

**ORDINANCE NO. 20200811-018**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANGLETON AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANGLETON, TEXAS, BY REPEALING AND REPLACING THE ENTIRETY OF CHAPTER 4 ANIMALS, AND SUBSTITUTING A NEW CHAPTER 4 ANIMALS PROVIDING FOR THE REGULATION OF ANIMALS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council is authorized by Chapter 54 of the Texas Local Government Code to enforce rules, ordinances and police regulation of the municipality by fine or penalty; and,

**WHEREAS**, the City Council is authorized by Chapter 822 of the Texas Health and Safety Code to adopt and enforce rules and ordinances for regulation of animals; and,

**WHEREAS**, as authorized under law and in the best interest of the residents, citizens and inhabitants of the City of Angleton, the City Council deems it expedient and necessary to repeal the above referenced ordinances and adopt the new ordinances contained herein; and

**WHEREAS**, the City Council has determined that it is in the best interest of the public to provide for comprehensive regulations governing the care, custody, and control of animals within the City; and

**WHEREAS**, the City of Angleton is a home rule city acting pursuant to its charter and City Council City now finds the need to repeal and replace Chapter 4 to promote the public health, safety and welfare of its citizens; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:**

**SECTION 1.** All the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference and expressly made a part hereof, as if copied herein verbatim.

**SECTION 2.** The City of Angleton, Code of Ordinances, Chapter 4 is hereby repealed in its entirety and replaced with the following Chapter 4 Animals attached and incorporated herein as Exhibit "A":

**SECTION 3.** Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand and No/100 Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

**SECTION 4.** All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**SECTION 5.** In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**SECTION 6.** That this Ordinance shall be effective and in full force immediately upon its adoption.

**SECTION 7.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED AND APPROVED THIS THE 11<sup>th</sup> DAY OF AUGUST 2020.**

**CITY OF ANGLETON, TEXAS**

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Jason Perez  
Mayor

**ATTEST:**

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Frances Aguilar, TRMC, CMC  
City Secretary

## EXHIBIT "A"

### Angleton Code of Ordinances Chapter 4 Animals

#### Article 1; In General

#### DIVISION 1. GENERALLY

#### Sec. 4-1. - 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, excluding human beings.

*Animal Services* shall mean the animal services division or Support Services Division of the City of Angleton Police Department.

*Animal services officer* shall mean any person designated by the supervisor of animal services or his or her designee to enforce the provisions of this chapter.

*Bodily injury* shall mean physical pain, illness, or any impairment of physical condition.

*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.

*Cruel Manner* : Includes a manner that causes or permits unjustified or unwarranted pain or suffering.

*Cruelty to an Animal*: Shall include torturing or poisoning an animal; failing to reasonably provide food, water, care, or shelter; treating an animal in a cruel manner causing serious injury or death to the animal; unreasonably abandoning an animal in the person's custody; transporting or confining an animal in a cruel manner; causing bodily injury to an animal; fighting one animal with another; or seriously overworking an animal.

*Dangerous animal* shall mean:

(1) Any animal which demonstrates behavior or possesses the vicious propensity to inflict serious bodily injury or death upon human beings and constitutes a danger to human life or other animals; or any animal which has behaved in such a manner that the owner knows, or reasonably should know, that the animal is possessed of tendencies to commit unprovoked attacks or to injure human beings or other animals; or

(2) An animal that commits an unprovoked attack on a person that causes bodily injury by an animal and occurs in a place other than the enclosure in which the animal is being kept; or

(3) An animal that commits an unprovoked attack on another animal that causes bodily injury or death; and which occurs when such attacking animal is running at large; or

(4) An animal that repeatedly climbs over, digs under, chews through, breaks, or otherwise escapes from its enclosure in an attempt to attack, chase, or harass a person or another animal as observed by a peace officer or animal services officer; or

(5) An animal that has been certified by a Doctor of Veterinary Medicine after observation that the animal poses a danger to human life, animal life or property based on a reasonable medical probability after observation.

No animal shall be declared a dangerous animal if the threat, injury or damage caused by the animal was the result of willful trespass upon another's property, or the person injured was tormenting, abusing or assaulting the animal or its owner, or was committing or attempting to commit a crime at the time of the injury. No animal attacking another animal on attacking animal owner's property shall be declared a dangerous animal.

*Dangerous wild animal.* A lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, bobcat, lynx, serval, caracal, hyena, bear, coyote, jackal, baboon, chimpanzee, orangutan, gorilla, or any hybrid thereof, as defined by section 822.101, Texas Health & Safety Code, as amended, in addition to any animal of a species that is wild by nature, normally found in a wild state, not naturally tame or gentle, and/or because of its size, toxicity, vicious nature, or other characteristics constitutes a danger to public health, safety, or welfare, including but not limited to, the following: all nonhuman primates, all venomous reptiles and amphibians of any size and constricting reptiles of six (6) feet or more in length, alligators, bats, crocodiles, emus, ostriches, or any hybrid of such animals.

*Enclosure* shall mean a secure enclosure, which is a fenced area or structure that is: (1) locked; (2) capable of preventing the entry of the general public, including children; (3) capable of preventing the escape or release of an animal; (4) clearly marked as containing a dangerous animal; and (5) in conformance with the requirements for enclosures established in section 4-100 of this chapter.

*Exotic animal* means any non-domesticated animal, other than livestock, that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. The term "exotic animal" specifically includes, but is not limited to, animals such as lions, tigers, jackals, dingoes, leopards, elephants, pandas, camels, antelope, anteaters, kangaroos, chimpanzees, gorillas, orangutans, water buffalo, and species of foreign domestic livestock requiring state or federal permits.

*Feral cat* shall mean offspring of stray or abandoned cats who revert to a wild state.

*Large livestock* shall mean horses or any member of the domesticated horse family, including, but not limited to, mules, donkeys, and ponies; and all types and varieties of cattle, bulls, and all members of the cow family and any other animal weighing more than 250 pounds.

*Microchip or chip.* An integrated circuit placed under the skin of an animal for purposes of facilitating identification of the animal. The implanted chip is registered with a microchip registration company with current ownership information to include the current owner's name, address, telephone number, and the description of the animal.

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

*Owner shall mean* Any person or persons, association, or entity, including any member of owner's immediate family, employee, or agent, having the right of property, care, custody, or control of an animal, who possesses, harbors, or maintains an animal, or who knowingly permits an animal to remain on or about any premises occupied by such person or persons, firm, association, or corporation. If a minor owns an animal subject to the provisions of this chapter, the head of the household for such minor shall be deemed the owner of the animal. The occupant, owner or head of a household of any premises where an animal remains for 72 hours or more shall be rebuttably presumed to be the owner of such animal for the purpose of this chapter.

*Person* shall mean an individual, association, partnership, corporation, trust, estate, joint-stock company, or foundation.

*Running at large* shall mean not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the owner's private property.

*Serious bodily injury* shall mean an injury characterized by a severe bite wound or severe ripping and tearing of muscle, or any injury that would cause a reasonable prudent person or animal owner to seek treatment from a medical professional or veterinarian and would require hospitalization or clinic treatment without regard to whether the person actually sought medical treatment or veterinarian services.

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

*Supervisor of animal services* shall mean the person designated by the city manager or his or her designee to supervise all aspects of animal services.

*Unprovoked attack* shall mean an attempt by an animal to inflict bodily injury on a person or an animal in a situation which the attacking animal was not hit, kicked, or struck by the person with any object or part of a person's body, nor was any part of the attacking animal's body pulled, pinched, or squeezed by a person, nor was the animal taunted or teased by the person/animal, nor was the person or animal in the enclosure in which the animal was being kept at the time of the attack. If an animal attacks another animal on attacking animal owner's property, it shall not be an unprovoked attack.

*Wild animal* means any animal not normally considered domesticated and which is now or historically has been found in the wild, or in the wild state (unless certified for medical, biological, herpetological, or other scientific research or study) including, but not limited to, the following:

- (1) Venomous reptiles, any type of crocodile or alligator;
- (2) Piranha;
- (3) Condors, eagles, hawks, falcons, owls;
- (4) Ocelots, lions, tigers, jaguars, leopards, cougars, wolves, or wolf hybrids, dingoes, coyotes and coyote mixes, jackals, weasels, martens, minks, badgers, skunks, raccoons, pandas, bears, kangaroos, opossums, sloths, anteaters, armadillos, monkeys, chimpanzees, gorillas, orangutans, porcupines, antelope, deer, fox, elephant, lynx, camel, squirrels; or
- (5) Any species of animal illegal to own under federal, state or local law.

(Code 1965, § 5-1; Ord. No. 2510, § 1, 12-18-01; Ord. No. 2014-O-11B, § 1, 11-18-14)

#### **4-1 (1) Animal Care**

A. Basic Care. It shall be unlawful for the owner/custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care, grooming when lack thereof would adversely affect the health of the animal, and humane care and treatment, or to fail to provide adequate shelter. All pens, cages or other enclosures where animals are kept shall be securely built and maintained, be adequate in size for the kind and number of animals contained therein, contain adequate and appropriate bedding and be maintained in a sanitary condition; such

enclosures shall be cleaned and maintained so as to not become offensive. The premises shall be appropriately maintained and kept in a sanitary condition, appropriately free of animal waste, parasites, insects, flies, and hazards that could be harmful to the animal's health and/or the health of the general public. The premises shall not have standing water. The premises shall have sufficient grass and/or other suitable surface(s) that is appropriately maintained for the animal to have adequate exercise.

B. Animals in parked vehicles. It shall be unlawful to leave, place or confine any animal in any standing or parked motor vehicle or trailer in such a way as to endanger the animal's health and safety. Any animal services 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, safety or welfare is or soon will be endangered and said endangered or neglected animal shall be impounded.

C. Abandonment. It shall be unlawful for any owner or custodian of any animal to willfully abandon such animal on any street, road, highway or public place, or on private property.

D. Cruelty to an Animal. It shall be unlawful for any owner or custodian of any animal to willfully treat an animal in a manner as defined in Sec. 4.1 as cruelty to an animal.

#### **Sec. 4-2. 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, they shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or similar clubs, after giving at least three days' notice of the time and place of such meeting to the club representatives.

(c) If as a result of such meeting no satisfactory alternative is found to abate such nuisance, then such birds may be destroyed in such numbers and in such manner as is deemed advisable by the health authorities under the supervision of the chief of police. (Code 1965, § 14-4; Ord. No. 2510, § 1, 12-18-01)

#### **Sec. 4-3. Enforcement.**

Enforcement of this chapter shall be the responsibility of the supervisor of animal services or any animal services officer. Any police officer or animal services officer shall have the authority to issue citations for any violation of this chapter. Citations will be served to the alleged offender in person. It shall be unlawful for any person to interfere with any animal services officer in the performance of his or her duties.

In the enforcement of this chapter, any animal services officer shall have the authority to immediately tranquilize, capture, restrain, any animal to protect themselves, a third person, or another animal from attack or threat of imminent injury, to prevent an animal from enduring further unreasonable pain or suffering as a result of disease or injury, or when the animal services officer deems such animal a threat to the public health, safety, or welfare.

A peace officer or animal *services* officer may, in the interest of public safety, destroy a vicious animal found running at large.

(Code 1965, § 5-2; Ord. No. 2510, § 1, 12-18-01)

**Sec. 4-4. Animals running at large prohibited; authority of supervisor of animal services to impound.**

(a) It shall be unlawful for any dog, or other animal possessed, kept, or harbored, to run at large, as is defined in section 4-1 of this chapter. It is unlawful for an owner or person having control of an animal to fail to take the acts necessary to prevent an animal from running at large.

(b) The supervisor of animal *services* is authorized to impound such animals running at large.

(c) Any animal as outlined in paragraph (a) above, the owner of which has previous knowledge of or has been given notice by the animal services officer that the animal is dangerous or vicious and found at large, may be disposed of by an officer of the law at the direction of the chief of police.

(d) It is a defense to prosecution under this section that the animal is:

(1) A specially trained dog that is being used with or without a leash by a blind or deaf individual to aid them within the city;

(2) In attendance at a formal training class and is under the direct supervision of the owner during the entire class.

(3) Within a vehicle being driven or parked; or

(4) Inside a designated off-leash animal recreation area owned or leased by the city.

(Code 1965, § 5-3; Ord. No. 2510, § 1, 12-18-01)

**Sec. 4-5. Livestock.**

(a) It shall be unlawful for a person to keep any swine within the city limits except in a zoning district in which a stockyard or stable is permitted or the following exception:

(1) No more than one domesticated miniature potbellied pig, no more than 16 inches tall, may be kept or maintained on anyone premises within the city.

(2) All owners of domesticated miniature potbellied pigs shall have such pigs tested for Pseudorabies and Brucellosis prior to being brought into the city and shall maintain proof of such tests being performed by a veterinarian properly licensed by the state. In addition, all such pigs brought into the city must be neutered or spayed before the pig reaches six months of age.

(3) Every owner of a domesticated miniature potbellied pig shall obtain a license for such pig within seven days after bringing such pig into the city and annually thereafter. There will be a fee of \$5.00 (neutered animal) and \$10.00 (non-neutered animal) for said license. The provisions of article II, sections 4-26 through 4-47 shall apply to the license and registration required under this chapter.

(4) Potbellied pigs must be maintained in a fenced yard.

(5) Miniature potbellied pigs at large:

a. It shall be unlawful for any owner of a domesticated miniature potbellied pig to permit such pig to be unattended by the owner or the owner's designee in the outdoor premises of the owner or to permit such pig unrestrained to enter upon the private property or premises of another without the prior consent of the owner or person in possession or in charge of such private property, or upon any publicly owned property and facilities.

b. Any person who shall violate any of the provisions of this section 4-5(a)(1) through 4-5(a)(8).

(6) shall, upon conviction, be fined the sum of not less than \$50.00 nor more than \$2,000.00. Any person who violates any of the provisions of this section shall, upon the second conviction within any 12-month period, be fined not less than the sum of \$100.00, nor more than \$2,000.00. Any person who shall violate any of the provisions of this section, upon a third or subsequent conviction, be fined the sum of \$2,000.00. Minimum fines herein shall not be suspended by orders of court.

(7) It shall be the duty of the animal services officers to see that any miniature potbellied pig found running at large is impounded, without the necessity of filing a complaint and impounded and disposed of the same as dogs. Any such pig impounded which has not been spayed or neutered shall be at the owner's expense.

(8) The following shall be considered a public nuisance and unlawful:

a. Excessive, continuous or untimely squealing by domesticated miniature potbellied pigs.

b. Rooting to such an extent that the animal traverses the property boundary line.

c. A domesticated miniature potbellied pig found to be running at large on three or more occasions within a 12-month period.

d. Failure to maintain good sanitation and health care.

(b) The running at large of any and all livestock is prohibited and declared unlawful within the corporate limits of the city.

(c) It shall be unlawful for any person to keep any livestock on any premises, the overall area of which is less than one-third of an acre for each cow or horse or keep more than can be cared for under sanitary conditions and not create a public nuisance. It shall be unlawful for any person to keep more than the permitted number of adult animals, and their foals or calves up to six months of age. The number of cows or horses permitted shall not exceed one adult livestock animal per one-third acre for the first acre, and two adult livestock animals per acre for each additional acre over two acres of a single tract of land. The persons in lawful possession of the premises, as owner or tenant, may keep cows or horses belonging to others, but the limitation of number of cows or horses on the premises and the area and distance requirements of this section shall still apply. The keeping of cows or horses for others shall not be done as a business in violation of the zoning ordinance.

(d) It shall be unlawful for any person to keep on premises under his or its control within the city limits, any small or large livestock in such a manner that the livestock will be sheltered or tethered closer than 150 feet from any human living quarters (other than the owner or keeper's living quarters) or within 30 feet of any roadway or street or any public property or easement.

(e) Male equines (horses) capable of breeding will be confined in such a manner that the animal will not be dangerous to human beings. All breeding will be under the control of the owner or handler.

(Code 1965, § 5-13; Ord. No. 2296, § 1, 2-16-93; Ord. No. 2510, § 1, 12-18-01)

#### **Sec. 4-6. Animal nuisances.**

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

(1) It is unlawful and declared a nuisance for any owner or person in control of an animal to allow the animal to bark, growl, howl, whine or make any other sound loud and long enough to unreasonably disturb the peace of other people on the same, adjoining or nearby property.

(2) Prior to filing a complaint with the city, the person having been disturbed by an animal must give written notice to the owner of the animal that the animal's conduct has disturbed his peace on more than one occasion. A copy of the written notice must be presented to the city at the time of filing the complaint.

(3) 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;

(4) 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;

(5) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger personal health and welfare.

(Code 1965, § 5-8; Ord. No. 2510, § 1, 12-18-01)

#### **Sec. 4-7 Prohibited animals.**

(a) It shall be unlawful for any person to sell, offer for sale, barter, or give away as toys, premiums, or novelties, baby chickens, ducklings or other fowl under three weeks old; or rabbits under two months old unless the manner or method of display is first approved by the supervisor of animal services.

(b) It shall be unlawful to keep, harbor, possess or own any wild animal or any vicious animal whether wild or domestic. However, it shall not be unlawful to capture a vicious animal or any animal creating a nuisance, if the person capturing the animal promptly notifies animal services and delivers or surrenders the animal to animal services.

(c) It shall be unlawful for any person keeping, possessing, harboring or owning any vicious animal whether wild or domestic or any animal creating a nuisance to release the animal or allow it to run at large in the city.

(d) It shall be unlawful of any person keeping, possessing, harboring or owning any *Dangerous wild animal*. or any exotic animal.

(Code 1965, § 5-9; Ord. No. 2057, § 3, 4-15-86; Ord. No. 2064, § 3, 5-2-86; Ord. No. 2510, § 1, 12-18-01)

**Sec. 4-8**

Animal services shall comply with all sterilization laws as set forth in V.T.C.A., Health and Safety Code Ch. 828, as amended. A copy of the statute may be obtained from any animal services officer.

**Sec. 4-8(1) Right of entry; search warrants.**

(a) Animal Control officers are hereby authorized to enter upon any fenced or unfenced lot, tract or parcel of land for the purpose of capturing, impounding or quarantining any animal upon having probable cause to believe the animal to have bitten, injured or otherwise attacked a human being or other animal; to have, or have been exposed to, rabies or another communicable disease posing a danger to the public health, safety or welfare; or otherwise pose a clear and present danger to human beings or other animals. This authorization is granted due to the emergency created by the potential rabies hazard or danger of injury to persons or other animals, and in recognition of the likelihood that such animal will otherwise escape capture. As a matter of policy, animal control officers shall not enter upon private property to capture and impound any animal known to belong to the owner of such property without probable cause to believe the animal poses a threat or danger to property, human beings or other animals.

(b) Furthermore, should an animal control officer have probable cause to believe an animal has been, or is being, cruelly treated or has rabies or another communicable disease, the town enforcement agency may, pursuant to V.T.C.A., Health and Safety Code § 821.022, obtain a search warrant and impound such animal, even if it is enclosed on private property.

**Sec. 4-9. Sanitary conditions.**

(a) The owner or person in possession of animals shall keep yards, pens, and enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities residing 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 such animals 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.  
(Code 1965, § 5-15; Ord. No. 2510, § 1, 12-18-01)

#### **Sec. 4-10. Companion animal care.**

The following are established as guidelines for companion animal care and not intended to contravene with the provisions for animal cruelty as contained in the Texas Penal Code.

(1) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with 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.

(Code 1965, § 5-16; Ord. No. 2510, § 1, 12-18-01)

#### **Sec. 4-11. Reports and accounting.**

Animal services shall monthly, or at such times as may be required by the city administrator, or designee, account to the city for all moneys received and shall at the time render a full statement of all animals received into the pound during the month, showing the name of the owner, if known, the date when received, all of the animals redeemed, the date of redemption and all of those destroyed.

#### **Sec. 4-12. Responsibility for compliance; penalty.**

Each person owning, keeping, possessing, or harboring an animal shall be responsible for complying with this Code and for preventing the animal from violating this Code, and is subject to all penalties set forth in this chapter as set forth in Sec. 4-150.

(Code 1965, § 5-18; Ord. No. 2057, § 3, 4-15-86; Ord. No. 2064, § 4, 5-20-86; Ord. No. 2510, § 1, 12-18-01)

#### **Sec. 4-13. 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. Further, it shall be unlawful for any person to walk a dog or cat on public property or the private property of someone other than the owner or handler of such dog or cat without having in their possession a container or other instrument suitable for the removal and disposal of such animal's feces in a sanitary manner. This section shall not, however apply to handicapped persons using guide dogs or to peace officers while using animals in the discharge of law enforcement activities.

(Ord.No.2510,§1,12-18-01)

## **DIVISION 2. DOMESTIC FOWL AND RABBITS**

### **Sec. 4-14. Domestic fowl and rabbits.**

- (a) It is unlawful for a person to keep and maintain any domestic fowl or rabbit in the city without first obtaining a city permit by January 15th of each calendar year.
- (b) It is unlawful for a person to keep more than six chickens or ducks or rabbits, combined or in any combination thereof, in the city.
- (c) It is unlawful for a person to keep roosters or drakes in the city.
- (d) It is unlawful for any person to allow any chicken or duck to run or fly at large or to trespass on the premises of any other person.
- (e) It is unlawful to keep any chicken or duck, which, by causing frequent or long-continued noise, shall disturb a person of ordinary sensibilities on adjoining, adjacent or neighboring premises.
- (f) It is unlawful to keep any chicken or duck or rabbit in such manner as to cause a stench or odor which is offensive to a person of ordinary sensibilities on adjoining, adjacent or neighboring premises.
- (g) It is unlawful to keep the premises in an unsanitary condition that allows the infestation of animal waste parasites, insects, mosquitoes and flies that could be harmful to the animals' health and to the health of the general public;
- (h) Persons keeping chickens, ducks and rabbits in conjunction with operation of feed and grain stores/farm supply stores legally zoned and persons keeping no more than four chickens, ducks or rabbits, combined, on property zoned as agricultural with the pens, coops or hutches at least 100 feet from neighboring habitable structures are not required to obtain a city permit, but must comply with all other provisions of this division including, but not limited to, the maintenance and sanitation standards and odor and noise nuisance regulations.

(Ord.No.2015-O-1B,§2,1-13-15)

### **Sec. 4-15. Definitions.**

- (a) *Coop* means a cage, chicken tractor, enclosure or building used for housing and protecting chickens and ducks from weather and predators.
- (b) *Domestic fowl* means chickens and ducks. (No roosters or drakes.)

- (c) *Drake* means a male duck.
  - (d) *Feeder* means a device or apparatus for supplying food.
  - (e) *Pen* means an enclosure for chickens or ducks which allows freedom of movement but also prevents escape.
  - (f) *Rooster* means a male chicken.
- (Ord.No.2015-O-1B,§2,1-13-15)

**Sec. 4-16. Permit fee permit application and inspection of premises.**

(a) The initial permit application fee is \$25.00, and each subsequent yearly renewal fee is \$5.00. Senior citizens 55 years of age or older, persons with a disabled property tax exemption and persons who receive Social Security disability benefits are exempt from paying any permit fee but must submit a permit application and comply with all provisions contained in this division.

(b) Prior to keeping any chickens, ducks or rabbits in the City of Angleton, a party must obtain a city permit and shall first submit a permit application fee with a completed application containing information including, but not limited to the following:

- (1) Applicant's name and site address;
- (2) Number of chickens, number of ducks and number of rabbits to be kept. (combined number cannot exceed six);

(3) If a tenant seeks to keep domestic fowl, written permission from landlord authorizing the keeping of domestic fowl and rabbits and permission to install a coop, pen or hutch;

(4) A sketch identifying the property boundaries and dimensions, the location of all coops, pens and hutches on the property and the distances between them and the property line and the distance between them and the neighboring habitable structure;

(5) A description of the coop or enclosure, including materials used and the cubic footage;

(6) An affirmation that the applicant has never been found guilty of any animal welfare, neglect or cruelty law;

(7) Affirmation from the applicant that there are no private restrictions including, but not limited to, deed restrictions, condominium restrictions, neighborhood association bylaws, covenants, restrictions and rental agreements that prohibit the keeping of chickens, ducks or rabbits at this location. (A permit issued to a person whose property is subject to private restrictions that prohibit keeping of chickens, ducks or rabbits is VOID.); and

(8) A sworn statement that all statements contained in the application are true and that the permit holder shall keep the chickens or ducks or rabbits in compliance with the terms of the permit, application and this division and that failure to comply will result in revocation of the permit and issuance of a citation.

(c) Before a permit is issued, an employee shall inspect the premises to determine if the keeping of the domestic fowl or rabbits on the premises will endanger or is likely to endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business.

Only one permit shall be issued per household. Issuance of a permit is a discretionary act.

(d) A permit to keep chickens or ducks or rabbits is specific to the permit holder and the location of the permit. No vested zoning rights arise from the permit being issued and the permit does not run with the land. A person wishing to move chickens or ducks or rabbits to a different property location within the city must obtain a new permit. A new resident/tenant of a property who intends to keep chickens/ducks/rabbits shall obtain a new permit regardless of whether chickens/ducks/rabbits are kept on the property or continue to be kept on the property.

(e) Changes to the standards contained in this division shall require any permit holder to comply with any new standard, regulation, or condition and no notice to a permit holder is required prior to enforcement of any new standard beyond that required for adoption of a new or revised ordinance.

(f) Upon receipt of a permit, domestic fowl and rabbits may be kept in the city so long as the owner, tenant, or person in control of the premises ("keeper") where the chicken, ducks or rabbits are kept complies with all requirements of this division at all times, including the following conditions:

(1) The number of chickens or ducks or rabbits on the premises cannot exceed six combined. No roosters and no drakes may be kept;

(2) The domestic fowl are kept or used for egg production purposes only, with consumption of the eggs by the keeper or person in the keeper's household;

(3) No profit or business may be derived from the keeping or use of the domestic fowl or eggs by the keeper;

(4) The domestic fowl must be provided with a coop/house located in the back yard. Back yard means "rear yard" as defined in the city zoning ordinance.

(g) A permit for domestic fowl or rabbits under this section does not relieve any party from any requirement to obtain any other permit or other necessary approvals for any structure, fence, lighting, heat source, etc., as required by the City of Angleton Code of Ordinances.

(Ord.No.2015-O-1B,§2,1-13-15)

#### **Sec. 4-17. Coop requirements.**

Any keeper of chickens or ducks or both within the city shall provide coops, enclosures and housing to adequately accommodate these domestic fowl without disturbing adjacent property owners.

(1) A tenant must obtain the landlord's written permission to install a coop;

(2) Coops shall be constructed, repaired and maintained in a manner to prevent rodents from being harbored underneath or within the walls of the enclosure, and to keep out raptors and other predatory animals;

(3) Coops must provide a minimum of four-square feet of floor space for each grown chicken or duck and the coops' dimensions must not exceed five-foot wide by five-foot long by five-foot high;

(4) Coops must be located at least 50 feet from any neighboring habitable structure and at least 25 feet from the property line;

(5) Interior of the coop must be treated with an approved disinfectant at least once every six months to discourage insects, fleas, ticks, mites, mosquitoes and flies;

- (6) Coop and pen areas must be cleaned, and feces must be removed and disposed of in a sealed, enclosed container at a minimum of at least once weekly so as to maintain the area so that no offensive odors are emitted from that area;
  - (7) Fecal matter may be used as fertilizer if turned completely into the soil at least once weekly and there is no noxious odor; and
  - (8) Feeding practices must not attract unwanted rodents.
- (Ord.No.2015-O-1B,§2,1-13-15)

**Sec. 4-18. Pen requirements.**

- (a) The coop must be completely surrounded by a six-foot high secure and substantial fenced enclosure ("pen") that provides adequate space for the domestic fowl to roam, in which the fowl are kept at all times. Each chicken or duck shall have at least 12 square feet of permeable land area. The pen may not be located closer than 25 feet to any existing dwelling or business owned, used, or maintained by any person other than the keeper;
  - (b) There must be a well-drained area that allows the chickens/ducks to have access to dry ground at all times; and
  - (c) No chickens or ducks may run (or waddle) at large within the corporate limits of the City of Angleton.
- (Ord.No.2015-O-1B,§2,1-13-15)

**Sec. 4-19. Hutch requirements.**

- (a) Rabbits must be confined in a rabbit hutch that shall be a minimum of 25 feet from any property line;
  - (b) The hutch shall be at least 18 inches in height, and have a minimum of four-square feet for each rabbit;
  - (c) The rabbit hutch must be kept clean, sanitary and free from accumulation of animal excrement and objectionable odors. It shall be cleaned daily, and all droppings and body excretion shall be placed in a fly-proof container and double-bagged in plastic bags; and
  - (d) Feeding practices must not attract unwanted rodents.
- (Ord.No.2015-O-1B,§2,1-13-15)

**Sec. 4-20. Revocation of permit.**

- (a) The City of Angleton may revoke any permit if:
  - (1) The permit has been mistakenly issued without compliance with this division or any City of Angleton Code of Ordinances relating to keeping domestic fowl or rabbits;
  - (2) The applicant has submitted false information;
  - (3) A permittee fails to allow city staff access to inspect the property or interferes with the performance of their duties;
  - (4) The domestic fowl or rabbits kept are causing a stench or odor which is offensive to a person of ordinary sensibilities on adjoining, adjacent or neighboring premises;

(5) The domestic fowl or rabbits are causing a noise which is offensive to a person of ordinary sensibilities on adjoining, adjacent or neighboring premises;

(6) The permittee fails to keep the premises in a sanitary condition and reasonably free of animal waste, parasites, insects, mosquitoes and flies that could be harmful to the animals' health or to the health of the general public; or

(7) A permittee has received one or more convictions or deferred disposition for any violation of a state law or local ordinance relating to "animals", including but not limited to, maintenance and sanitation standards, creating noxious odors or causing frequent or long-continued noise, creating a public nuisance or endangering the public health or safety, and allowing the animals to run at large.

(b) The person aggrieved by a revocation of a permit can appeal the decision to the city manager or his/her designee within ten calendar days of the revocation. The city manager's or the designee's decision is final.

(Ord.No.2015-O-1B,§2,1-13-15)

#### **Sec. 4-21. Responsibility for compliance.**

Each person owning, keeping, possessing or harboring a domestic fowl or rabbit shall be responsible for complying with this division and for preventing the domestic fowl or rabbit or any combination from violating this division.

(Ord.No.2015-O-1B,§2,1-13-15)

#### **Sec. 4-22. Permit for Future Farmers of America and 4-H projects.**

(a) A member of a chapter of Future Farmers of America (FFA) or the 4-H Club (4-H) that operates within Brazoria County, Texas, may apply for a special permit that allows a greater number of domestic fowl and rabbits at the member's residence under the direction of the FFA or 4-H, if approved by the city council.

(b) An application for this permit must include:

(1) The applicant's name, physical address and phone number;

(2) The name, mailing address and phone number of applicant's parent or legal guardian;

(3) The name, mailing address and phone number of the property owner;

(4) The number of chickens, ducks or rabbits to be kept on the property;

(5) A site plan of the property showing areas where coops, pens and hutches will be maintained;

(6) Written proof of membership and participation in the FFA or 4-H program requiring applicant to raise the animals for show purposes;

(7) No fee required.

(c) A permit may only be issued:

(1) For a 12-month term, which may be renewed each year by submitting a new application for a permit;

(2) After an inspection of the area by city staff to confirm that the applicant is in compliance with the application requirements and all applicable city ordinances; and

(3) Upon a finding by city staff that the activity sought to be permitted will not create a health or nuisance hazard to the public.

(d) Failure to comply with any of the requirements of this section will disallow the issuance of the necessary permit.

(e) Permits are nontransferable and may be revoked at any time pursuant to section 4-20, upon graduation from high school, nonattendance or dropping out of the FFA or 4-H program.

(Ord.No.2015-O-1B,§2,1-13-15)

## **ARTICLE II. COMPANION ANIMALS**

### **DIVISION 1. GENERALLY**

#### **Sec. 4-26. - Limitation on number of companion animals to be kept; exception.**

(a) *Private premises.* It shall be unlawful for any person to keep, harbor, possess, 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 exempt in section 4-26(c) of this article.

(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 from animals permitted under section 4-26 of this article shall be allowed at any given time.

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

(1) Veterinary hospitals;

(2) Kennels;

(3) Circuses;

(4) Animal shelters;

(5) 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 the is 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.

(Code 1965, § 5-11; Ord. No. 2510, § 1, 12-18-01)

### **DIVISION 2. REGISTRATION AND MICROCHIPPING OF COMPANION ANIMALS**

#### **Sec. 4-41. Microchipping required.**

(a) The owner or keeper of any equine, dog or cat must have the animal implanted with a registered microchip before the animal attains four (4) months of age. An equine, dog or cat is exempt from this requirement if the equine, dog or cat is determined to

be medically unsuitable for microchipping by a licensed veterinarian in writing. If the animal is determined to be medically unsuitable for microchipping, the owner shall have the animal permanently marked with an identifying tattoo by a licensed veterinarian. Proof of medical unsuitability for microchipping along with the identifying tattoo number and owner's or keeper's name, address and telephone number must be provided to the animal services department within thirty (30) days of tattooing. If there is a change in contact information, the owner or keeper of a tattooed animal shall update contact information with the department within thirty (30) days of the date of the change in contact information. If there is a change in ownership of a tattooed animal the initial owner or keeper shall be responsible for notifying the department of the change within thirty (30) days of the date of change in ownership. The new owner or keeper shall be responsible for providing the department with the new owner's or keeper's name, address and telephone number within thirty (30) days after the change in ownership.

- (b) It is a defense to prosecution under this section that:
  - (1) The equine, dog or cat owner is a nonresident of this city and is keeping the subject animal in the city for fewer than sixty (60) days;
  - (2) The animal owner has been a resident of this city for fewer than thirty (30) days;  
or
  - (3) The animal had been abandoned or lost and the temporary owner has had the equine, dog or cat for fewer than thirty (30) days.

**Sec. 4-42 Maintaining current microchip registration.**

- (a) The owner or keeper of a dog, cat or equine shall maintain current registration with a microchip registration company.
- (b) If there is a change in contact information of an owner or keeper of a registered microchipped equine, dog or cat, the owner or keeper shall update contact information, including new address or telephone number, with the microchip registration company within thirty (30) days of the date of the change in contact information.
- (c) If there is a change in ownership of a registered equine, dog or cat, the initial owner or keeper shall be responsible for ensuring that the microchip is no longer registered in the initial owner's or keeper's name within thirty (30) days of the date of change in ownership. The new owner or keeper shall be responsible for re-registering the microchip to include any new address and telephone number and have the registration information transferred to the new owner's or keeper's name within thirty (30) days after the change in ownership.

**Sec. 4-43- Wearing tags, exception.**

- (a) Dogs and cats must wear a tag with the registered microchip number at all times while outdoors; except that dogs which are kept for show or exhibition purposes are not required to wear such a tag as long as the dogs are otherwise under restraint.

- (b) Equines shall not be required to wear a tag with the registered microchip number on a collar.

**Sec. 4-44 - Nontransferability.**

No person may use a registered microchip number for any animal other than the one for which it was issued.

**Sec. 4-45 Review upon frequent violations.**

Animal Services shall review any and all animal registrations for any animal owners against whom four (4) or more convictions have been obtained within a period of one (1) year under the provisions of this chapter and shall notify the subject animal owner of said convictions and possible seizure and impoundment if, after prosecution in the City of Angleton Municipal Court, the Municipal Court judge determines that the public health and safety are at risk while the animal owner or any member of this household has possession or control of the subject animals.

**Sec. 4-46. Register of Microchip Registering to be kept;**

- (a) Upon payment of microchip registration as provided herein, the Angleton Animal Services shall keep a list of all registrations issued in which shall be entered the name of the applicant, description of the dog or cat, all identification information regarding the issuance of a microchip registration, and the date of issuance.

**DIVISION 3. RABIES**

**Sec. 4-61. Certificate of Vaccination Required for dogs and cats.**

(a) The owner of a dog or cat must have the animal vaccinated against rabies before the animal reaches four months of age, followed by a rabies vaccine booster within 12 months of the initial vaccination, and must comply with the requirements for Rabies Vaccinations set forth in Sec. 4-95 of this Code.

(b) After the animal has been vaccinated as required in subsection (a), the animal must receive a vaccination within:

(1) Twelve months of the last vaccination if the animal was vaccinated with an annual vaccine; or (2) Thirty-six months of the last vaccination if the animal was vaccinated with a triennial vaccine.

(c) This section does not prohibit a veterinarian or owner from selecting a more frequent rabies vaccination schedule.

(d) The owner of a dog or cat over four months of age must have the animal wear a tag showing that the animal has been vaccinated in accordance with this section.

(e) An owner must provide a current rabies vaccination certificate:

- (1) To an animal services officer or peace officer upon his or her request; or
- (2) To animal services prior to or within ten days of release of an animal after its impoundment.

**ARTICLE III. IMPOUNDMENT**

**Sec. 4-76. - Impoundment of certain animals.**

(a) The following animals may be impounded:

- (1) Dogs and cats not exhibiting evidence of vaccination or registration, microchip or tattoo as described in section 4-43 or 4-61;
- (2) Any animal infected or kept under conditions that could endanger the public or animal health;
- (3) Any animal that creates a nuisance as defined in section 4-6;
- (4) Any animal running at large in violation of section 4-4;
- (5) Any animal treated in a manner determined by the supervisor of animal services to be cruel or inhumane;
- (6) Any animal that has bitten a human being or needs to be placed under observation for rabies determination, in the discretion of an animal services officer;
- (7) Any animal violating any provision of this article or kept, harbored, possessed, or owned in violation of any provision of this article.

(b) If any of the animals named in this chapter are found upon the premises of any person, 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 services officer to come and impound such animal. When so notified, it shall be the duty of an animal services officer to have such animal impounded as herein provided.

(Code 1965, § 5-5(a), (b); Ord. No. 2057, § 1, 4-15-86; Ord. No. 2064, § 1, 5-20-86; Ord.No.2510,§1,12-18-01)

**Sec. 4-77. Notification of owner.**

Reasonable effort shall be made by an animal services officer to contact the owner of any animal impounded which is wearing a current tag signifying microchip, tattoo, registration tag, veterinary tag, or identification tag that is no older than one year old or is chipped. Reasonable effort may include a telephone call or written form of notice. Final responsibility for location of an impounded animal is that of the owner.

(Code1965,§5-5(c);Ord.No.2510,§1,12-18-01)

**Sec. 4-78. 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 Angleton Animal Services 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 services 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 section and section 4-80 and upon compliance with all vaccination, registration, and other requirements of this section or any other provision of this chapter.

(Code 1965, § 5-5(d); Ord. No. 2057, § 1, 4-15-86; Ord. No. 2064, § 2, 5-20-86; Ord. No.2510,§1,12-18-01)

#### **Sec. 4-79. Disposition of animal.**

- (a) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.
- (b) If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.
- (c) Any animal, except vicious or wild animals, 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.
- (d) The city administrator shall select and establish a place for impounding all animals impounded under any provision of this chapter.
- (e) Any vicious, dangerous wild animal 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 services.
- (f) 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.
- (g) Any impounded dog or cat not wearing a registration certificate, or tag identifying microchip, or have a tattoo or any other indication of ownership may be given up for adoption after 72 hours, except those under quarantine. Any impounded dog or cat wearing a registration certificate, tag identifying microchip, tattoo or other indication of ownership may be given up for adoption on the seventh day of confinement. On the seventh calendar day following notice, title and sole ownership of the dog transfers to Animal Services, the animal becomes the sole property of Animal Services, and becomes subject to disposition as the Supervisor of Animal Services deems appropriate. Any dog or cat without an identification tag, a microchip, or a current local veterinarian vaccination tag, or any dog or cat with a city license tag more than one year past the expiration date shall be held at the animal control shelter facility for a period of 72 hours, after which title and sole ownership of the animal transfers to Animal Services, the animal becomes the sole property of Animal Services, and becomes subject to disposition as deems appropriate.
- (h) Animal Services is authorized to negotiate with other local government agencies for the handling of animals under the provisions of this Code. Any contract that is the subject of negotiations must be approved and its execution authorized by city council as in other contracts entered into by the city.
- (i) If the rightful owner appears for his dog or cat within 30 days of adoption, he may redeem the animal by paying the adoptee or rescue all documented expenses incurred for the animal.
- (j) An owner who no longer wishes responsibility for an animal or believes the animal to be in an ill or injured condition, may sign a written waiver supplied by animal services allowing the animal to be immediately made available for adoption or euthanized in a humane manner. No warm-blooded animal that has bitten a human being shall be euthanized before the expiration of the ten-day quarantine period.
- (k) Any impounded animal that Animal Services takes ownership of 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 services.

(Code 1965, § 5-5(e)—(m); Ord. No. 2510, § 1, 12-18-01)

**Sec. 4-80. - Impoundment fees.**

(a) Minimum impoundment fees shall be as follows:

		<i>First Impoundment in 12 Months</i>	<i>All Subsequent Impoundments in 12 Months</i>	<i>Owner Surrender</i>
(1)	Dogs and Cats			
	Neutered & Spayed:	\$25.00	\$ 50.00 plus \$15.00 micro chip	\$50.00
	Not spayed or neutered:	\$50.00	\$100.00 plus \$15.00 micro chip	\$75.00
(2)	Small livestock, such as: goats, sheep, lambs, pigs, sows, shoats, calves, foals, and animals of the same approximate size and weight, each animal	\$50.00	\$100.00	
(3)	Large livestock, such as: cattle, horses, ponies, mules, and animals of the same approximate size and weight, each animal	50.00	100.00	
(4)	Animals not listed herein above shall be disposed of at discretion of animal services. The city shall recover from the owner the actual cost to the city of disposing of said animal.			

If actual cost to the city is more than the minimum, the city will recover the actual costs from the owner of the animal.

(b) A daily handling fee shall be charged for every day, or fraction thereof, that an animal is at the animal shelter. Said fee shall be based upon the class of animal enumerated in (1) above.

(1) Class A ..... \$15.00

(2) Class B ..... 20.00

(3) Class C actual cost to the city not less than \$50.00

(c) If the animal is kept in any other facility, the owner shall pay the additional cost of that facility directly to that facility.

(Code 1965, § 5-6; Ord. No. 2510, § 1, 12-18-01)

**Sec. 4-81. 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 services and Animal Services takes ownership as set forth in Sec. 4-79;

(2) The prospective adopter has proper facilities to care for the animal;

(3) The prospective adopter obtains all necessary vaccinations and registrations, and completes and executes an application and acknowledges the obligation to spay or neuter the adopted animal; and

(4) The fee for adoption shall be \$60.00 which includes vaccinations, microchipping, worming, flea treatment and one month of heartworm preventative. The purchaser of any animal must have it spayed / neutered and vaccinated for Rabies within 30 days after purchase, or animal services shall have the right of immediate return of the animal to the animal shelter.

The Supervisor of Animal Services may reduce or waive the dog adoption fee, cat adoption fee, or both:

1. When the cat or dog population exceeds the animal shelter capacity for dogs or cats; or

2. In connection with intergovernmental or other adoption events that the Supervisor of Animal Services determines serves a public purpose.

The reduction or waiver of the dog or cat adoption fee must be uniformly applied.

However, in an effort to encourage adoption of animals during the holiday season, the City Council of the City of Angleton desires to annually lower the fee for adoption of impounded animals to one-half of the current fee charged during the months of November and December. The purchaser of any animal must comply with all other conditions provided in this section.

(b) The supervisor of animal services may refuse to allow a person to adopt an animal of whom he or she 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.

(Code 1965, § 5-6(d); Ord. No. 2510, § 1, 12-18-01; Ord. No. 2014-O-10D, §§ 1, 2, 10-28-14)

#### **4-82 Animal Services Advisory Committee Created.**

- (a) There is hereby created the animal shelter advisory committee ("the committee").
- (b) The committee shall perform the state law advisory committee functions contemplated in §823.005 of the Health and Safety Code by rendering advice and assistance to the director regarding the city's compliance with the requirements of chapter 823 of the Health and Safety Code.

#### **4-83 Animal Services Advisory Committee Members; Terms; Offices.**

- (a) The committee shall consist of seven members; which membership positions shall be designated as positions one through seven. The members in positions one through four shall be appointed by the city council. The members in positions five, six and seven shall be appointed by the mayor and confirmed by the city council. The following membership criteria shall apply:

- (1) *Position one shall be filled by a veterinarian.*

- (2) *Position two shall be filled by a municipal or county official.*

- (3) *Position three shall be filled by a person whose duties include the daily operation of an "animal shelter" as that term is defined in § 823.001 of the Health and Safety Code.*

- (4) *Position four shall be filled by a person who is an officer or employee of an animal welfare organization.*

- (5) *Position five shall be filled by a resident of the city.*

- (6) *Position six shall be filled by a resident of the city.*

- (7) *Position seven shall be filled by a resident of the city.*

- (b) The members of the committee shall serve for two-year terms commencing on the first day of each even-numbered calendar year and ending on the last day of each odd-numbered calendar year, or until such time as their successors are appointed and qualified, whichever event shall occur later.

- (c) At the first meeting of each calendar year, the members of the committee shall select a chairperson. The member serving in position two of the committee shall be the ex officio secretary of the committee.

#### **4-84 Animal Services Advisory Committee Meetings; Corporation; Quorum.**

The committee shall meet from time to time at the call of the chairperson, provided that the committee shall meet not less than three times per calendar year. A majority of the members of the committee shall constitute a quorum for the conduct of business. Members shall not be compensated for service, provided that any member who is a city employee shall continue to receive his regular compensation while serving on the committee. All meetings of the committee shall be conducted in accordance with the Texas Open Meetings Act.

## **ARTICLE IV. - RABIES CONTROL**

### **4-95 Rabies Vaccinations**

- (a) Every owner of a dog or cat four (4) months of age or older shall have such animal vaccinated against rabies. All dogs or cats vaccinated at four (4) months of age or older shall be revaccinated in twelve (12) months and annually or triennially thereafter. Any person moving into the City from a location outside of the City, or who obtains ownership of a new dog or cat, shall comply with this section within ten (10) days after having moved into the City or after obtaining ownership the new animal. This requirement pertains to all animals sixteen weeks of age or older. If the dog or cat has inflicted a bite on any person or another animal within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten (10) day observation period. A licensed veterinarian must vaccinate domestic ferrets against rabies in accordance with the law. The veterinarian administering the vaccination will provide a certificate of vaccination and a tag.
- (b) Harboring Unvaccinated Animals; It shall be unlawful for any person to own/harbor any dog, cat or ferret that has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.
- (c) Notice to Keeper of Animal Suspected of Having Rabies; Whenever the Local Rabies Control Authority has good reason to believe that any dog, cat, or other animal is infected with rabies, he shall notify the keeper, harbinger or person(s) claiming any such animal of his belief. It shall thereafter be unlawful for any person having such notice to interfere in any manner with such officer or his authorized representative in taking possession of animal for the purpose of examination to determine if such animal is in fact infected with rabies.

### **Sec. 4-96. Animal quarantine—Authority.**

- (a) The supervisor of animal control 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 services, or an animal services 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 only if the animal shelter is certified by the state, 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.  
(Ord.No.2510,§1,12-18-01)

**Sec. 4-97. Animal Quarantine—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 services. It shall be unlawful for any person to interrupt the observation period.

(b) All animal bite reports shall be investigated by animal services. Without permission of the supervisor of animal services, 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 services 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.

(Code1965,§5-7(e)—(g);Ord.No.2510,§1,12-18-01)

**Sec. 4-98. Animal Quarantine—Disposition.**

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

(b) Every animal that has been bitten by another animal shall be immediately confined by the owner, who shall promptly notify animal services of the place where such animal is confined and the reason therefor. 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 services;

(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 30 days immediately following the date of the exposure.

(Code1965,§5-7(h)—(j);Ord.No.2510,§1,12-18-00)

**Sec. 4-99. – Animal Quarantine—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 therefor is made by the supervisor of animal control.

(b) Any person having possession of, or responsibility for, any quarantined animal shall immediately notify animal services 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 services for diagnostic purposes.

(Code1965,§5-7(k),(l);Ord.No.2510,§1,12-18-01)

## **Sec. 4-100. - Dangerous animals.**

(a) *As a public safety requirement.* It shall be unlawful for any person to keep or harbor any dangerous animal within the corporate limits of the City of Angleton.

(b) *Complaint.* When a person files a sworn written report with the animal services authorities charging that a particular animal is a dangerous animal, the report shall contain the name, address and phone number of complainants and witnesses; a description of the incident or incidents which caused the complainant to believe the animal is a dangerous animal, including date, time and location; a description of the animal and the name, address and telephone number of the owner of the animal, if known; and any other facts that the complainant believes to be important. The authorities shall investigate the report and notify the owner of the report.

(c) *Location of animal pending disposition.* The local rabies control authority/animal services officer shall approve the location and length of time where the animal shall be placed pending disposition, and shall determine whether the animal shall be quarantined according to rabies control provisions, placed in home confinement or boarded at owner's expense at owner's choice of veterinary clinic.

(d) *Seizure pending disposition.*

(1) Upon sworn application of the animal services authorities or a peace officer stating probable cause that the animal is dangerous and there is some reason to believe that the animal may endanger other persons or animals before the investigation and any hearings or appeals can be completed, then a municipal court judge may issue a warrant authorizing the animal services authorities or peace officer to: (i) retain the animal if it has been captured at large; or (ii) enter a building, dwelling, other structure or enclosure to seize the animal and detain same, until disposition of the investigation and any hearing and appeal. The animal shall be boarded at owner's expense at the animal services facility or any other state-approved quarantine facility.

(2) If the animal is quarantined at a facility other than the animal services facility, the facility shall be found in violation of this chapter if the animal is released to any person, lost, stolen, or otherwise not able to be accounted for, unless the quarantine facility first obtains written permission from the animal services authority to release the animal.

(e) *Investigation.* The animal services authority or designee animal services officer shall conclude the investigation no longer than ten days after receipt of the sworn written report. Upon completion of investigation, the animal services authorities shall either:

(1) Close the case if it is determined that the report or complaint is unsubstantiated; or

(2) Declare the animal to be a dangerous animal.

(f) *Notice.* The animal services authority or designee shall promptly notify the owner or keeper of the animal of his or her determination on the dangerousness of the animal, by a written notice mailed or posted on the front door of the last known address of the owner or keeper or other means reasonably calculated to give actual notice of the determination to the owner. If the animal services authority cannot identify the owner of the animal, and the owner fails to reclaim the animal, the animal shall be considered a stray animal and kept for 72 hours at the animal control facility, then humanely euthanized. If the animal had bitten a person, it shall be tested for rabies.

(g) *Response by owner or keeper.* Not later than the 15th day after a person learns that the person is the owner of a dangerous animal, the person shall:

(1) Remove the dangerous animal from the city limits of Angleton. In which case, the owner must provide, in writing, the destination address of where the animal is to reside and proof that the owner has alerted the agency responsible for animal services in that area to the animal services manager prior to the animal being released from the animal services facility; or

(2) Deliver the dangerous animal to the animal services authority, where it becomes the property of the City of Angleton and pay all impoundment and daily care fees accrued during the investigation of the dangerous animal determination process; or

(3) File a written notice of appeal to the City of Angleton Municipal Court of Record. For purposes of this section, a person learns that the person is the owner of a dangerous animal when the owner is informed by the animal services authority that the animal is a dangerous animal.

If the owner fails to deliver the dangerous animal to animal services as required in subsection (g)(2) above, or fails to timely file a written notice of appeal to the City of Angleton Municipal Court of Record, the owner shall deliver the animal to the animal services facility or the court shall order the animal services authority to seize the dangerous animal and shall issue a warrant authorizing the seizure. The animal shall immediately become the property of the City of Angleton and it shall be humanely euthanized by an animal services officer or licensed veterinarian.

(h) *Appeal.* The owner or keeper may appeal the dangerous animal determination by filing a written notice of appeal to City of Angleton Municipal Court of Record not later than the 15th day after learning that the person is the owner of a dangerous animal, for a trial de novo. The consequences of the determination shall be suspended pending the municipal court judge's final decision.

(i) The municipal court judge may compel the attendance of complainant, any known witnesses, the animal owner against whom the complaint is filed, and the animal services officer who conducted the investigation. The city shall be represented by the city attorney or a deputy city attorney in all appeals of a dangerous animal determination.

(j) Upon conclusion of the trial de novo to determine if an animal is a dangerous animal, if the court finds that the animal is not dangerous, it shall be promptly released from home confinement to its owner's custody. If the animal's owner had chosen to board the animal at a licensed veterinarian, the owner shall be responsible for any fees owed.

If the court finds that the animal is a dangerous animal, the court shall order one or more of the following requirements:

(1) Owner must remove the dangerous animal from the city limits of Angleton. In which case, the owner must provide, in writing, the destination address of where the animal is to reside and proof that the owner has alerted the agency responsible for animal services in that area to the animal services manager prior to the animal being released from the animal services facility; or

(2) Humane euthanasia of the dangerous animal by animal services officer or licensed veterinarian.

(k) In the event that any owner of an animal declared to be dangerous violates any part of the court's order, the animal may be immediately seized and impounded by an animal services officer. In addition, the animal shall be seized immediately if the animal bites,

injures, or attacks a person or another animal. Any animal already declared to be dangerous which is impounded due to any violation of this chapter or seized for causing injury to a person or another animal shall immediately become the property of the City of Angleton. It shall be a violation of this section for the owner to refuse to turn the animal over as required and for purposes of enforcement; each day for each animal in question shall be considered a separate offense.

(l) Prior to transferring ownership in any way or moving a dangerous animal outside the city limits, the owner must obtain, in writing, permission from the animal services department to transfer ownership or move the animal. If ownership of the animal is being transferred, the new owner will be required to comply with all provisions of this chapter before the animal can be moved from the previous owner's custody. When the animal is being moved from the city limits, the owner must provide, in writing, to the animal services staff, the destination address of where the animal is to be moved to and proof that the owner has alerted the agency responsible for animal services in that area.

(m) If the dangerous animal makes an unprovoked attack on a person or another animal outside the attacking animal's enclosure and causes bodily injury to the person or another animal, the owner of the dangerous animal will be charged with a class C misdemeanor, unless the attack causes serious bodily injury or death to a person, in which event the offense is a felony.

(n) If the owner of a dangerous animal is found guilty of an offense under this section, the dangerous animal shall be humanely euthanized by an animal services officer or a licensed veterinarian.

(o) No animal shall be declared a dangerous animal if the threat, injury or damage caused by the animal was the result of a willful trespass upon another's property, or the person injured was tormenting, abusing or assaulting the animal or its owner, or was committing or attempting to commit a crime at the time of the injury. No animal attacking another animal on attacking animal owner's property shall be declared a dangerous animal.

(p) Orders of the municipal court pertaining to dangerous animals may be appealed to Brazoria County Court at Law in accordance with V.T.C.A., Government Code Ch. 30, as amended. During the pendency of such appeal, the animal shall remain impounded at the owner's expense. If a proper appeal is not filed and perfected, the municipal court's order shall be a final order.

(q) It shall be a violation for any owner of an alleged dangerous animal to refuse, upon request by an animal services officer or a peace officer, to make his or her animal(s), premises, equipment, and any necessary permit(s) available for inspection for the purpose of ascertaining compliance with the agreement for home confinement.

(r) The owner of an animal that has been determined to be dangerous by another Texas jurisdiction is prohibited from bringing such animal into the city limits of Angleton.

(s) An animal services officer or a peace officer shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this section are being violated.

(Ord.No.2014-O-11B,§2,11-18-14)

#### **Sec. 4-101. Defenses.**

(a) It is a defense to prosecution under section 4-100 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the animal in connection with that position; however, to claim a defense, that person must be acting within the course and scope of his or her official duties with regard to the dangerous animal.

(b) It is a defense to prosecution under section 4-100 that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; however, to claim a defense, that person must be acting within the course and scope of his or her official duties with regard to the dangerous animal.

(c) It is a defense to prosecution under section 4-100 that the dog at issue is a trained guard dog in the performance of official duties while confined or under the control of its handler.

(Ord.No.2014-O-11B,§3,11-18-14)

### **ARTICLE V. COMMERCIAL ENTERPRISES**

#### **DIVISION 1. - GENERALLY**

#### **Sec. 4-116. Permit required.**

No person shall conduct the commercial business of selling, grooming, breeding, showing, exhibiting or boarding of animals without a valid permit from animal services.

(Code 1965, §5-10(a); Ord. No. 2510, §1, 12-18-01)

#### **Sec. 4-117. Compliance with existing regulations.**

Every person engaged in the business of buying, selling, grooming, breeding, showing, exhibiting or boarding of animals, and all persons who conduct animal club shows, must comply with all existing regulations governing said business or show and shall maintain said animals in compliance with this Code so as not to endanger the public or animal health or safety or create a nuisance.

(Code 1965, §5-10(b); Ord. No. 2510, §1, 12-18-01)

#### **Sec. 4-118. Application for permits.**

(a) Application for permits shall be made on forms furnished by the city.

(b) The application will not be approved until certification has been received from appropriate city officials that the zoning, construction and facility comply with existing ordinances for establishments housing such business.

(c) If the permit application is approved a permit shall be issued upon payment of the appropriate fee.

(Code 1965, §5-10(c); Ord. No. 2510, §1, 12-18-01)

**Sec. 4-119. Inspections.**

Animal services shall make any inspections necessary to assure compliance under this chapter. Animals shall be kept under sanitary conditions so as not to endanger the public or animal health or create a nuisance.

**Sec. 4-120. - Permit validity, renew, transferability.**

- (a) All permits issued under this article shall be valid for the following 12 months.
  - (b) The permit shall be renewed annually thereafter by proper written application and payment of fee.
  - (c) No permit issued shall be renewed without prior approval.
  - (d) Permits to show or exhibit animals (rodeos, circuses, shows, etc.) shall be valid only for the 30-day period immediately following issue.
  - (e) No permit shall be transferable.
- (Code 1965, §5-10(e); Ord. No. 2510, §1, 12-18-01)

**Sec. 4-121. - Permit fees.**

- (a) The following fees shall be charged for permits:
  - (1) Show or exhibition ..... \$100.00
  - (2) Grooming ..... 250.00
  - (3) Dealer (retail or wholesale distributor) ..... 250.00
  - (4) Commercial (not covered by dealer) ..... 250.00
  - (5) Commercial stables ..... 250.00
- (b) Persons requiring more than one such permit shall be charged one fee for all of the permits. Such fee shall be equal to the amount of the highest individual permit fee which would have been charged if the permits had been separately issued.

**Sec. 4-122. Waiver of requirements.**

In cases involving a scientific or educational program, a nonprofit organization's show, exhibition, or humane activity, or animals owned by the city, the supervisor of animal services may waive requirements of this section concerning permits, fees, or conditions, within his discretion.

**Sec. 4-123. Display and exemptions.**

- (a) All businesses described in this section must display the required permits in public view at said businesses.
- (b) Licensed veterinarians and veterinary clinics are exempt from this section.

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- (a) All businesses described in this section must display the required permits in public view at said businesses.
- (b) Licensed veterinarians and veterinary clinics are exempt from this section.

**Sec. 4-124. Revocation and appeal.**

The supervisor of animal services may revoke any permit for failure to comply with regulations contained in this chapter. Revocation may be appealed within ten days to an administrative appeals board comprised of the city administrator or his representative, the police chief or his representative, and the city attorney or his representative.

**Sec. 4-125. Trapping & Transporting.**

Any form of animal trapping or poisoning is prohibited. It is illegal to transport certain animals that are high risk for transmitting rabies, including any live species of fox, skunk, coyote, or raccoon. The City of Angleton adopts the provisions of Chapter 826, Texas Health & Safety Code, as amended regarding transport restrictions, including the exemptions to such restrictions as amended.

**DIVISION 2. - KENNELS**

**Sec. 4-136. 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.

(Code 1965, § 5-12; Ord. No. 2510, § 1, 12-18-01)

**Sec. 4-137. - 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 of section 4-150.

## **ARTICLE VI. - ENFORCEMENT AND PENALTY**

### **Sec. 4-150. Penalty for violation.**

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. A person who violates a provision of this division is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted . Each day any such violation shall continue to exist shall constitute a separate offense This municipal criminal penalty is cumulative with and not exclusive of any civil action or penal charge available under state law or other remedies provided by law or equity.

### **Sec. 4-151. Supervisor may promulgate rules.**

The supervisor of animal services shall have the power, with the approval of the city council, to prescribe and promulgate such rules and regulation, not inconsistent with any law of the state or this chapter, as may be deemed necessary to protect the health and safety of the people and to effectively perform the duties imposed herein.

### **Sec. 4-152. Exemption.**

Feral cats involved in an organized feral cat maintenance program shall be defined as city owned animals and shall be exempt from the penalty provisions of this chapter.