

AN ORDINANCE OF THE CITY OF POTEET PROVIDING FOR THE REGULATION OF ANIMALS, LIVESTOCK, AND FOWL WITHIN THE CITY LIMITS, PROVIDING FOR THE REPEAL OF ALL OTHER ANIMAL CONTROL ORDINANCES, PROVIDING A FEE SCHEDULE, PROVIDING FOR PENALTIES AND PROVIDING AN EFFECTIVE DATE.

ARTICLE I

Section 1.1 Definitions

The following definitions shall apply in the interpretation and enforcement of this Chapter

Abandoned Animal: An animal that has been abandoned while in a person's custody without making reasonable arrangements for assumption of custody by another person. This definition shall include all animals abandoned on city property (whether owned or stray) or at the shelter when shelter staff is not present to assume custody of the animal and to animals who are not reclaimed by their owner within five (5) days of being notified of the animal's impoundment.

Animal: Any mammal, reptile or bird domestic or wild

Animal Control Officer: Person designated and duly sworn by the City as an enforcement officer who is qualified to perform such duties under the laws of the City and or the State and who holds a Basic Animal Control Officer Certification

Animal Shelter: Any facility operated by the City or its authorized agents for the purpose of impounding, quarantining or caring for animals held under the authority of this Chapter.

Animal Licensing: The assignment by the Poteet Animal Control of a number to each animal for which the appropriate fee has been paid and which has been vaccinated with anti rabies vaccine if required.

At Large: Any animal not under restraint of a person who is capable of control of the animal on or off the premises of the owner.

Auctions: Place or facility where animals are regularly bought, sold or traded except for those facilities otherwise deemed in this Code. This term does not apply to individual sales of animals by private owners.

Bite: Puncturing or tearing of the skin by an animal's teeth that could result in the exchange of blood and saliva.

Cat: Any Felis/Felinae.

Cat Colony: A colony of free-roaming (homeless, stray, wild or un-tamed) cats that has been registered with the department and is maintained by a colony caretaker (who provides food, water and shelter) using trap, neuter and return methodology.

Circus: Commercial variety show featuring animal acts for public entertainment.

City: The City of Poteet

City Veterinarian: Person or persons appointed by the City Council and who are licensed to practice veterinary medicine in the State of Texas.

Commercial Animal Establishment: Pet shop, grooming shop, guard dog or obedience training center, animal auction, riding school or stable, zoological park, circus, performing animal exhibition or boarding or breeding kennel.

Commercial Property: A tract of land and or building zoned for or utilized for commercial or business uses in the city limits including temporary commercial sites.

Confined: A situation by which an animal is effectively prevented from being free to roam or run at large.

Custodian: A person or agency that feeds, shelters, harbors or has possession or control or responsibility to control an animal.

Dangerous Animal: Any animal that attacks, bites or injures human beings or domesticated animals without provocation or which because of temperament, conditioning or training has a known propensity to attack, bite or injure human beings or domesticated animals or an individual animal which the local health authority has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

Dog: Any Canis Familiaris, including hybrids.

Domestic Animal: Any animal normally adapted to live in intimate association with humans or for the advantage of humans, and commonly kept as pets. Including but not limited to domestic cats and dogs, domestic ferrets, rabbits and domestic fowl and small animals.

Domesticated Cat: A cat that is socialized to humans and is appropriate as a companion to humans.

Ear Tipping: A straight line cut of the tip of the left ear of a cat while the cat is anesthetized to identify the cat as altered.

Euthanasia: The act of inducing the painless death of an animal for reasons assumed to be merciful. An easy or painless death.

Exotic Animals: Animals that are not livestock or typical domestic animals including but not limited to the following; pythons, boa constrictor, non-poisonous spiders, scorpions or lizards.

Feral: Any domestic animal that has escaped domestication and reverted back to a wild state.

Feral Cat: A cat that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication. The usually and consistent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are completely or substantially unsocialized to humans.

Feral Cat Caregiver: A volunteer, uncompensated person who agrees to facilitate the trap, neuter and return program in accordance with this chapter and any rules and regulations established by the Animal Control Officer.

Feral Cat Colony: A group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any non-feral cats that congregate with a colony shall be deemed a part of it.

Fowl: A bird of any kind, domestic or wild, cock or hen, Gallus.

Foster: To provide care or nurture animals until a suitable home can be found in accordance with guidelines set by Poteet Animal Control.

Grooming Shop: Commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

Guard Dog: Any professionally trained dog that will detect and warn its handler that an intruder is present in or near an area that is being secured. Any dog that is utilized to protect commercial property.

Guard Dog Permits: Issued for each commercial establishment where guard dogs are to be used or where guard dogs are kept or boarded.

Guard Dog Training Center: Commercial property where guard dogs are to be used or where guard dogs are to be kept, boarded, bred, sold, let to hire or trained for a fee for guard dog purposes.

Handler: Any person who is responsible for and capable of controlling the actions of a guard dog or training or transporting a guard dog.

High Risk Animal: Animals which have a high probability of transmitting rabies including skunks, bats, raccoons, coyotes and species of foxes indigenous to North America.

Housing Facility: Any room building or area used to contain a primary enclosure or enclosures.

Humanely Killed: To cause the death of an animal by a method which rapidly produces unconsciousness and death without visible evidence of pain or distress or utilizes anesthesia produced by an agent which causes painless loss of consciousness and death following such loss of consciousness.

Hybrid: Any offspring of two animals of different species.

Kennel or Cattery: Any premises wherein any person engages in the business of Boarding, breeding, buying, letting for hire, training for a fee or selling dogs and cats and or a facility for keeping more than three (3) animals of the same species.

Impoundment: The collecting or confining of an animal due to City Ordinance Violation.

Isolation: The separation of animals exposed or potentially exposed to rabies or other diseases.

Licensed Veterinarian: A veterinarian licensed to practice veterinary medicine by the State Board of Veterinary Medical Examiners.

Livestock: An animal raised for human consumption e.g. goats, cows, pigs, poultry, sheep or an equine animal.

Local Health Authority: The officer designated by the City Council under Texas Health and Safety Code Chapter 826 as amended from time to time.

LRCA: Local Rabies Control Authority

Microchip: A tiny transponder possessing a unique identification number that can be injected or inserted just under the skin of a pet to assist in identification if the pet is lost or stolen.

Owner: Person who feeds harbors an animal s for more than seventy-two (72) hours without the presence of that animal being recorded in the records of the Shelter as a stray animal. Persons caring for an animal at the request of an owner are not included in the definition of owner, but are required to keep the animal in compliance with this Code. An owner does not include a feral cat caregiver participating in an authorized trap, neuter and return program.

Performing Animal Exhibitions: Spectacle, display, act or event other than circuses and rodeos in which animals are used and shall include animal amusement vendors such as but not limited to pony rides, petting zoos, commercial horseback pictures, etc.

Pet or Companion Animal: A domestic or tamed animal kept for pleasure rather

than utility.

Pet Shop: Business establishment, sole proprietor, partnership or corporation, whether licensed or not by the City, where two (2) or more species of animals, including dogs, cats, fish, birds, reptiles or rodents are kept for sale or commercial barter.

Positive Control: Confined to a quarantine facility where the animal cannot make physical contact with other animals or humans other than a licensed veterinarian, Animal Control Officer or Shelter Operator.

Possible Exposure to Rabies: A bite received from any warm blooded animal, animal to human or animal to animal, is reason to suspect exposure to rabies.

Poultry: Any species of domesticated birds commonly kept for eggs and or meat.

Provocation: Any purposeful act that causes an animal to bite scratch or attack in protection of itself or its owner or its owner's premises. Entrance in any manner into an area where an animal is properly under restraint in compliance with City ordinances would be considered provocation irrespective of the reason for such entrance.

Public Nuisance: Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons or substantially interfere with the rights of citizens other than their owners to enjoyment of life or property. The term Public Nuisance Animal shall mean and include, but is not limited to any animal that;

- A.) Is repeatedly at large or stray
- B.) Damages the property or anyone other than its owner's
- C.) Molests or intimidates pedestrians or passersby
- D.) Trespasses on school grounds
- E.) Chases vehicles
- F.) Excessively makes disturbing noises including but not limited to continued repeated howling, barking, whining or other utterances causing unreasonable annoyance disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- G.) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- H.) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- I.) Is offensive or dangerous to the public health safety or welfare by virtue of the number and or type of animals maintained or;
- J.) Attacks other domestic animals or humans.

Quarantine: Strict confinement for the purpose of preventing the spread of disease under restraint by closed cage or padlock or in any other manner approved by the local health authority on the private premises of the animal(s) owner or at a facility approved by the Texas Department of Health.

Quarantine Period: That portion of the observation period during which an animal is physically confined for observation as provided for under the quarantine method and testing section of this Chapter.

Rabies: An acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

Rabies Vaccination: A protective inoculation given under the direction of a licensed veterinarian with a rabies vaccine recognized and approved by the U.S. Department of Agriculture Bureau of Animal Industry given in an amount sufficient to provide immunity and satisfies the requirement of State law.

Restraint: A chain, rope, tether, leash, cable or other device that attaches an animal to a stationary object or trolley system or a substantial fence or pen.

Riding School or Stable: A place that has available for hire, boarding and / or riding instruction any horse, pony, donkey, mule or burro or any place that regularly buys, sells or trains the above animals, including a racetrack, trotting track or rodeo.

Run at Large: A dog found to be free of restraint while outside the boundaries of the real property of the owner.

Scratch: A scrape left by the claws or nails of an animal that is of sufficient severity to break the skin and draw blood.

Service Animal: An animal having special training to assist aid a person with disabilities.

Sick Animal: Any animal that appears to be suffering from an infectious, contagious or communicable disease or that is showing evidence of a physical disorder or traumatic injury or that has an elevated temperature.

Small Animal: Rabbits, guinea pigs, domestic mice, rats, hamsters, hedgehogs gerbils, etc.

State: The State of Texas

Stray Animal: Any domestic animal running free or at large with no physical restraint.

Sterilization: The surgical removal of the reproductive organs of an animal to render the animal unable to reproduce.

Trap, neuter and return Program: A nonlethal, humane alternative to deal with the stray cats which are captured, altered and returned back to their location in order to encourage the stabilization of the free-roaming cat population in the city.

Trapped Animal: Any animal caught or taken in, as if in a trap or snare by skill, craft or trickery.

Un-owned Animal: Animal for which an owner has not been identified.

Unrestrained: Not restrained by leash, lead or physical restraint or by a substantial fence or pen.

Utility: Kept for the production of a useful product or for its skill rather than for show or as a pet.

Vaccination Certificate: A document showing on its face that the animal described thereon has received a current inoculation in an amount sufficient to produce an immunity that satisfies the requirement of State law. It must show the date of the inoculation, duration of immunity approved for that vaccine, the name and address of the animal's owner, all other information required by State law and signed by a licensed veterinarian.

Veterinarian: Person licensed to practice veterinary medicine in the State.

Veterinary Hospital: Establishment maintained and operated by a licensed veterinarian(s) for surgery, diagnosis and treatment of diseases and injuries of animals.

Wild Animals: Any non-domestic, tamed animal, including but not limited to; wolves, coyotes, panthers, lions, bobcats, cougars, black footed ferrets, skunks, armadillos, poisonous reptiles, raccoons, monkey, non-human primates and any other animal typically found in a zoo except the for the following:

- A.) Domestic dogs
- B.) Domestic cats
- C.) Livestock
- D.) Poultry

Wildlife: Any animal that typically occurs naturally in the wild state.

Wild State: Living in its original natural condition, not domesticated, regardless of state or duration of captivity.

Zoo or Zoological Park: Facility other than pet shops or kennels displaying or exhibiting one or more species of non-domesticated animals.

ARTICLE II ANIMAL SHELTER / ANIMAL CONTROL OFFICER

Section 1.2 Animal Shelter

There shall be erected and maintained under the supervision of the Animal Control Officer of the City a suitable building and kennels to be known as the animal shelter for the confinement of all animals seized impounded or surrendered pursuant to the provisions of this Chapter. The animal shelter shall be kept in a sanitary condition and all animals taken up and impounded therein shall be properly fed and provided water. All animals shall be treated in a humane manner while under the custody of the Animal Shelter. The Animal Control Officer is hereby designated as the Health Authority for the purpose of this Chapter. General Shelter procedures are as follows;

- A.) Impounded animals with visible identification or a microchip or that have a collar shall be held no less than 120 hours. Any animal not reclaimed by its owner within 120 hours shall become the property of the City and shall become available for adoption in a suitable home or humanely euthanized.
- B.) Impounded animals without visible identification or a microchip or that do not have a collar shall be held no less than 72 hours. Any animal not reclaimed by its owner within 72 hours shall become the property of the City and shall become available for adoption in a suitable home or humanely euthanized.
- C.) Wild or feral cats or dogs may be held for 0 to 72 hours at the discretion of the Animal Control Officer or his or her designee. Wild or feral cats will be entered into the trap, neuter and return program at the end of the impoundment period or upon arrival at the shelter at the designation of the Animal Control Officer.
- D.) Sick or injured animals wearing no apparent identification through which ownership can be determined may be kept 0 to 72 hours at the discretion of the Animal Control Officer or his or her designee, or humanely Euthanized.
- E.) If by a license tag or other means the owner of an impounded animal can be identified, the Shelter shall, immediately upon impoundment, attempt to notify the owner by direct contact, telephone, mail or other reasonable means.
- F.) An owner reclaiming an impounded animal shall pay all impoundment fees, boarding fees, veterinarian fees, and licensing fees according to the fee schedule prior to the pet being released. An owner will also be responsible for paying any veterinary costs

incurred by reason of their animal's impoundment (i.e. vaccines given, exam fees, diagnostic tests performed, spay/neuter, etc.) If no proof of a current rabies vaccination can be produced, the Animal Control Officer can issue a citation for violation of this law. Impoundment fees will increase with each impoundment occurring within a twelve (12) month period.

G.) A prospective owner of an adoptable pet shall pay in advance the adoption fee which shall include any fees associated with vaccinations given as well as spay/neuter costs prior to the pet being released.

Section 1.3 Animal Control Officer

- A.) The office of Animal Control Officer is hereby created to capture unrestrained dogs and nuisance animals and confine them in a humane manner at the Shelter.
- B.) The Animal Control Officer is hereby empowered during the performance of his or her duties to capture, impound and quarantine any livestock, fowl, dogs or other domestic and non-domestic animals found running at large or stray or creating a public nuisance within the City limits and to enforce all provisions of this Chapter. Cats that are sexually intact (not spayed or neutered) shall not be permitted to roam unsupervised.
- C.) Animals that pose a threat to public health and safety, any wild animal kept illegally or animals that have been cruelly treated or abused shall be impounded by the Animal Control Officer.
- D.) The Animal Control Officer can issue a citation to the known owner of an animal found to be at large. If the owner of an at large animal does not have a valid pet license the ACO can issue a citation to said owner. If the at large animal is found at large without a valid rabies vaccination the known owner the ACO can issue a separate citation as well. A person who is convicted of owning an animal at large shall pay a fine as established by the City Municipal Court. Subsequent convictions of this subsection within a twelve (12) month period shall increase from the minimum applicable fine.
- e) For purposes of discharging the duties imposed by the provisions of this Chapter or other applicable laws and to enforce the same duly authorized representatives or employees of the City may enter upon private property to the full extent permitted by law, which shall include but not limited to; entry upon private unfenced property when in pursuit of any animal which he she has reason to believe is subject to impoundment pursuant to the provisions of this Chapter or other applicable laws.

ARTICLE III LICENSING & PERMITS

Section 1.4 Pet license required

- A.) The known owner of any pet, dog, or cat must apply for a license and pay the license fee required by the City for each dog or cat before the animal attains four (4) months of age. The license may be purchased at the Animal Shelter or City business offices. The application shall include the name and address of the applicant, description of the animal and have attached thereto a copy of the proof of rabies vaccination.
- B.) The Animal Shelter shall maintain a record of the identifying numbers of all pet license tags issued.
- C.) No person may use any pet, dog, or cat license for any animal other than the one for which it was issued.
- D.) License fees shall not be required for seeing-eye dogs, service dogs or governmental police dogs, however, other requirements of other subparagraphs under this article shall remain in force.

E.) Application for a license must be made within thirty (30) days after obtaining a pet, dog, or cat over three (3) months of age ,this requirement will not apply to a non-resident keeping a dog or cat within the municipality for no longer than thirty (30) days.

F.) Upon acceptance of the license application and fee the City shall issue a durable tag or identification collar stamped with an identifying number and the year of issuance Tags will be designed so that they may be conveniently fastened or riveted to the animal's collar or harness. Each pet, dog, and cat must wear an identification tag attached to a properly fitted collar at all times.

G.)The licensing period shall run concurrently with the animal's rabies vaccination.

H.) It shall be the duty of the owner of any pet, dog, or cat to procure a duplicate tag from the City in the event that the original tag is lost or destroyed. There will be a fee charged for each replacement tag.

I.) The Animal Control Officer or his/her designee shall maintain a record of the Identifying numbers of all tags issued.

J.) An owner of a pet, cat, or dog can choose to have an RFID (Radio Frequency Identification) implanted under the skin of the animal performed at a veterinary hospital or animal shelter, in lieu of wearing license tag. The microchip implant does not exempt the owner of the animal from registration.

Section 1.5 Limiting the number of domestic animals

A.) It shall be a violation of this Chapter for any person to possess, own or otherwise keep within the City more than four (4) animals of the same species in any developed, residentially zoned section or to keep more than six (6) animals of the same species, excluding livestock, in an area zoned agricultural-residential which exceeds one (1) acre except in cases of newly born or hatched litters or clutches under the age of three (3) months old.

B.)Exception shall be made for fostering of animals by a Humane Society or Animal Shelter meeting the following criteria:

1. Letter from sponsoring agency.
2. Total of six (6) animals of any species including personal pets.
3. Must have proof of rabies vaccination for each fostered animal over four (4) months of age.
4. Fostered animals allowed on premises no longer than six (6) months

C.) This section shall not apply to commercial kennels, veterinary establishments or animal hospitals operated by a licensed veterinarian or pet shops and grooming shops located on property zoned for such purposes. Such establishments however must meet sanitation requirements and keep animals securely caged or penned.

D.) This section shall not apply to any Feral Cat Caregiver managing a registered Feral Cat Colony as part of an authorized trap, neuter and return program.

Section 1.6 Permits

A.) No person shall operate a commercial animal establishment, kennel, stable or cattery unless the establishment is located in a properly zoned area and unless a permit has first been obtained in compliance with this section.

B.) The City shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this ordinance and other applicable laws. The City may amend such regulations from time to time as deemed desirable for public health and welfare and for the protections of animals.

- C.) When a permit applicant has shown that he or she is willing and able to comply with the regulations promulgated by the City a permit shall be issued upon payment of the applicable fees.
- D.) The permit period shall begin with the date the permit is issued and shall be effective for a period of one (1) year. Renewal applications for permits must be made thirty (30) days prior to and are due at the date the original permit expires.
- E.) If there is a change in ownership of a commercial animal establishment or kennel, the new owner must apply for a new permit. Permits are not transferable.
- F.) Annual permits shall be issued upon payment of the applicable fee as listed in Exhibit 1 Fee Schedule.
- G.) Every facility regulated by this Chapter shall be considered a separate enterprise requiring an individual permit.
- H.) No fee under this Chapter may be required of any veterinary hospital, animal shelter, government operated zoological park, school district, civic or charitable organization but all other applicable regulations shall apply.
- J.) Failure to obtain a permit before opening any facility covered in this section shall result in a fine.
- K.) Any person who has a change in the category under which a permit was issued shall be subject to reclassification of the permit fee.
- L.) No animal shall be sold, bartered, traded or given away on any roadside or public right of way. If sold, bartered, traded or given away on any business parking lot.

Section 1.7 Permit issuance and revocation

- A.) The City may revoke any permit if the person holding the permit, refuses or fails to comply with this Chapter or any law governing the protection and keeping of animals.
- B.) Any person whose permit is revoked shall within ten (10) days thereafter humanely dispose of all animals owned kept or harbored by such person and no part of the permit fee shall be refunded.
- C.) It shall be a condition of the issuance of any permit or license that the City shall be allowed to inspect all animals and the premises where animals are kept at a reasonable time of the day. If permission for such inspection is refused, immediately revoke the permit of the refusing owner named on the permit.
- D.) If the applicant has withheld or falsified any information on the application the City shall refuse to issue or may revoke a permit.
- E.) No person who has been convicted of cruelty to animals shall be issued a permit
1. As a guard dog company
 2. Registration as a dog trainer
 3. Operate a commercial animal establishment
 4. Sell animals

Section 1.8 Guard or sentry dog permits

- A.) Guard dog permit applications shall include the following information:
1. Business name, address and telephone number of the commercial property where the guard dogs are to be used.
 2. Name, address and telephone number of the dog's handlers who can be

- reached at any time during the day or night.
3. Number of dogs to be used and a general description of their use.
 4. Description of the dog(s) proof of their current vaccination and City license
 5. Location of where the dogs are to be housed
 6. Any other information that the LRCA deems necessary by rules and regulations.
 7. Permit holders shall notify the LRCA if any information recorded as part of the permit application is changed during the course of the period for which the permit is issued.
- B.) The Animal Control Officer or his/her designee shall inspect the facilities where the guard dog is to be used and housed when the guard dog permit is applied for and when it is renewed.
- C.) If the inspection reveals that the requirements of this section are met, a permit fee for each commercial property shall be paid to the City. The permit shall be displayed at the approved commercial property and a rabies vaccination and the City license tag shall be affixed to the collar of each dog used. Nothing in this section shall exempt guard dogs from any of the other provisions of this Chapter.
- d) Each permit shall be valid for the period of one (1) year and must be renewed annually prior to the expiration date.
- e) Each permit must be obtained prior to housing or utilizing guard dogs at the commercial properties where guard dogs are in use.

ARTICLE IV RESTRAINTS, BITES AND ANIMAL CARE

Section 1.9 Restraints

- A.) All pets, dogs and other animals shall be kept under restraint and shall not be allowed to run at large.
- B.) The owner of a sexually intact (not spayed or neutered) animal shall not permit the domesticated animal to roam.
- C.) No owner shall fail to exercise proper care and control of his or her animal(s) to prevent it from becoming a public nuisance. Free-roaming cats that are found to be a public nuisance shall be impounded and the owner (if known) shall be contacted.
- D.) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding purposes.
- E.) An owner may not leave a pet outside and unattended by use of a restraint that Unreasonably limits the dog's movement:
1. Between the hours of 10:00 pm and 6:00 am
 2. Within 500 feet of the premises of a school
 3. In excess of three (3) hours, or
 4. In the case of extreme weather conditions such as
 - a) Outdoor temperature below 32 degrees Fahrenheit
 - b) Heat advisory issued by local State jurisdiction or
 - c) Storm warnings issued by National Weather Service
- E.) In this section a restraint unreasonably limits a dog's movement if the restraint:
1. Is a collar that is pinch type, prong type or choke type or that is not properly fitted to the dog.
 2. Is not at least ten (10) feet long.
 3. Is in an unsafe condition, or
 4. Will cause injury to the dog.

This provision does not prohibit a person from walking a dog with a hand held leash.

Section 1.10 Trap, neuter and return program

In order to effectively and humanely control the feral cat populations within its jurisdictional boundaries, the City shall sponsor and support a trap, neuter and return program in an effort to reduce the feral and free-roaming cat population over time without necessity of wholesale capture and euthanasia. The city may establish a fund or provide services to off-set the costs of trapping, neutering and vaccinating captured free-roaming cats that can be returned to an appropriate, controlled, protected, and authorized colony site. Registered Feral Cat Caregivers for feral cat colonies, whether of one (1) or several free-roaming cats, may be aided by the City in providing traps and transportation to a spay/neuter facility and off-setting costs, to the extent that funding is available. Left ear tipping shall be used on these cats in order to be identified as spayed or neutered and a vaccinated member of a managed colony. A photographic record adequate to identify the cat shall be obtained for all cats. This is part of the City Trap, neuter and return program and maintained by the Registered Caregiver.

Section 1.11 Registered Caregivers

Registered Caregivers shall attend one of the San Antonio Feral Cat Coalition workshops, and shall provide information about the colony to the Animal Control Officer. Caregivers of a free-roaming cat or free-roaming cat colony shall be exempt under the provisions of License Requirements and Animal Identification requirements by furnishing the Animal Control Officer with a statement agreeing to the following conditions:

1. Regularly feed the free-roaming cat(s) colony including weekend and holidays, ensuring sanitary conditions at all times. Colonies shall be fed using bowls, plates, pans or similar utensils to contain the food; food shall not be poured on the ground for the purpose of providing food. Food shall not be left out during hours of darkness to avoid attracting wildlife or vermin.
2. Regularly and frequently trap the colony cats over the age of twelve (12) weeks for purposes of sterilization.
3. Identify all colony cats by having their left ear tipped when under anesthesia for sterilization.
4. All colony cats must be vaccinated for rabies, preferably with a three (3) year vaccine.
5. All colony cats with illness and/or injury that cannot be provided with treatment shall be humanely euthanized by a veterinarian or animal shelter to prevent pain and suffering.
6. Caregivers are not permitted to release sterilized, free-roaming cats on private or public property without the permission of the property owner.
7. Any Caregiver determined to be in violation of this Section shall be issued a written warning and be permitted up to and including thirty (30) days to achieve compliance. Failure to comply may result in the issuance of a citation.
8. Make every attempt to remove kittens from the colony before eight (8) weeks of age for domestication and placement.

Section 1.12 Animal Control Officer / Trap, neuter and Return

The Animal Control Officer shall maintain all records relating to authorized colony management in the trap, neuter and return program.

Other duties shall include:

1. Monitor the managed cat colonies in the trap, neuter and return program, maintaining records of Registered Caregivers and determining the need of additional Caregivers.
2. Help to resolve complaints over the conduct of a colony.
3. Maintain records and prepare quarterly reports on the following:
 - a. Number and location of managed colonies
 - b. Total number of cats in colonies
 - c. Number of cats and kittens spayed and neutered pursuant to the trap, neuter and return program, and;
 - d. Number of cats and kittens placed in permanent homes.

After receiving the permission of the Registered Caregiver or a resident, the Animal Control Officer may set traps in the Caregiver's / resident's yard to assist in trapping.

Section 1.13 Enforcement / Trap, neuter and return

The City shall retain the following rights:

1. The right to seize or remove cats from a colony that have not been vaccinated against rabies and / or which are demonstrating signs of the disease.
 2. The right to seize or remove a cat or cats from a colony that are creating a public nuisance after the Caregiver has been afforded thirty (30) days to remove and relocate the cat(s) and has failed to do so.
 3. The right to seize and remove a colony of cats when a Caregiver or the Animal Control Officer is unable to provide care and management of the colony and has not been able to obtain a replacement or substitute Caregiver.
 4. The right to seize or remove cat(s) from a colony if medical care necessary to prevent pain and suffering has not or cannot be provided by a Caregiver, or if the Animal Control Officer has reason to believe that a cat in the colony has been cruelly treated.
 5. The right to seize or remove cats from a colony suspected to have bitten a human being for the purposes of rabies quarantine and / or testing.
- When the number of cats trapped and sterilized by the City or Registered Caregivers exceeds 400 in a calendar year, the City will reevaluate this program.

Section 1.14 Bites and Dangerous Animals

A.) Any animal within the City that bites or otherwise attacks a person who is not at the time trespassing upon the property of the owner or person having control of such animal or who is not provoking or teasing such animal shall be deemed dangerous. The Animal Control Officer will quarantine the animal at a facility of their choosing, the owner will be responsible for the cost of the quarantine. If the animal shows signs of rabies the animal will be humanely euthanized and sent for testing. City may also order the following procedures listed below that such animal be kept muzzled, kept within a sufficient enclosure or that such animal be permanently removed from the Corporate limits of the City or that such animal be delivered to an Animal Control Officer to be humanely euthanized. The following information shall be gathered:

1. Name, address and telephone number of complainant and any other witnesses to the incident.
 2. Date, time and location of the incident.
 3. Description of the animal.
 4. Name, address and telephone number of the owner.
 5. A statement that the animal attacked, bit and or killed a person or another Animal.
 6. A statement that the animal has exhibited vicious propensities in past conduct, if known, and;
 7. Other facts or circumstances of the incident.
- B.) After a sworn complaint is filed with the Animal Control Officer, it shall be investigated and if there is sufficient evidence there will be a request to the Municipal Judge to set a time and place for a hearing. Notice shall be given of the hearing to the animal's owner by personal service or certified mail, return receipt requested at least ten (10) days prior to the hearing date.
- C.) The Municipal Judge shall hold such hearing and shall determine at the hearing if the animal specified in the complaint should be ordered to be kept muzzled, kept within a sufficient enclosure, removed from the City limits or destroyed for the protection of the public health, safety and welfare of the community. The Municipal Judge shall receive testimony at the hearing concerning the incident under investigation. To order the removal or destruction of the animal or the muzzling or keeping of an animal in a sufficient enclosure for the public health safety and welfare the Municipal Judge may find:
1. The animal attacked or bit a human being or attacked or killed another animal.
 2. The animal is the same animal that committed the acts in part 1 of this subsection.
 3. Destruction or removal of the animal is necessary to preserve the public health

safety and welfare of the community.

4. The animal attacked or bit a human being or another animal or the animal has a known propensity to attack bite or injure human beings or domesticated animals because of temperament ,conditioning, training or it is demonstrated by the Animal Control Officer that the animal has a dangerous disposition likely to be harmful to humans or other animals.
5. The animal is the same animal that committed the act in part 4 of this subsection, and
6. Muzzling or keeping of the animal in a sufficient enclosure or removal and/or destruction of the animal is necessary to preserve the public health safety and welfare of the community.

D.) If the Municipal Judge orders muzzling, keeping within a sufficient enclosure, destruction or removal of the animal and the owner is not present at the hearing he or she shall notify the owner of the decision by personal service or certified mail return receipt requested. If the Judge does not order destruction of or removal of the animal the Animal Shelter Supervisor or designee shall, if the animal was impounded and if any required rabies observation quarantine period has been completed, return the animal to the owner upon payment of any fees due with the understanding that any muzzling or keeping within a sufficient enclosure order must be followed as long as the animal remains within the City.

E.) The owner of an animal may appeal a destruction or removal order to a court of competent jurisdiction within five (5) days of the decision of the Municipal Court. If the Municipal Judge receives written notice of the intent to appeal within five (5) days of the decision he or she shall suspend the destruction or removal order pending final determination of the court. If the filing of a petition in a court of competent jurisdiction within ten (10) days of the order of destruction or removal perfects appeal he or she shall suspend the destruction or removal pending the outcome of the appeal. In that event the owner will have forty-eight (48) hours' notice to pick up the animal if it was impounded and if any required rabies observation quarantine period has been completed and hold the animal pending the appeal. All fees due must be paid before the animal is released to the owner and the animal must be kept muzzled or within a sufficient enclosure if so ordered. Failure to claim the animal within forty-eight (48) hours will result in the execution of the removal or destruction order.

F.) In the event that any animal is discovered in violation of any removal or destruction order described in D above the animal shall be immediately seized and humanely euthanized. If any animal is discovered in violation of any muzzling or keeping within a sufficient enclosure the animal shall be seized and the person controlling such animal shall be prosecuted under the provisions of G below.

G.) It shall be unlawful for any person to harbor or keep on his or her premises or in or about his or her premises or premises under his or her control any vicious animal except as directed by this Chapter. Conviction of harboring a vicious animal in violation of this Chapter shall result in the animal being impounded until the vicious animal can be relocated outside of the city limits, and the owner given a fine.

H.) No part of this Chapter shall preclude at any time the filing of complaint in the court of competent jurisdiction under the provisions of the State of Texas Dangerous Dog Act, Texas Health and Safety Code Chapter 822 Sub Chapter A as amended from time to time.

Section 1.15 Care of and Cruelty to Animals

A.) Animal cruelty is a State law violation punishable by fine and or jail time in accordance with the Texas Penal Code. Animal Control Officer shall utilize the authority granted by Section 821.022 of the Texas Health and Safety Code as amended from time to time to seize and impound any animal that has been or is being cruelly treated. If the investigating Animal Control Officer has reason to believe that an animal has been or is being cruelly treated pending a hearing before any court on the issues of cruelty and disposition of the animal the seizure of the subject animal prior to receiving a warrant is hereby authorized if such a delay

endangers the life of the animal or if it would unreasonably prolong the suffering of the animal needing immediate attention.

- B.) It shall be unlawful for an owner of an animal to neglect an animal and fail to provide that animal with humane care and treatment including but not limited to access to an adequate supply of fresh air, species specific food, fresh water, exercise, adequate shelter and with appropriate veterinary care when needed to prevent suffering.
- C.) It shall be the duty of the owner or keeper of each and every dog or cat kept in the City to have such dog or cat vaccinated against rabies by a licensed veterinarian by the time the animal is four (4) months of age and then according to the label recommendations of the approved rabies vaccine. It shall further be the duty of each owner or keeper to obtain a certificate from such veterinarian certifying that such animal has been vaccinated and produce that document for inspection by the Animal Control Officer when requested. If the vaccination document cannot or will not be produced by the owner or keeper of such animal the Animal Control Officer shall issue a citation for failure to comply with this section of this Chapter.
- D.) No person shall beat, cruelly treat, torment, overload, overwork or otherwise abuse an animal, whether owned or un-owned, or cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans.
- E.) No owner of an animal shall abandon such animal or in case of impoundment by the Animal Control Officer allow the animal to remain in the Animal Shelter beyond a five (5) day maximum after notification of impoundment of such animal, the owner shall be billed for the impoundment and shall sign an owner surrender form to the City.
- F.) It shall be unlawful for the owner of an animal or a person charged with custody and/or care of an animal to surgically alter an animal including but not limited to ear cropping, ear tipping, tail docking and dewclaw removal **except** when done by a licensed veterinarian.
- G.) 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 appropriate law enforcement agency. Failure to do so shall be a violation of this Chapter.
- H.) No person shall expose any known poisonous substance, whether mixed with food or not, so that the poison shall be eaten by an animal.
- I.) No person shall transport or carry on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle and if traveling in an unenclosed vehicle including but not limited to convertibles, pickup trucks, jeeps and flatbed trucks the animal shall be confined by a vented container or cage or by chain, rope or other device cross tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.
- J.) No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety. The Animal Control Officer or Police Officer is authorized to use reasonable force including the breaking of a side window to remove an animal from a vehicle whenever it appears the animal's health or safety is endangered and said neglected or endangered animal shall be impounded.
- K.) No person shall place or set out steel jaw traps, spring traps with teeth, neck traps or any type of trap with a holding mechanism designed to cut, slice, tear or traumatize the entrapped prey unless the use of such traps is specifically deemed necessary by the Texas Parks and Wildlife Department or Director of Health for control of communicable Disease.
1. Traps for nuisance animals can be rented by residents of the City of Potect.
 2. The fee and deposit for renting a trap will be listed in the schedule of fees, the resident will be responsible for providing the bait and for the care of the trap. Once the trap is no longer needed the resident can call the Animal Control Officer to retrieve the trap and/or any animal inside the trap. The animal inside the trap will be evaluated to ensure the best

way to handle the nuisance animal. (i.e. wild animals such as foxes, raccoons, etc. will be released outside the city limits, stray dogs will be impounded.) If it is found that the animal is owned by the person renting the trap the owner shall also pay fees for the impoundment and surrender of the animal.

- I.) All animals shall be kept in a sanitary manner. Animal owners shall collect and dispose of animal waste deposited by his or her animals. No owner shall allow the accumulation of animal waste on any premises in a quantity sufficient to create an odor offensive to a person of normal sensibilities standing on adjacent property not owned by the subject animal's owner or which creates a condition conducive to the breeding of flies or other pests.
- M.) An animal owner or keeper shall not walk an animal without a leash, restraint or without otherwise having such animal under control and shall not guide or take animals onto the yards or driveways of property not owned, leased or occupied by the animal owner for the purpose of allowing the animal to defecate but shall keep the animal in the public right of way and shall carry a container with implement for the sanitary removal of the animal's fecal matter from the public sidewalk and public right of way adjacent to any property with a structure or other improvements thereon
- N.) All persons residing in the City who own dogs or cats must keep such dog or cat at the registered residential premises permanently occupied and inhabited by said animal's owner or a licensed kennel. It shall be unlawful for said owner to keep their animal at any other location within the City.

ARTICLE V SPAY AND NEUTER

Section 1.16 Mandatory spay neuter of unrestrained dogs and cats

- A.) The owner of a dog or cat which has been impounded for being at large or creating a public nuisance shall pay to have the animal spayed/neutered prior to release from impoundment. The Animal Control Officer shall issue a citation to the known owner of the impounded animal at the time of redemption for failure to have the animal sterilized. The owner shall then contact the Municipal Court to arrange a court date.
- B.) The Animal Control Officer is authorized to exempt an animal's owner from the requirements of subsection A if the owner proves to the satisfaction of the Animal Control Officer that the animal meets or met one (1) of the conditions specified in subsection E below.
- C.) The owner of a dog or cat required by subsection A to be spayed or neutered shall submit to the Municipal Court certification that the procedure was performed, and the certification shall be signed by the veterinarian who performed the procedure.
- D.) Offenses
 - 1. A person commits an offense if the person is the owner of the dog or cat required by subsection A to be spayed neutered and the person fails to have the animal spayed neutered as required.
 - 2. A person commits an offense if the person is the owner of the dog or cat required by subsection A to be spayed neutered and the person fails to provide certification of the spay neuter procedure as required by subsection C.
- E.) In a prosecution for a violation of subsection D it is an affirmative defense that:
 - 1. At the time of the animal's impoundment:
 - a) the animal was registered with a national registry, sporting dog, livestock dog or working dog registry and the animal had not previously been impounded for being at large, or;
 - b) the person was a member of a national breed club, local breed club, local all breed club or sporting or hunting club and the animal had not previously been impounded for being at large

2. The animal was at large at the time of its impoundment due to fire or due to the criminal or negligent acts of a third party who was not residing at the animal owner's residence. At trial, evidence of a fire or the criminal or negligent acts of a third party may be presented in one (1) or more of the following manners:
- a) a certified copy of a city police or fire report verifying the incident
 - b) the affidavit of City police or fire personnel with direct knowledge of the incident, or
 - c) the testimony of City police or fire personnel with direct knowledge of the incident.
- F.) Nothing in this section shall be construed as permitting spayed / neutered dogs to run at large.

Section 1.17 Authority to slay animals running at large

If any animal found running at large in violation of this Chapter cannot be safely taken up and impounded and / or causes threat to human life or other domestic animals, such Animal may, if deemed necessary, be slain by any authorized Police Officer and/or Animal Control Officer.

ARTICLE VI RABIES CONTROL AND QUARANTINE

Section 1.18 Enforcement

The civil and criminal provisions of the Chapter shall be enforced by the Animal Control Officer or agencies designated by the City. It shall be a violation of this Chapter to interfere with an Animal Control Officer or an Animal Shelter person in the performance of his or her duties.

Section 1.19 Reports of exposure to rabies

- A.) Persons having knowledge of an animal bite or other attack on an individual that the person could reasonably foresee as capable of transmitting rabies or of an animal that the person suspects is rabid shall report the incident to the City Police Department and /the Animal Control Officer. This report shall include the name and address of any victim and of the owner of the animal if known.
- B.) The owner of an animal that is reported to have bitten or to have attacked an individual or that the owner knows or suspects to have bitten or to have attacked an individual shall submit the animal for quarantine to the Animal Control Officer.
- C.) If a quarantined animal is found to be rabid the Animal Control Officer will arrange to have the animal humanely euthanized. If an animal dies or is euthanized while in quarantine the Animal Shelter will cause to have the head or brain of the animal removed and submit it to the nearest Texas Department of Health Laboratory for testing.
- D.) If a quarantined animal is found to be free from rabies the Animal Control Officer or designee shall release the animal to the owner following the quarantine period and the payment of all required fees and costs to the applicable facility. (No home quarantine is allowed.)
- E.) The owner of an animal that is quarantined under this Chapter shall pay the cost of the quarantine and any other fees associated with the animal's care to the facility designated by the ACO. The Animal Control Officer may sell and retain the proceeds, keep or euthanize an animal that the owner or custodian does not take possession of on or before the seventh (7th) working day following the end of the quarantine period.
- F.) Immediately after acquiring knowledge that his or her animal has been bitten by a rabid animal it shall be the duty of the owner to have the said animal humanely euthanized and sent for testing.

Section 1.20 Rabies vaccination

- A.) It shall be unlawful for any person to own, keep, harbor or have custody or control of

a dog, cat or domestic ferret that is four (4) months of age or older within the City unless such dog or cat is currently vaccinated against rabies by the injection of an approved USDA anti-rabies vaccine by the direct supervision of a licensed veterinarian.

B.) Every owner of a dog or cat immunized against rabies as required herein shall procure a rabies vaccination certificate from the veterinarian administering the vaccine. Such certificate shall contain the following information:

1. Owner's name, address and telephone number
2. The species, sex, age, weight, predominant breed and color of the vaccinated animal.
3. The vaccine type, producer, expiration date and serial number.
4. The date the animal was vaccinated.
5. Rabies tag number, and
6. Veterinarian's signature and license number

C.) A veterinarian or person under the direct supervision of a veterinarian who vaccinates a dog, cat or domestic ferret as required herein shall furnish the owner thereof with a metal tag bearing a number corresponding to the number placed on the certificate and with lettering showing immunization and the year thereof. This tag shall be attached to the properly fitted collar of the dog or cat for which it is issued and shall be worn at all times on the collar.

Section 1.21 Quarantine method and testing

A.) Animals involved in a biting/scratching incident for which an owner cannot be readily identified and or contacted expeditiously will be impounded. The animal shall be confined under positive control for ten (10) consecutive days (240 hours) after the time of the bite in a facility of the ACO's choosing. The animal will be isolated from other animals or possible victims.

B.) Every animal that has rabies or symptoms thereof or every animal that a person could reasonably suspect as having rabies and that bites any person within the City shall be euthanized at once and sent for testing. If the owner is known the owner shall be responsible for the cost of the euthanasia and testing.

C.) The owner of any dog or cat that is reported to have rabies or symptoms thereof or have been exposed to rabies or to have bitten any person within the City or that the owner knows or suspects to be rabid or to have attacked an individual shall submit such animal to the Animal Control Officer or designee to the Animal Shelter for a quarantine period often 10 consecutive days (240 hours) at the owner's expense at a facility designated by Animal Control. The ten day observation period shall begin on the day of the bite incident. Any such animal must be immediately surrendered to the Animal Control Officer. The owner may choose to have the animal quarantined for the ten (10) day period at any approved quarantine facility.

D.) In the event the owner of such animal described in A or B refuses to surrender such animal on demand such action shall constitute a misdemeanor and upon conviction be punishable by a fine. The Animal Control Officer may appeal to a Magistrate for a seizure warrant to seize the suspect animal to place it into quarantine.

E.) The owner of an animal quarantined under this section shall pay the quarantine facility the reasonable cost of the quarantine and any other fees associated with the animals care including the charges for preparation and shipment of the animal head or brain if required to the nearest Texas Department of Health certified laboratory for rabies testing. If the owner chooses not to pay for quarantine the animal shall be humanely euthanized and the brain submitted to the Texas Department of Health certified laboratory for rabies diagnosis at the owner's expense. All quarantine related payment arrangements shall be at the discretion of the individual quarantine facility and the facility shall be responsible for the collection of money owed.

F.) The following quarantine procedures shall be observed:

1. Biting animals and 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.
 2. A responsible person will observe the quarantined animal twice a day and will notify the LRCA if clinical signs of rabies appear.
 3. At the discretion of the LRCA or his or her designee the un-owned animal may be humanely euthanized for rabies diagnosis prior to the end of the quarantine period.
 4. The Animal Control Officer or his designee may require a written agreement by the owner or the custodian at the time of quarantine and the animal may be disposed of according to terms of such agreement.
 5. If the biting animal cannot be maintained in secure quarantine or if the owner chooses not to pay for quarantine the animal shall be humanely euthanized and the brain submitted to a Texas Department of Health certified laboratory for rabies diagnosis at the owner's expense.
 6. The Animal Control Officer shall be the LRCA for the City of Poteet, Texas.
- G.) Any animal quarantined at a certified quarantine facility shall be observed by a licensed veterinarian or Animal Control Officer or LRCA at least on the first and last days of the quarantine period. If it is determined that the animal has clinical signs of the disease of rabies the animal shall be humanely euthanized and the head or brain submitted for testing. If the Animal Control Officer, veterinarian or LRCA determines that the animal does not exhibit the clinical signs of the disease of rabies the LRCA shall provide a form to the veterinarian for his or her signature certifying that the animal has been found to be free of the clinical signs of rabies at the end of the quarantine period. This form shall be returned to the LRCA at the end of the quarantine period.
- H.) No dog or cat shall be released from quarantine unless
1. The owner has an un-expired rabies vaccination certificate and license for the animal, or
 2. The animal has been previously vaccinated against rabies by a licensed veterinarian and a license was obtained at the owner's expense.
- I.) No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely euthanized 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.

Section 1.22 Disposition of domestic animals exposed to rabies

- a) Animals that have not been vaccinated and which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be humanely euthanized or, if sufficient justification for preserving the animal exists, the exposed animal shall be immediately vaccinated against rabies placed in strict isolation for ninety (90) days and given a booster vaccination during the third and eighth week of isolation. If the animal is under three (3) months of age at the time of the second vaccination an additional booster should be given when the animal reaches three (3) months of age.
- b) Currently vaccinated animals that have been bitten or otherwise significantly exposed to a rabid animal should be humanely euthanized or, if sufficient justification for preserving the animal exists, the exposed vaccinated animal should be given a booster rabies vaccination immediately and placed in strict isolation for forty five (45) days. These provisions apply only to domestic animals for which an approved rabies vaccination is available.

ARTICLE VII FOWL AND OTHER SMALL ANIMALS

Section 1.23 Fowl

It shall be unlawful for any person keeping chickens, turkeys, geese, guineas, ducks, pigeons or other fowl to permit or allow the same to run at large within the City. It shall be the duty of every person raising or keeping chickens, turkeys, ducks, geese, guineas, pigeons or other fowl to keep them in pens, coops or enclosures which shall be a distance of at least fifty (50) feet from every building structure other than the owner of such fowl used for sleeping, dining or living and shall be kept in a sanitary condition and shall also be kept in such a manner as will be reasonably calculated not to become offensive to neighbors or to the public.

Section 1.24 Keeping of roosters prohibited

It shall be unlawful for any person to keep roosters within the corporate city limits.

Section 1.25 Keeping rabbits/guinea pigs/white rats/ etc.

It shall be the duty of every person raising or keeping rabbits, guinea pigs, white rats, white mice, hamsters and other small animals to keep such animals in pens, coops or enclosures and such pens, coops or enclosures a distance of at least twenty-five (25) feet from every building structure other than the owner of such small animals used for sleeping, dining or living and shall be kept in a sanitary condition and shall be kept in such a manner as will be reasonably calculated not to become offensive to neighbors or to the public.

Section 1.26 Not applicable to authorized veterinary hospitals

This article shall not apply to authorized veterinary hospitals for the treatment of fowl and other small animals

ARTICLE VIII LIVESTOCK

Section 1.27 Estray

It shall be unlawful for the owner keeper or person in charge of any livestock to allow said animal to be unrestrained or to allow or permit the same to run at large within the City. Horses, ponies, mules, donkeys and cattle shall be kept in a stable, shed, pen or other enclosure, wherever located within the City, which shall be a distance of at least two-hundred (200) feet and all other livestock shall be a minimum distance of one thousand (1,000) feet from every building structure other than the owner of such livestock used for sleeping, dining and living and shall be kept in such a manner as will be reasonably calculated not to be offensive to neighbors or to the public.

Section 1.28 Impounding

The Animal Control Officer shall take up or cause to be taken up any such animal found to be at large or stray within the City and shall impound any such animal in a suitable place provided for that purpose. Procedures for the Texas Agriculture Code Estray Act as amended from time to time shall be followed. A copy of this Act and procedures can be obtained at the Animal Shelter.

Section 1.29 Care of livestock animals

- a) It shall be unlawful for any person to abandon or torture a livestock animal, to seriously overwork an animal or to transport or confine a livestock animal in a cruel manner.
- b) Persons owning or caring for livestock must provide necessary food, water, care and shelter for a livestock animal.

c) It shall be unlawful for any person to stake any livestock for the purpose of grazing upon or within the reach of any public street alley sidewalk or park within the limits of the City of Poteet.

ARTICLE IX WILD ANIMALS AND PERFORMING ANIMAL EXHIBITIONS

Section 1.30 Keeping of wild non domesticated animals

No person shall keep or permit to be kept on his her premises any wild or vicious animal as a pet, for display or exhibition purposes whether gratuitously or for a fee. This section shall not apply to zoological parks, performing animal exhibitions, circuses and veterinary hospitals.

- a) No person shall keep or permit to be kept any wild animal
- b) Only the Texas Parks and Wildlife Department Office may give written permission for the keeping, care and protection of an infant animal native to this area that has been deemed to be orphaned.
- c) The Texas Parks and Wildlife Department Office shall have the power to release or order the release of any infant wild animal kept which is deemed capable of survival.

Section 91.31 Performing animal exhibitions

No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

ARTICLE X SPECIAL PROVISIONS

Section 1.32 Enforcement

The civil and criminal provisions of this Chapter shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this Chapter to interfere with an Animal Control Officer or an Animal Shelter person in the performance of his or her duties.

Section 1.33 Penalty

- a) Any person who shall violate any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined. Each and every day of such violation shall be deemed a separate and complete offense. Subsequent convictions for any violation of this ordinance within a twelve (12) month period shall double the minimum applicable fine up to and including the maximum allowed by law.
- b) A judge who has jurisdiction of the offense at his or her discretion may dismiss a rabies vaccination violation or a registration license violation if the defendant remedies the charge defect within ten (10) working days of the date of citation upon the assessment by the judge and payment by the defendant of an administrative fee for dismissal of the violation.

Section 1.34 City Veterinarian duties

It shall be the responsibility of the City Veterinarian to inspect the Animal Shelter at least once a year. The City Veterinarian will file a written report to the City Manager and the Texas Department of Health. The report must include all conditions of the Shelter,

care of animals, structure and contents and inspection of records as required by the Texas Health and Safety Code as amended from time to time.

ARTICLE XI ANIMAL SHELTER OPERATIONS

Section 1.35 Monthly reports of Animal Shelter

It shall be the duty of the Animal Control Officer to report in writing monthly the total number of animals impounded and or quarantined the total number of animals redeemed or sold to private parties and the total number of animals humanely disposed of under the provisions of this Chapter.

Section 91.36 Fee deposits

It shall be the duty of the Animal Shelter Officer or his or her designee to pay or cause to be paid all money collected by him or her under the terms of this Chapter to the City.

Section 91.37 Reclaiming before adoption

The owner of any impounded animal under this Article may reclaim the same from the Animal Shelter at any time before adoption by paying all fees, fines and expenses of taking up and keeping such animal.

Section 1.38 Records

The Animal Control Officer shall keep a computer record in which he or she shall record a description of all animals impounded under this Article which shall include the date of impoundment, the date and the amount realized from the adoption, the fees and expenses due for impounding and keeping same, the name of the owner if known and the name of the adopter.

Section 1.39 Redemption

At any time within fourteen (14) calendar days from the date of adoption, the owner of any animal impounded and sold under the provisions of this Article shall have the right to redeem the same by paying to the purchaser double the amount paid for the animal in addition to his her reasonable expenses incurred in keeping the same.

ARTICLE XII ADOPTION

Section 1.40 Inoculation and sterilization of adopted animals

All dogs and cats adopted from the Animal Shelter shall be inoculated according to age and sterilized before adoption. The following shall be included in each adoption:

- a) Dogs shall receive at least one dose as recommended by Veterinarian to include Distemper, Hepatitis, Adenovirus, Parainfluenza, Parvovirus, Bordetella and Rabies according to age requirements.
- b) Cats shall receive at least one dose as recommended by a veterinarian to include Rhinotracheitis, Calicivirus, Panleukopenia, Chlamydia Psittaci and Rabies according to age requirements.

No unclaimed dog or cat shall be released for adoption from the Animal Shelter without being sterilized prior to the date of adoption.

Section 91.41 Examination by veterinarian and Diagnostic Testing

A veterinarian shall examine all animals adopted from the Animal Shelter for health conditions prior to adoption. Dogs older than six (6) months shall be tested for heartworms and, if positive, treated prior to adoption. All cats shall be tested for Feline AIDS and Leukemia.

Any known health conditions shall be disclosed to the adopter.

Animals other than dogs and cats shall receive inoculations or other medical treatment as recommended by a veterinarian prior to adoption.

Section 1.42 Medical treatment by veterinarian

All animals adopted shall be treated for any known medical conditions prior to being adopted. Any impounded animal with a known medical condition shall be treated as recommended by a veterinarian to prevent suffering.

Section 1.43 Fees passed on

All costs, debts and / or fees created by this Article shall be passed on to the adopter and must be paid prior to receiving custody of the animal.

Section 1.44 Adoptions

Should the adoption not work out due to behavioral or other problems the adopted animal can be returned to the Animal Shelter but no money shall be refunded unless a written statement from a veterinarian is provided by the adopter showing cause that the adopted animal is unhealthy within fourteen (14) days of the adoption.

Section 1.45 Sterilization agreement

The City shall not release an adopted animal from its custody without the animal first being sterilized, except in cases of medical necessity or when age restrictions prohibit sterilization of the animal prior to being released from the shelter. In these cases, the City shall require the adopter to sign a Sterilization Agreement to have the animal altered prior to adoption or by the time the animal reaches four (4) months of age, or within the appropriate time-frame created by the City Veterinarian or the Animal Control Officer.

a) The sterilization agreement will contain the following:

1. Date of the agreement
 2. Name and address of releasing agency
 3. Name, address, date of birth and driver's license / ID number of the adopter
 4. A description of the animal to be adopted
 5. The sterilization due date, and
 6. A statement printed in conspicuous bold print that sterilization of the animal is required under Texas Health and Safety Code Chapter 828 as amended from time to time and that a violation of the agreement is a criminal offense punishable as a Class C misdemeanor.
- b) The completion date in the sterilization agreement must be:
1. The thirtieth (30th) day after the date of adoption in the case of an adult animal, or
 2. By the date an adopted infant male or female becomes four (4) months old
 3. within the appropriate time frame recommended by treating veterinarian.

Section 1.46 Sterilization required

a) Except as provided for by this section a new owner who signs an agreement under Section 91.42 shall have the adopted animal sterilized before the adoption date stated in the agreement.

Section 1.47 Letter concerning animal's death

- a) If an adopted animal dies on or before the sterilization completion date agreed to under Section 91.42 the new owner shall deliver to the releasing agency a signed letter stating that the animal is dead.
- b) The letter must be delivered not later than the seventh (7th) day after the date of the animal's death must describe the cause of death if known and provide the date of death.
- c) Falsifying a letter concerning an animal's death will be considered a violation of this section and the owner will be fined for failure to have their animal sterilized.

Section 1.48 Letter concerning lost or stolen animal

- a) If an adopted animal is lost or stolen before the sterilization completion date agreed to under Section 91.42 the new owner shall deliver to the releasing agency a signed letter stating that the animal is lost or stolen.
- b) The letter must be delivered not later than the seventh (7th) day after the date of the animal's disappearance and must describe the circumstances surrounding the disappearance and provide the approximate date of the disappearance.
- c) Falsifying a letter concerning an animal's death will be considered a violation of this section and the owner will be fined for failure to have their animal sterilized.

Section 1.49 Notice of failure to receive letter

- a) A releasing agency that does not receive a letter under Section 91.44, 91.45 or 91.46 before the expiration of the seventh (7th) day after the sterilization completion date agreed to under Section 91.42 shall cause a complaint to be filed against the new owner. It is a presumption under this law that the failure of the new owner to deliver to the releasing agency a signed letter required under Section 91.44, 91.45 or 91.46 is the result of the new owner's refusal to have the adopted animal sterilized. The new owner may rebut this presumption at the time of the hearing with the proof required under the above mentioned sections.
- b) A releasing agency that does not receive a letter under Section 91.44, 91.45 or 91.46 after the expiration of the seventh (7th) day after the sterilization completion date agreed to under Section 91.42 may promptly reclaim the animal from the new owner.
- c) A person may not prevent, obstruct or interfere with the right to reclaim an animal under this section.
- d) In the event of such reclamation, the City shall have no obligation to repay fees previously paid pursuant to this Chapter.

Section 1.50 Intentionally left blank

ARTICLE XIII FEE SCHEDULE

Section 1.52 Schedule of Fees

(See Exhibit 1)

**ANIMAL AND FOWL
EXHIBIT 1
FEE SCHEDULE**

- | | |
|---|----------|
| 1) License fee (annually) | |
| Dog or Cat neutered | \$5.00 |
| Dog or Cat un-neutered | \$15.00 |
| 2) Permits. A permit shall be issued after payment of the applicable fee: | |
| a) Kennel authorized to house ten or less dogs or cats | \$45.00 |
| b) Kennel authorized to house more than ten but less than 50 | \$75.00 |
| c) Kennel authorized to house 50 or more dogs or cats | \$150.00 |
| d) Pet Shop or Riding Stable | \$200.00 |
| e) Grooming Shop | \$30.00 |
| f) Auction | \$200.00 |
| g) Animal exhibition / circus | \$200.00 |
| h) Zoological Park | \$200.00 |
| i) Guard Dog Training Center | \$200.00 |
| j) Obedience Training Center | \$60.00 |
| k) Commercial Establishment using a Guard Dog | \$50.00 |
| l) Temporary Permit (not to exceed 3 days) | \$15.00 |
| m) Dangerous Dog Permit | \$500.00 |
| o) Trap Rental Fee per day. | \$10.00 |

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p.) Trap Deposit for rental (30 days max.) \$60.00

3) Impoundment Fee. An impoundment fee must be paid for each captured animal.

Dog / Cat neutered (1st Offense) \$20.00

Dog Cat un- neutered (1st Offense) \$35.00

Dog Cat neutered (2nd offense during 12 month period) \$40.00

Dog Cat un- neutered (2nd offense during 12 month period) \$55.00

Dog Cat neutered (3rd offense in a 12 month period) \$60.00

Dog Cat un- neutered (3rd offense in a 12 month period) \$65.00

Dog Cat neutered (4th offense and each subsequent) \$80.00

Dog Cat un- neutered (4th offense and each subsequent) \$95.00

Fowl or other small animal \$15.00

Livestock \$75.00

Zoological / Circus animal \$200.00

4) Boarding Fee. A boarding fee must be paid for each animal

Dog or Cat (per day) \$10.00

Fowl or other small animal (per day) \$5.00

Livestock (per day) \$25.00

Zoological / Circus animal (per day) \$100.00

Charge for vaccines given / diagnostic tests performed.

The owner shall reimburse the City for all additional veterinary expenses incurred as a result of their animal's impoundment.

Surrender Fee. (Charge per animal)

Dog or Cat \$50.00

Litter fee (3 or more dogs / cats under 3 months of age) \$75.00

Small Animal, bird, reptile \$20.00

Livestock \$market price

Circus / Zoological \$200.00

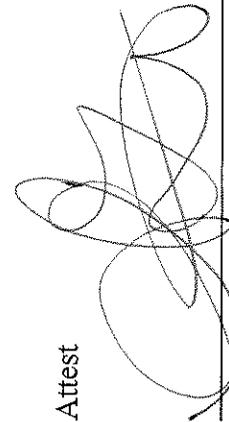
**Any litters of dogs or cats over 3 months of age shall be charged \$45.00 per animal, as these animals will require additional vaccinations that the litter fee will not cover.

Rabies Quarantine fee will be the appropriate charge for impoundment of that animal, plus \$10.00 per day for boarding at an approved facility. If a rabies vaccine and city license are required for the animal, then \$18.00 for the rabies vaccination and the appropriate charge for the city license will be added to the final cost.

Head Removal / Submission. (If an owner chooses not to quarantine). Cost to be determined by Veterinarian.

Passed and Approved this 5th Day of September 2017.


Albert Trevino, Mayor

Attest

Abigail Frautschi, City Secretary