

ORDINANCE NO. O-12-20

AN ORDINANCE OF THE CITY OF CROCKETT, TEXAS, AMENDING CHAPTER 4, ANIMALS AND FOWL, OF THE CROCKETT CODE, AMENDING SECTION 4-1, DEFINITIONS, TO AMEND THE DEFINITION OF ANIMAL CONTROL OFFICER AND ADD THE DEFINITIONS OF TETHER AND PROPERLY FITTING COLLAR; ADDING SECTION 4-2.1, TETHERING OF ANIMALS, PROHIBITING TETHERING OF CATS AND PROHIBITING TETHERING DOGS OTHER THAN ON A TEMPORARY BASIS; AMENDING SECTION 4-12, MAINTENANCE OF PENS AND ENCLOSURES, TO PRESCRIBE REQUIREMENTS FOR FENCING, SPACING AND SHELTER OF DOGS; ADDING SECTION 4-13.1 TO THE CROCKETT CODE, REQUIRING MICROCHIPPING OR COLLAR TAGS FOR DOGS; ADDING SECTION 4-15.1 TO THE CROCKETT CODE, REQUIRING SPAYING AND NEUTERING OF DOGS AND CATS; ADDING SECTION 4-15.2 TO THE CROCKETT CODE, SPECIFYING PERSONS WHO MAY ENFORCE CHAPTER 4 OF THE CROCKETT CODE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF CROCKETT, TEXAS HEREBY ORDAINS:

SECTION 1:

Section 4-1, Definitions, of the Crockett Code, is hereby amended to read as follows:

Section 4.1. Definitions.

When used in this Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

"Animal Control Officer" means any agent or employee of the City who is qualified as an animal control officer under Chapter 829 of the Texas Health & Safety Code or any peace officer.

"Cat" means a domestic feline of either sex, including one neutered or sterilized.

"Collar" means any collar constructed of mylon, leather or similar material specifically designed to be used for a dog.

"Dangerous dog" means a dog that:

- (A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (B) commits unprovoked acts in a place other than an

enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

"Dog" means a domesticated animal that is a member of the canine family, including one neutered or sterilized.

"Domestic animal" shall include the following species: dog, cat, horse, cow, pig, sheep, and goat. It does not include hybrid individuals resulting from crossing wild with domestic species.

"Harbor" means the act of keeping and caring for an animal or of providing a premise to which the animal returns for a period of three (3) days or more.

Owner means:

- (1) A person who has a right of property in an animal;
- (2) A person who harbors any animal or allows an animal to remain about his premises for a period of three (3) days or more; or
- (3) A person who has custody or control of an animal.

"Pet animal" shall include dogs, cats, rabbits, birds, reptiles, and any other species of animal which are sold or retained as a household pets, but shall not include any species of wild, exotic, or carnivorous animal that may be further restricted in this Chapter.

"Properly fitting" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.

"Rabies vaccination" shall mean the vaccination of a dog, cat or other domestic animal with an antirabies vaccine approved by the United States Department of Agriculture and administered by a veterinarian licensed by the State of Texas.

"Running at large" means an animal off the premises of the owner and not under the physical control of the owner or his authorized representative. An animal intruding upon the property of a person other than the owner shall be termed "running at large." An animal within an automobile or other vehicle of its owner shall not be deemed "running at large."

"Secure" means to take steps that a reasonable person would

take to ensure a dog remains on the owner's property, including confining the dog in an enclosure that is capable of preventing the escape or release of the dog.

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

- (A) locked;
- (B) capable of preventing the entry of the general public, including children;
- (C) capable of preventing the escape or release of a dog;
- (D) clearly marked as containing a dangerous dog; and
- (E) in conformance with the requirements for enclosures established by the animal control authority.

"Serious bodily injury" means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization, without regard to whether the person actually sought medical treatment.

"Stray animal" means any animal for which there is not an identifiable owner or harbinger.

"Tether" means any rope, leash, cable, chain, tether or other device that attaches a dog to a stationary object or trolley.

"Wild animal" refers to any mammal native to North America except the domestic species (dog, cat, horse, cow, pig, sheep, and goat).

SECTION 2:

Section 4-2.1, Tethering of Animals, of the Crockett Code, is hereby added to read as follows:

Sec. 4-2.1. Tethering of Animals.

(A) General prohibition on tethering:

(A) It is unlawful for a person to restrain a dog with a tether unless the person is holding the tether, and

(B) The person remains within fifty feet (50') of the dog throughout the period of restraint.

(B) Affirmative defense. It is an affirmative defense to a violation of subsection (A) that the restraint:

- (1) Is required to protect the safety or welfare of a person or the dog, if the dog's owner, or person who otherwise has control over the dog, remains with the dog throughout the period of restraint; or
- (2) Occurs on the owner's premises and:
 - a. While the dog is within the direct physical control of the owner or person who otherwise has control over the dog; and
 - b. while the dog is prevented from being within 15 feet from the edge of any public street or sidewalk.

(C) Exceptions: The prohibition of subsection (A) does not apply to a temporary restraint:

- (1) During a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity.

(D) Restraint specifications. The affirmative defense provided in subsection (B) and exceptions in subsection (C) do not apply unless the restraint meets the following specifications:

- (1) The tether is not placed directly around the dog's neck and is attached to a properly fitting collar or harness worn by the dog;
- (2) The tether, by design and placement, is unlikely to become tangled; and
- (3) The dog is restrained in a manner that permits access to necessary shelter and water.

(E) Hand-held leashes. This section does not prohibit a person from walking a dog with a hand-held leash.

(F) Dogs running at large strictly prohibited. Nothing in this section authorizes an owner to allow a dog to run at large or to fail to provide appropriate restraint or enclosure as required by sections 4-12 and 4-18 of this chapter.

(G) It shall be unlawful to keep a dog on a tether placed in a manner that makes it possible for the dog to become entangled with the restraint of another animal or of any length which is insufficient to allow the dog complete access to food, water and

shelter at all times.

(H) It shall be unlawful to attach a tether to a dog in a manner as to cause injury or discomfort to the dog.

(I) It shall be unlawful for any person to attach a tether to a cat.

SECTION 3:

Section 4-12 of the Crockett Code is hereby amended to add subsection (c) as follows:

(c) No dog may be kept in an area which:

1. Is not fully enclosed by a fence of sufficient construction to prevent the dog from escaping.
2. Does not have adequate space for exercise of at least one-hundred (100) square feet for 1 dog and an additional thirty (30) square feet for each additional dog.
3. Fails, while any dog is kept outside, to provide an outdoor doghouse or other enclosure that is fully enclosed from all sides, excluding the entrance, by solid walls and a roof of non-porous material that provides the dog or dogs with shade and protection from the elements.

SECTION 4:

Section 4-13.1 of the Crockett Code is hereby added as follows:

Sec. 4-13.1. Identification of Dogs.

It shall be unlawful for any person to own, keep or harbor a dog, unless:

- (A) The dog is identifiable with a functioning microchip, or
- (B) The dog is wearing a properly fitting collar that legibly displays the name and current telephone number of the person.

SECTION 5:

Section 4-15.1 of the Crockett Code is added as follows:

Sec. 4-15.1. Spaying and Neutering.

It shall be unlawful for any person to own, keep or harbor a

dog over the age of six (6) months who has not been spayed and neutered or a cat over the age of six (6) weeks and weighing at least 2.2 pounds who has not been spayed or neutered, unless the person holds a license under Chapter 802 of the Texas Occupations Code as a breeder for that type of animal.

SECTION 6:

Section 4.15.2 of the Crockett Code is added as follows:

Sec. 4-15.2. Who May Enforce Chapter 4 of the Crockett Code.

The provisions of Chapter 4 of the Crockett Code may be enforced by any peace officer and by any agent or employee of the City who meets the qualifications under Texas Health & Safety Code Chapter 829 for an animal control officer.

SECTION 7. Severability.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 8. Repealing Clause

All Ordinances, or parts of Ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

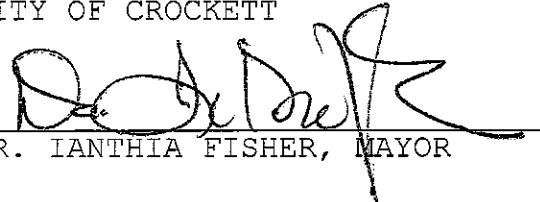
SECTION 9: Effective Date.

A descriptive caption of this Ordinance shall be published two (2) times in the Houston County Courier, the official newspaper of the City of Crockett, within fourteen (14) days after the date of passage thereof, and said Ordinance shall become effective January 15, 2020.


PASSED AND ADOPTED this 21 day of December, 2020
at a regular meeting of the City Council of the City of Crockett,
Texas.

CITY OF CROCKETT

BY:


DR. IANTHIA FISHER, MAYOR

ATTEST:


MITZI THOMPSON, CITY SECRETARY

APPROVED:


WILLIAM R. PEMBERTON,
CITY ATTORNEY