4) The fee for adoption shall be \$20.00. The purchaser of any animal must have it vaccinated, and obtain a license within 30 days after purchase, or animal control shall have the right of immediate return of the animal to the animal shelter.

(b) The supervisor of animal control may refuse to allow a person to adopt an animal of whom he has reason to believe:

- (1) Would not be able to obtain a registration certificate under restrictions of this Code;
- (2) Would not have proper facilities to contain or care for the animal, as required by this Code;

- (3) Wants the animal for the purpose of resale or for purposes other than pet ownership;
- (4) Would not be a suitable owner within the sole discretion of the supervisor of animal control;
- (5) That the animal would be a hazard to humans or other animals.

### **Section 35. Disposition of impounded animal.**

- (a) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.
- (b) An animal being held under quarantine or observation for rabies, shall not be released until the quarantine or observation is completed, whether by the passage of time, the death of the animal, or a determination by a veterinarian that the animal is rabid.
- (c) Except as otherwise provided herein, any animal not reclaimed by the owner may be humanely euthanized after being impounded for 72 hours, except that any animal wearing a current registration tag shall be impounded for six days before being euthanized.
- (d) Any vicious or wild animal, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the supervisor of animal control.
- (e) Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.
- (f) Any impounded dog or cat not wearing a registration certificate may be given up for adoption after 72 hours, except those under quarantine. Any impounded dog or cat wearing a registration certificate may be given up for adoption after six days of confinement. If the rightful owner appears for his dog within 30 days of adoption, he may redeem the animal by paying all impound fees owed to the City of Danbury or to any person for the impoundment and care of the animal, and by paying the adoptee all documented expenses incurred for the animal.
- (g) Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined by the supervisor of animal control.

### **Section 36. Release or Disposition of Quarantined Animal.**

- (a) If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the veterinarian or Animal Control shall release the animal to its owner when the quarantine period ends if:
  - (1) the owner has an unexpired rabies vaccination certificate for the animal; or
  - (2) the animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.
- (b) If a veterinarian determines that a quarantined animal shows the clinical signs of rabies, the veterinarian shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine, the veterinarian shall remove the head or brain of the animal and submit it to the nearest Texas Department of Health certified laboratory for testing.
- (c) The owner of an animal that is quarantined under this ordinance shall pay to the veterinarian the reasonable costs of the quarantine and disposition of the animal, including but not limited to all fees herein described. The veterinarian may bring suit to collect those costs. The City may reimburse the veterinarian in a reasonable amount set by the city for the costs of the quarantine and disposition of an animal whose owner is unable to pay, or in the event the owner cannot be located or determined.
- (d) The veterinarian or Animal Control may sell the animal and retain the proceeds or keep, grant, or destroy an animal if the owner or custodian does not take possession of the animal before the fourth day following the final day of the quarantine period.

### **Section 37. Animal quarantine--Authority.**

- (a) The Local Rabies Control Authority shall have the authority to order the quarantine of animals responsible for bite incidents, or suspected of having any zoonotic disease considered to be a hazard to the human population or other animals.
- (b) Every animal that bites a human or attacks another animal in an unnatural manner, or has rabies or any other zoonotic disease, or is under suspicion of having rabies, or any other zoonotic disease, shall be immediately confined by the owner, who shall promptly notify animal control, or an animal control officer, of the place where such animal is confined and the reason. The owner shall not permit such animal to come in contact with any other person or animal. The owner shall surrender possession of such animal to Animal control on demand for supervised quarantine. Supervised quarantine shall be at the animal shelter or a veterinary hospital, or by any other method of adequate confinement approved by the supervisor of animal control. The quarantine shall be for not less than ten days and shall be under the supervision of a veterinarian. A release from quarantine may be issued if no signs of rabies or other disease have been observed during the quarantine period.

### **Section 38. Same--Required in certain instances.**

(a) The violation of quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by animal control. It shall be unlawful for any person to interrupt the observation period.

(b) All animal bite reports shall be investigated by animal control. Without permission of the supervisor of animal control, it shall be unlawful for any person to kill or remove from the city limits any animal that has bitten a person or other animal, or that has been placed under quarantine, except when it is necessary to kill such animal to protect the life of any person or other animal.

(c) The supervisor of animal control shall direct the disposition of any animal suspected of being rabid or having any other zoonotic disease considered to be a hazard to any other animal or human being.

### **Section 39. Same--Disposition.**

(a) The carcass of any dead animal exposed to rabies, or suspected of having been rabid, shall, upon demand, be surrendered to animal control.

(b) Every animal that has been bitten by another animal shall be immediately confined by the owner, who shall promptly notify animal control of the place where such animal is confined and the reason therefore. The owner shall not permit such animal to come in contact with any person or animal.

(c) Any animal exposed to rabies shall be handled in one of the following manners:

(1) Humane destruction, with notification to, or under the supervision of, animal control;

(2) If not currently vaccinated, quarantine in a veterinary hospital for at least six months immediately following the date of the exposure; or

(3) If currently vaccinated, immediate revaccination and quarantine for at least 45 days immediately following the date of the exposure.

### **Section 40. Quarantine; Criminal Penalty.**

A person commits an offense if the person fails or refuses to quarantine or present for quarantine or testing an animal that is required to be placed in quarantine or presented for testing under this ordinance. Such failure or refusal shall constitute probable cause for the seizure of the animal by the Animal Control.

### **Section 41. Disposition of Domestic Animals Exposed to Rabies.**

(a) Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be:

(1) humanely killed; or

- (2) if sufficient justification for preserving the animal exists, the exposed animal may be immediately vaccinated against rabies, placed in strict isolation for 90 days, and given booster vaccinations during the third and eighth weeks of isolation. If the animal is under three months of age at the time of the second vaccination, an additional booster shall be given when the animal reaches three months of age.
- (b) Currently vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal may be:
  - (1) humanely killed; or
  - (2) if sufficient justification for preserving the animal exists, the exposed vaccinated animal shall be given a booster rabies vaccination immediately and placed in strict isolation for 45 days.
- (c) These provisions apply only to domestic animals for which an approved rabies vaccine is available.
- (d) In situations where none of the requirements of this section are applicable, the recommendations contained in the latest edition of the publication titled The Compendium of Animal Rabies Control, published by the National Association of State Public Health Veterinarians, shall be followed.

#### **Section 42. Same--Violation.**

- (a) No person shall fail or refuse to surrender an animal for supervised quarantine or humane destruction, as required herein for rabies control, when demand therefore is made by the supervisor of animal control.
- (b) Any person having possession of, or responsibility for, any quarantined animal shall immediately notify animal control if such animal escapes, or becomes or appears to become sick, or dies. In case of death of the animal while under quarantine, he shall immediately surrender the dead animal to animal control for diagnostic purposes.

### **KENNELS**

#### **Section 43. Permit required; kennel.**

- (a) No person shall keep, harbor or have in possession more than four companion animals over six months of age upon any lot, tract or parcel of land within the boundaries of the city without first having obtained a license to operate a kennel upon such premises.
- (b) If any person shall desire to keep, harbor or have in possession more than four companion animals over six months of age upon any lot, tract or parcel of land within the boundaries of the city, such person shall make application for a kennel license to the city secretary.

(c) Such application shall be reviewed by the city council within 30 days of the date of such application, and the council may approve or reject such application based upon findings consistent with the health, welfare and best interest of the public.

(d) Neither this section nor any license issued hereunder shall grant an exception to the restrictions on the number of livestock animals allowed on any premises.

**Section 44. License fee, issuance; violations.**

(a) Upon approval of such application by the city council, the city secretary shall notify such applicant to pay a kennel fee in the amount of \$200.00 to the city.

(b) Upon payment of such fee, license for the use of such premises should be issued and shall be renewed on or before January 1 of any succeeding year.

(c) Any person violating the provisions of this chapter and keeping more than four companion animals dogs over six months of age upon any lot, tract or parcel of land within the boundaries of the city shall be deemed guilty of a misdemeanor and upon conviction shall be fined in accordance with the penalty provision hereof.

**ENFORCEMENT AND PENALTY**

**Section 45. Violations and Penalties.**

a. No person shall violate any provision of this ordinance.

b. Each owner of an animal shall prevent the animal from violating this ordinance.

c. Each owner of any interest in any premises (other than a mere lienholder) shall prevent any animal from being kept on said premises in violation of this ordinance, and said owner shall prevent any condition that violates this ordinance on said premises.

d. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence commit any act prohibited or made or declared to be unlawful by this chapter, or fail to perform any act required by this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$2,000.00. Each day or portion of a day any such violation continues to exist or is repeated shall constitute a separate offense.

**Section 46. Exemption.**

Feral cats involved in an organized feral cat maintenance program shall be exempt from the penalty provisions of this chapter.

**Section 47. Conflicting Terms**

In the event of any conflict between terms of this ordinance, the more restrictive provision shall govern and control.

**PART 2.** If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this order shall remain in full force and effect.

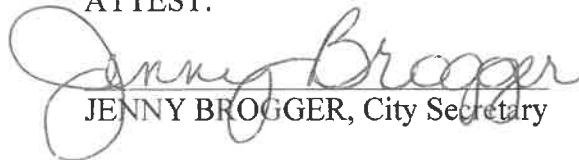
**PART 3.** This Ordinance shall become effective immediately upon its passage.

PASSED AND ADOPTED this 30<sup>th</sup> day of November, 2006.

CITY OF DANBURY, TEXAS

  
FRED WILLIAMSON, Mayor

ATTEST:

  
JENNY BROGGER, City Secretary