

## **ORDINANCE NO. 15-H-27**

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CITY OF SCHERTZ CODE OF ORDINANCES TO ADOPT A TRAP, NEUTER, AND RELEASE PROGRAM AND CERTAIN REGULATIONS WITH RESPECT THERETO; ADDING DEFINITIONS; REPEALING ALL ORDINANCES OR RESOLUTIONS OR PARTS OF ORDINANCES OR RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Schertz has determined to amend Chapter 4 of the Code of Ordinances of the City,

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

### **SECTION I. CODE AMENDED.**

Chapter 14 of the City of Schertz' Code of Ordinances is hereby amended to read as follows:

### **“CHAPTER 14 ANIMAL CONTROL**

#### **ARTICLE I. DEFINITIONS**

##### **Section 14.1. Definitions.**

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

*Animal:* Any mammal/reptile, domestic or wild.

*Animal at Large:* Any animal, other than a cat that is part of the trap, neuter and return program or a registered, domesticated, free-roaming cat, not under restraint of a person who has care, custody, possession or control of the animal either on or off the premises of the owner; that is found to be outside a fence or enclosure on the property to which the animal belongs; or that is otherwise off the premises of the owner of the animal or person with care, custody, possession, or control of the animal.

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

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

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

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

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

*Cat:* Any *Felix Catus*.

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

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

*City:* The City of Schertz.

*City Veterinarian:* Person or persons appointed by the City Council, licensed to practice veterinary medicine in the State.

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

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

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

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

*Dangerous Animal:* Any animal that attacks, bites, or injures human beings or domesticated animals without provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings,

or domesticated animals; or an individual animal which the local health authority has reason to believe has a dangerous disposition, likely to be harmful to humans or other animals.

*Dog:* Any Canis Familiaris including hybrids.

*Domestic Animal:* Any animal normally adapted to live in intimate association with humans or for the advantage of humans.

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

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

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

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

*Feral Cat Caregiver:* A volunteer, uncompensated person who agrees to facilitate the trap, neuter and return program in accordance with this chapter and any rules and regulations established by the Animal Services Manager and who is responsible for providing food, water and shelter for the cats in the trap, neuter and return program.

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

*Fowl:* A bird of any kind: domestic or wild, cock or hen (Gallus Gallis).

*Foster:* To provide care or nurture animals until a suitable home can be found in accordance with guidelines set by Schertz Animal Control and Schertz Human Society d.b.a. Homes For Pets.

*Free-Roaming-* Any animal not under restraint or kept in an enclosure.

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

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

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

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

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

*High Risk Animal:* Animals which have a high probability of transmitting rabies including, but not limited to, skunks, bats, raccoons, coyotes, and species of foxes indigenous to North America.

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

*Humanely Killed:* To cause the death of an animal by a method which

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

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

*Hybrid:* Any offspring of two animals of different species.

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

*Impoundment:* The collecting or confining of an animal due to City Ordinance violation or because of a contract with a county, municipality or military base.

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

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

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

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

*LRCA:* Local Rabies Control Authority.

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

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

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

*Person:* Individual, corporation, government or governmental subdivision, or agency, business trust, estate, partnership, association, or any other legal entity.

*Pet or Companion Animal:* A domestic or tamed animal, kept for pleasure rather than utility.

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

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

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

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

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

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

(a) is repeatedly at large or stray;

(b) damages the property or anyone other than its owner;

- (c) molests or intimidates pedestrians or passersby;
- (d) trespasses on school grounds;
- (e) chases vehicles;
- (f) excessively makes disturbing noises, including, but not limited to continued/ repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (g) causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (h) causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (i) is offensive or dangerous to the public health, safety, or welfare by virtue of the number and or type of animals maintained; or
- (j) attacks other domestic animals or humans.

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

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

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

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

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

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

*Run at large:* To be free of restraint while outside the boundaries of the real property of the owner.

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

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

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

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

*State:* The State of Texas.

*Stray:* Animal running free or at large, with no physical or verbal restraint;

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

*Temporary Permit:* Not to exceed three (3) consecutive days used for the temporary sale or give away of animal(s) at flea markets.

*Trap, Neuter and Return Program:* A nonlethal, humane alternative to deal with stray cats which are captured, spayed/neutered and returned back to their location in order to encourage the stabilization of the free-roaming cat population in the city.

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

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

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

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

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

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

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

- (a) domestic dogs
- (b) domestic cats
- (c) livestock
- (d) poultry

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

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

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

## **ARTICLE II. ANIMAL SHELTER; ANIMAL CONTROL OFFICER**

### **Section 14.2 Animal Shelter.**

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

(a) Licensed impounded animals shall be kept for not more than 120 hours. Any animal not reclaimed by its owner within 120 hours shall become the property of the City and shall become available for adoption in a suitable home or humanely euthanized.

(b) Unlicensed impounded dogs and cats, other domestic animals and livestock shall be kept for not more than 72 hours after which time they become the property of the City.

(c) Wild cats, dogs or other animals may be kept 0 to 72 hours at the discretion of the Animal Shelter Supervisor or his or her designee.



(d) Sick or injured animals wearing no apparent identification through which ownership can be determined may be kept 0 to 72 hours at the discretion of the Animal Shelter Supervisor or his or her designee.

(e) If, by a license tag or other means the owner of an impounded animal can be identified, the Shelter shall immediately upon impoundment notify the owner by direct contact, telephone, mail, or other reasonable means.

(f) An owner reclaiming an impounded animal shall pay all impounding fees, boarding fees and licensing fees according to the fee schedule. If no proof of a current rabies vaccination can be produced, the Animal Control Officer, or an Animal Shelter operator may issue a citation for violation of this law. Impounding and boarding fees will increase with each impoundment occurring within a twelve (12) month period.

### **Section 14.3. Animal Control Officer.**

(a) The office of Animal Control Officer is hereby created to capture unrestrained dogs, and nuisance animals; and confine them in a humane manner at the Shelter.

(b) The Animal Control Officer is hereby empowered during the performance of his or her duties to capture and impound/quarantine any livestock, fowl, cats, dogs, or other domestic and non-domestic animals found running at large (stray) within the City limits and to enforce all provisions of this Chapter.

(c) Animals that pose a threat to public health and safety, any wild animal kept illegally or animals that have been cruelly treated or abused shall be impounded by the Animal Control Officer.

(d) The Animal Control Officer may issue a citation to the known owner of an animal found to be at large. A person who is convicted of owning an animal at large shall pay a fine as established by the City municipal court. Subsequent convictions of this subsection within a 12-month period shall increase from the minimum applicable fine.

(e) For purposes of discharging the duties imposed by the provisions of this Chapter or other applicable laws, and to enforce the same, duly authorized representatives (or employees) of the City may enter upon private property to the full extent permitted by law, which shall include but not limited to entry upon private unfenced property when in pursuit of any animal which he/she has reason to believe is subject to impoundment pursuant to the provisions of this Chapter or other applicable laws.

## **ARTICLE III. LICENSING/PERMITS**

### **Section 14.4. Dog and cat license required; application; license tag.**

(a) The owner of any dog or cat must apply for a license and pay the license fee required by the City for each dog or cat before the animal attains four (4) months of age. The license may be purchased at the Animal Shelter or City business offices. The application

shall include the name and address of the applicant, description of the animal, and have attached thereto a copy of the proof of rabies vaccination if applicable.

(b) The Animal Shelter shall maintain a record of the identifying numbers of all dog or cat license tags issued.

(c) No person may use any pet dog or cat license for any animal other than the one for which it was issued.

(d) License fees shall not be required for seeing-eye dogs or governmental police dogs; however, other requirements of other sub-paragraphs under this article shall remain in force.

(e) Application for a license must be made within thirty (30) days after obtaining a dog or cat over three (3) months of age; this requirement will not apply to a non-resident keeping a dog or cat within the municipality for no longer than sixty (60) days.

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

(g) The licensing period shall begin with the rabies vaccination date and shall run concurrently with this date.

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

(i) No person may use any license for any animal other than the animal for which it was issued.

(j) The Animal Shelter Supervisor or his or her designee shall maintain a record of the identifying numbers of all tags issued.

#### **Section 14. 5. Limiting the number of domestic animals.**

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

(b) Exception shall be made for fostering of animals by Schertz Humane Society d.b.a. Homes For Pets meeting the following criteria:

1. letter from sponsoring agency
2. total of six (6) animals of any species including personal pets
3. must have proof of rabies vaccination, valid City license and City permit
4. fostered animals allowed on premises no longer than twelve (12) months
5. persons fostering must meet all requirements set forth by Schertz Humane Society d.b.a. Homes for Pets.

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

#### **Section 14.6. Permits**

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

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

(c) When a permit applicant has shown that he or she is willing and able to comply with the regulations promulgated by the City, a permit shall be issued upon payment of the applicable fee(s).

(d) The permit period shall begin with the date the permit is issued and shall be effective for a period of one (1) year. Renewal applications for permits must be made thirty (30) days prior to, and are due at the date of, the original permit.

(e) If there is a change in ownership of a commercial animal establishment or kennel, the new owner must apply for a new permit. Permits are not transferable.

(f) Annual permits shall be issued upon payment of the applicable fee as listed in Exhibit I, Fee Schedule.

(g) Every facility regulated by this Chapter shall be considered a separate enterprise requiring an individual permit.

(h) Persons operating kennels for the breeding of dogs or cats which handle less than ten (10) animals may elect to license such animals individually.

(i) No fee under this Chapter may be required of any veterinary hospital, animal shelter, government operated zoological park, school district, civic or charitable organization, but all other applicable regulations shall apply.

(j) Failure to obtain a permit before opening any facility covered in this section shall result in a fine.

(k) Any person who has a change in the category under which a permit was issued shall be subject to reclassification of the permit fee.

(l) This section shall also apply to any person selling, or giving away any animal(s) at flea markets. A person may sell or give away animals at a flea market on a temporary basis not to exceed three (3) consecutive days. Fees shall be payable as shown in Exhibit I upon obtaining a temporary permit.

(m) No animal shall be sold, bartered, traded, or given away on any roadside or public right of way. If sold, bartered, traded, or given away on any business parking lot written consent from the property owner and a permit from the City Shelter is required.

(n) Temporary Permits shall consist of the following:

1. vendor's name;
2. address including city;
3. telephone number;
4. type of animal to be sold or given away;
5. location of flea market; and
6. rabies and vaccination information.

#### **Section 14.7. License and permit issuance/revocation.**

(a) The City may revoke any permit or license if the person(s) holding the permit or license refuses or fails to comply with this Chapter or any law governing the protection and keeping of animals.

(b) Any person(s) whose permit or license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals owned, kept or harbored by such person and no part of the permit or license fee shall be refunded.

(c) It shall be a condition of the issuance of any permit or license that the City shall be permitted to inspect all animals and the premises where animals are kept any reasonable time of the day and shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner named on the permit or license.

(d) If the applicant has withheld or falsified any information on the application, the City shall refuse to issue, or may revoke, a permit or license.

(e) No person(s) who has been convicted of cruelty to animals shall be issued a permit or license

1. as a guard dog company;
2. for registration as a dog trainer;
3. to operate a commercial animal establishment; or
4. to be employed to work with dogs as a security officer by a business/contractor using dogs for protection.

**Section 14.8. Guard or sentry dog permits.**

(a) Guard dog permit applications shall include the following information:

1. the business name, address and telephone number of the commercial property where the guard dogs are to be used;
2. the name, address and telephone number of the dog's handler(s) who can be reached at any time during the day or night;
3. the number of dogs to be used and a general description of their use;
4. description of the dogs, proof of their current vaccination and City license;
5. the location of where the dogs are to be housed; and
6. any other information that the LRCA deems necessary by rules and regulations. Permit holders shall notify the LRCA if any information recorded as part of the permit application is changed during the course of the period for which the permit is issued.

(b) An Animal Control Officer/Shelter Supervisor or his or her designee shall inspect the facilities where the guard dog is to be used and housed when the guard dog permit is applied for and when it is renewed.

(c) If the inspection reveals that the requirements of this section are met, a permit fee for each commercial property shall be paid to the City. The permit shall be displayed at the approved commercial property, and a rabies vaccination and the City license tag shall be affixed to the collar of each dog used. Nothing in this section shall exempt guard dogs from any of the other provisions of this Chapter.

(d) Each permit shall be valid for the period of one (1) year and must be renewed annually within (30) thirty days prior to the expiration date.

(e) Each permit must be obtained prior to housing or utilizing guard dogs at the commercial properties where guard dogs are in use.

## ARTICLE IV. RESTRAINTS, BITES, AND ANIMAL CARE

### Section 14.9. Restraints.

(a) All dogs and other animals, except for those cats in a feral cat colony or registered, domestic free-roaming cats, shall be kept under restraint and shall not be allowed to run at large.

(b) No owner or Feral Cat Caregiver shall fail to exercise proper care and control of his or her animal(s) to prevent it from becoming a public nuisance.

(c) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal.

(d) The owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit the domesticated cat to roam. All free-roaming domesticated/owned cats must be spayed or neutered.

(e) No owner shall fail to exercise proper care and control of his or her animal(s) to prevent it from becoming a public nuisance. Free-roaming cats that are found to be a public nuisance shall be impounded and the owner (if known) shall be contacted. Free-roaming domesticated cats shall be microchipped and/or always have a City license tag displayed on their collar.

(f) An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:

1. between the hours of 10:00 p.m. and 6:00 a.m.;
2. within 500 feet of the premises of a school;
3. in excess of three (3) hours; or
4. in the case of extreme weather conditions such as:

- (A) outdoor temperature below 32 degrees Fahrenheit;
- (B) heat advisory issued by local/State jurisdiction; or
- (C) storm warnings issued by National Weather Service.

(e) In this section, a restraint unreasonably limits a dog's movement if the restraint

1. is a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;
2. is not at least (10) ten feet long,

3. is in an unsafe condition; or
4. will cause injury to the dog.

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

#### **Section 14.10 Trap, neuter and return program**

In order to effectively and humanely control the feral cat populations within its jurisdictional boundaries, the City shall support a trap, neuter and return program in an effort to reduce the feral and free-roaming cat population over time without necessity of capture and euthanasia. The City may provide services to off-set the costs of trapping, neutering and vaccinating captured free-roaming cats that can be returned to an appropriate, controlled, protected, and authorized colony site. Left ear tipping shall be used on these cats in order to be identified as spayed or neutered and a vaccinated member of a managed colony. A photographic record adequate to identify the cat shall be obtained for all cats. This is part of the City trap, neuter and return program and maintained by the Registered Caregiver.

#### **Section 14.11 Registered Caregivers**

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

1. Regularly feed free-roaming cat(s) colony including weekend and holidays, ensuring sanitary conditions at all times. Caregivers shall be responsible for properly disposing of fecal matter caused by the cats in the colony. Colonies shall be fed using bowls or pans. Food shall not be left out during hours of darkness to avoid attacking wildlife or vermin.
2. Regularly and frequently trap the colony cats over the age of twelve (12) weeks for purposes of sterilization.
3. Identify all colony cats by having their ear tipped when under anesthesia for sterilization.
4. All colony cats must be vaccinated for rabies, preferably with a three (3) year vaccine.
5. All colony cats with illness and/or injury that cannot be provided with treatment by the Caregiver, shall be humanely euthanized by a veterinarian to prevent pain and suffering.
6. Caregivers are not permitted to release sterilized, free-roaming cats on private or public property without the permission of the property owner.

7. Any Caregiver determined to be in violation of this section shall be issued a citation.
8. Make every attempt to remove kittens from the colony before eight (8) weeks of age for domestication and placement.
9. Maintain records and prepare quarterly reports on the following:
  - a. Number and location of managed colonies
  - b. Total numbers of cats in colonies
  - c. Number of cats and kittens spayed and neutered pursuant to the trap, neuter and return program and;
  - d. Number of cats and kittens placed in permanent homes

#### **Section 14.12 Enforcement/Trap, Neuter and Return**

The City shall retain the following rights:

1. The right to seize or remove cats from a colony that have not been vaccinated against rabies and/or which are demonstrating signs of disease or aggression.
2. The right to seize or remove a cat or cats from a colony that are creating a public nuisance. These cats shall be removed from the colony and relocated or relinquished to the City.
3. The right to seize and remove a colony of cats when a Caregiver is unable to provide care and management of the colony and has not been able to obtain a replacement or substitute Caregiver. The City has the right to inspect the colonies at any time.
4. The right to seize or remove cat(s) from a colony if medical care necessary to prevent pain and suffering has not or cannot be provided by a Caregiver, or if the Animal Control Officer has reason to believe that a cat in the colony has been cruelly treated.
5. The right to remove cats from a colony suspected to have bitten a human being for the purposes of rabies quarantine and/or testing.

The City has the right to reevaluate the program at any time and make revisions as needed.

#### **Section 14.13. Bites.**



(a) Any animal within the City that bites, or otherwise attacks a person who is not at the time trespassing upon the property of the owner or person having control of such animal, or who is not provoking or teasing such animal shall be deemed dangerous. The City may order, following the procedures listed below, that such animal be kept muzzled, kept within a sufficient enclosure, or that such animal be permanently removed from the corporate limits of the City, or that such animal be delivered to an Animal Control Officer or the City Animal Shelter to be humanely euthanized. Any cat that is a part of the trap, neuter return program and that is involved in a rabies exposure incident, shall be submitted to the City for rabies testing and will not be returned to the colony. The following information shall be gathered:

1. name, address, and telephone number of complainant and any other witnesses to the incident;
2. date, time and location of the incident;
3. description of the animal;
4. name, address and telephone number of the owner;
5. a statement that the animal attacked, bit, and/or killed a person or another animal;
6. a statement that the animal has exhibited vicious propensities in past conduct (if known); and
7. other facts or circumstances of the incident.

(b) After a sworn complaint is filed with the local health authority it shall be investigated, and, if there is sufficient evidence, there will be a request to the Municipal Judge to set a time and place for a hearing. Notice shall be given of the hearing to the animal's owner by personal service or certified mail, return receipt requested, at least ten (10) days prior to the hearing date.

(c) The Municipal Judge shall hold such hearing and shall determine at the hearing if the animal specified in the complaint should be ordered to be kept muzzled, kept within a sufficient enclosure, removed from the City limits, or destroyed for the protection of the public health, safety, and welfare of the community. The Municipal Judge shall receive testimony at the hearing concerning the incident under investigation. To order the removal or destruction of the animal, or the muzzling or keeping of an animal in a sufficient enclosure for the public health, safety and welfare, the Municipal Judge may find:

1. the animal attacked or bit a human being or attacked or killed another animal;
2. the animal is the same animal that committed the acts in part 1 of this subsection;

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

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

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

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

(g) It shall be unlawful for any person to harbor or keep on his or her premises or in or about his or her premises, or premises under his or her control, any vicious animal except as directed by this Chapter. Upon conviction, harboring a vicious animal in violation of this Chapter shall result in a fine.

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

#### **Section 14.14. Care of and Cruelty to Animals.**

(a) Animal cruelty is a State law violation punishable by fine and/or jail time in accordance with the Texas Penal Code. Animal care officials shall utilize the authority granted by Section 821.022 of the Texas Health and Safety Code, as amended from time to time, to seize and impound any animal that has been or is being cruelly treated. If the investigating animal care officer has reason to believe that an animal has been or is being cruelly treated, pending a hearing before any court on the issues of cruelty and disposition of the animal, the seizure of the subject animal prior to receiving a warrant is hereby authorized if such a delay endangers the life of the animal, or if it would unreasonably prolong the suffering of the animal needing immediate attention.

(b) It shall be unlawful for an owner or Caregiver of an animal to neglect an animal and fail to provide that animal with humane care and treatment including, but not limited to, access to an adequate supply of fresh air, species specific food, fresh water, exercise, adequate shelter, and with appropriate veterinary care when needed to prevent suffering.

(c) It shall be the duty of the owner or keeper of each and every dog or cat kept in the City to have such dog or cat vaccinated against rabies by a licensed veterinarian by the time the animal is four (4) months of age and then according to the label recommendations of the approved rabies vaccine. It shall further be the duty of each owner or keeper to obtain a certificate from such veterinarian certifying that such animal has been vaccinated and produce that document for inspection by the Animal Control Officer when requested. If the vaccination document cannot or will not be produced by the owner or keeper of such animal the Animal Control Officer shall issue a citation for failure to comply with this section of this Chapter.

(d) No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal (whether owned or un-owned), or cause, instigate, or permit any dog fight, cock fight, bull fight, or other combat between animals or between animals and humans.

(e) No owner of an animal shall abandon such animal, or in case of impoundment by the Animal Control Officer, allow the animal to remain in the Animal Shelter beyond a five (5) day maximum after notification of impoundment of such animal.

(f) It shall be unlawful for the owner of an animal, or a person charged with custody or care of an animal, to surgically alter an animal, including, but not limited to ear cropping, tail docking, and dewclaw removal, except when done by a licensed veterinarian.

(g) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the appropriate law enforcement agency. Failure to do so shall be a violation of this Chapter.

(h) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal.

(i) No person shall transport or carry on any public roadway any animal in a motor vehicle unless the animal is safely enclosed within the vehicle; and if traveling in an unenclosed vehicle (including, but not limited to convertibles, pick-up trucks, jeeps, and flatbed trucks), the animal shall be confined by a vented container or cage, or by chain, rope or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.

(j) No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety. Any animal care officer or police officer is authorized to use reasonable force, including the breaking of a side window, to remove an animal from a vehicle whenever it appears the animal's health or safety is endangered, and said neglected or endangered animal shall be impounded.

(k) No person shall place or set out steel jaw traps, spring traps with teeth, neck traps or any type of trap with a holding mechanism designed to cut, slice, tear or traumatize the entrapped prey, unless the use of such traps is specifically deemed necessary by the Texas Parks and Wildlife Department or Director of Health for control of communicable disease.

(l) All animals shall be kept in a sanitary manner. Animal owners or Caregivers shall collect and dispose of animal waste deposited by his or her animal(s). No owner or Caregiver shall allow the accumulation of animal waste on any premises in a quantity sufficient to create an odor offensive to a person of normal sensibilities standing on adjacent property not owned by the subject animal's owner or Caregiver, or which creates a condition conducive to the breeding of flies or other pests.

(m) An animal owner or keeper shall not walk an animal without a leash restraint or without otherwise having such animal under control, and shall not guide or take animals onto the yards or driveways of property not owned, leased or occupied by the animal owner for the purpose of allowing the animal to defecate, but shall keep the animal in the public right-of-way, and shall carry a container with implement for the sanitary removal of the animal's fecal matter from the public sidewalk and public right-of-way adjacent to any property with a structure or other improvements thereon.

(n) All persons residing in the City who own dogs or cats must keep such dog or cat at the registered residential premises permanently occupied and inhabited by said animal's

owner or a licensed kennel. It shall be unlawful for said owner to keep their animal at any other location within the City.

## **ARTICLE V. SPAY AND NEUTER**

### **Section 14.15. Mandatory spay/neuter of unrestrained dogs and cats.**

(a) The owner of a dog or cat, which has been impounded for being at large, shall have the animal spayed/neutered within (30) thirty days following the animal's release from impoundment.

(b) The Shelter Supervisor is authorized to exempt an animal's owner from the requirements of subsection (a) if the owner proves to the satisfaction of the Shelter Supervisor that the animal meets or met one (1) of the conditions specified in subsection (e) below.

(c) The owner of a dog or cat required by subsection (a) to be spayed or neutered shall submit to the Animal Shelter certification that the procedure was performed and

1. the certification shall be made on a form provided by the Shelter and signed by the veterinarian who performed the procedure; and
2. the owner shall deliver the certification to the Shelter no later than the (40) fortieth day following the animal's release from impoundment.

(d) Offenses

1. A person commits an offense if the person is the owner of the dog or cat required by subsection (a) to be spayed/neutered and the person fails to have an animal spayed/neutered as required.
2. A person commits an offense if the person is the owner of the dog or cat required by subsection (a) to be spayed/neutered and the person fails to provide certification of the spay/neuter procedure as required by subsection (c).

(e) In a prosecution for a violation of subsection (d) it is an affirmative defense that

1. At the time of the animal's impoundment
  - (A) the animal was registered with a national registry, sporting dog, livestock dog, or working dog, and
  - (B) the person was a member of a national breed club, local breed club, local all-breed club, or sporting or hunting club; and the person had not sold twelve (12) or more intact dogs or cats in the preceding year.

2. At the time of the animal's impoundment it was wearing a current City license tag, valid for that animal, and had not previously been impounded for being at large.
3. The animal was at large at the time of its impoundment due to fire or due to the criminal or negligent acts of a third party who was not residing at the animal owner's residence. At trial, evidence of a fire or the criminal or negligent acts of a third party may be presented in one (1) or more of the following manners:

(A) a certified copy of a city police or fire report verifying the incident;

(B) the affidavit of City police or fire personnel with direct knowledge of the incident, or

(C) the testimony of City police or fire personnel with direct knowledge of the incident.

(f) Nothing in this section shall be construed as permitting spayed/neutered dogs and/or cats to run at large.

#### **Section 14.16. Authority to slay animals running at large.**

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

### **ARTICLE VI. RABIES CONTROL AND QUARANTINE OF ANIMALS INVOLVED IN BITING INCIDENTS**

#### **Section 14.17. Enforcement.**

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

#### **Section 14.18. Reports of exposure to rabies.**

(a) Persons having knowledge of an animal bite or other attack on an individual that the person could reasonably foresee as capable of transmitting rabies or of an animal that the person suspects is rabid, shall report the incident or animal to the City Police Department and/or the Animal Control Officer. This report shall include the name and address of any victim and of the owner of the animal, if known.

(b) The owner of an animal that is reported to have bitten or to have attacked an individual, or that the owner knows or suspects to have bitten or to have attacked an individual, shall submit the animal for quarantine to the Animal Control Officer or Animal Shelter.

(c) If a quarantined animal is found to be rabid, the Animal Shelter Supervisor will cause to have the animal humanely euthanized. If an animal dies or is euthanized while in quarantine, the Animal Shelter will cause to have the head or brain of the animal removed and submit it to the nearest Texas Department of Health Laboratory for testing.

(d) If a quarantined animal is found to be free from rabies, the Animal Shelter Supervisor shall release it to the owner following the quarantine period and the payment of all required fees and costs.

(e) The owner of an animal that is quarantined under this Chapter shall pay the City the cost of the quarantine and any other fees associated with the animal's care. The Animal Shelter may sell and retain the proceeds, keep, or euthanize an animal that the owner or custodian does not take possession of on or before the seventh (7<sup>th</sup>) working day following the end of the quarantine period.

(f) Immediately after acquiring knowledge that his or her animal has been bitten by a rabid animal, it shall be the duty of the owner or keeper to cause such animal to be given anti-rabies treatment, and to impound such animal for a period of six (6) months in a place approved by the LRCA or to have the said animal humanely euthanized.

#### **Section 14.19. Rabies vaccination.**

(a) It shall be unlawful for any person to own, keep, harbor, or have custody or control of a dog or cat that is four (4) months of age or older within the City unless such dog or cat is currently vaccinated against rabies by the injection of an approved USDA anti-rabies vaccine by the direct supervision of a licensed veterinarian.

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

1. owner's name, address and telephone number;
2. the species, sex, age, weight, predominant breed, and color of the vaccinated animal;
3. the vaccine type, producer, expiration date, and serial number;
4. date vaccinated;
5. rabies tag number; and
6. veterinarian's signature and license number.

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

#### **Section 14.20. Quarantine method and testing.**

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

(b) Every animal that has rabies or symptoms thereof, or every animal that a person could reasonably suspect as having rabies, or that bites any person within the City shall be impounded at once and held for observation and quarantined at an approved quarantine facility. The facilities must meet the minimum State Quarantine Facility Standards and will be subject to inspection by the Texas Department of Health.

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

(d) In the event the owner of such animal described in (a) or (b) refuses to surrender such animal on demand, such action shall constitute a misdemeanor and upon conviction be punishable by a fine.

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

(f) The following quarantine procedures shall be observed:



1. Biting animals and animals suspected of rabies that are placed in confinement for observation must be separated from all other animals in such a manner that there is no possibility of physical contact between animals.
2. A responsible person will observe the quarantined animal twice a day and will notify the LRCA if clinical signs of rabies appear.
3. At the discretion of the LRCA or his or her designee, the un-owned animal may be humanely euthanized for rabies diagnosis prior to the end of the quarantine period.
4. The Animal Shelter Supervisor or his or her designee may require a written agreement by the owner or the custodian at the time of quarantine and the animal may be disposed of according to terms of such agreement.
5. If the biting animal cannot be maintained in secure quarantine or if the owner chooses not to pay for quarantine, the animal shall be humanely euthanized and the brain submitted to a Texas Department of Health certified laboratory for rabies diagnosis, at the owner's expense.

(g) Any animal quarantined at a certified quarantine facility shall be observed, by a licensed veterinarian or Animal Control Officer, or LRCA, at least on the first and last days of the quarantine period. If it is determined that the animal has clinical signs of the disease of rabies the animal shall be humanely euthanized and the head or brain submitted for testing. If the Animal Control Officer, veterinarian, or LRCA determines that the animal does not exhibit the clinical signs of the disease of rabies, the LRCA shall provide a form to the veterinarian for his or her signature, certifying that the animal has been found to be free of the clinical signs of rabies at the end of the quarantine period. This form shall be returned to the LRCA at the end of the quarantine period.

(h) The owner of the animal may request permission from the Animal Control Officer or LRCA for home quarantine if the following criteria can be met:

1. Secure facilities must be available at the home of the animal's owner, and must be approved by the Animal Control Officer or the LRCA.
2. The animal is currently vaccinated against rabies and possesses a current City license tag.
3. The animal was not in violation of any laws or ordinance at the time of the incident.
4. The bite incident was a provoked attack.
5. A licensed veterinarian, Animal Control Officer, or the LRCA must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the home quarantine period, the person having possession of the animal must notify the City veterinarian, Animal Control

Officer and LRCA. At the end of the quarantine period the owner shall transport the animal by direct route to the veterinarian for final observation. Both observations by the veterinarian, Animal Control Officer or the LRCA may be made at the location of the home quarantine if requested by the owner or required by the Animal Control Officer or the LRCA. The release from quarantine must be accomplished in writing.

6. The owner shall be responsible for paying all rabies observation fees to the veterinarian.
7. It shall be unlawful to violate the provisions and conditions of the home quarantine as required by the Animal Control Officer. If the owner of the animal fails to abide by all provisions and conditions required by the Animal Control Officer when the quarantine was granted and the animal is found in violation of these conditions the animal shall be immediately impounded and quarantined for the remainder of the observation period at an approved quarantine facility at the owner's expense.

(i) No dog or cat shall be released from quarantine unless

1. the owner has an un-expired rabies vaccination certificate and license for the animal; or
2. the animal has been vaccinated against rabies by a licensed veterinarian and a license is obtained, at owner's expense.

(j) No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely euthanized in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of Health certified laboratory for rabies diagnosis.

#### **Section 14.21. Disposition of domestic animals exposed to rabies.**

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

(b) Currently vaccinated animals that have been bitten or otherwise significantly exposed to a rabid animal should be humanely euthanized, or if sufficient justification for preserving the animal exists, the exposed vaccinated animal should be given a booster rabies vaccination immediately and placed in strict isolation for forty-five (45) days. These provisions apply only to domestic animals for which an approved rabies vaccination is available.

## **ARTICLE VII. FOWL AND OTHER SMALL ANIMALS**

### **Section 14.22. Stray.**

It shall be unlawful for any person keeping chickens, turkeys, geese, guineas, ducks, pigeons, or other fowl to permit or allow the same to run at large within the City.

### **Section 14.23. Pen, coop or enclosure of fowl.**

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

### **Section 14. 24. Keeping rabbits, guinea pigs, white rats, etc.**

It shall be the duty of every person raising or keeping rabbits, guinea pigs, white rats, white mice, hamsters and other small animals to keep such animals in pens, coops or enclosures and such pens, coops or enclosures a distance of at least fifty (50) feet from every building/structure (other than the owner of such small animals) used for sleeping, dining or living and shall be kept in a sanitary condition and shall be kept in such a manner as will be reasonably calculated not to become offensive to neighbors or to the public.

### **Section 14. 25. Not applicable to authorized veterinary hospitals.**

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

## **ARTICLE VIII. LIVESTOCK**

### **Section 14. 26. Stray.**

It shall be unlawful for the owner, keeper, or person in charge of any livestock to allow said animal to be unrestrained or to allow or permit the same to run at large within the City. Horses, ponies, mules, donkeys, and cattle shall be kept in a stable, shed, pen, or other enclosure wherever located within the City, which shall be a distance of at least one hundred (100) feet, and all other livestock shall be a minimum distance of one thousand (1,000) feet, from every building/structure (other than the owner of such livestock) used for sleeping, dining, and living and shall be kept in such a manner as will be reasonably calculated not to be offensive to neighbors or to the public.

### **Section 14. 27. Impounding.**

The Animal Control Officer shall take up or cause to be taken up, any such animal found to be at large or stray within the City, and shall impound any such animal in a suitable

place provided for that purpose. Procedures for the Texas Agriculture Code Estray Act, as amended from time to time, shall be followed. A copy of this Act and procedures can be obtained at the Animal Shelter.

**Section 14. 28. Care of livestock animals.**

- (a) It shall be unlawful for any person to abandon or torture a livestock animal, to seriously overwork an animal or to transport or confine a livestock animal in a cruel manner.
- (b) Persons owning or caring for livestock must provide necessary food, water, care and shelter for a livestock animal.
- (c) It shall be unlawful for any person to stake any livestock for the purpose of grazing upon or within the reach of any public street, alley, sidewalk or park, within the limits of the City of Schertz.

**ARTICLE IX. WILD ANIMALS AND PERFORMING ANIMAL EXHIBITIONS**

**Section 14. 29. Keeping of wild (non-domesticated) animals.**

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

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

**Section 14. 30. Performing animal exhibitions.**

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

**ARTICLE X. SPECIAL PROVISIONS**

**Section 14. 31. Enforcement.**

The civil and criminal provisions of this Chapter shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this Chapter to

interfere with an Animal Control Officer or an Animal Shelter employee in the performance of his or her duties.

**Section 14. 32. Penalty.**

(a) Any person who shall violate any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25) and not exceeding two hundred dollars (\$200). Each and every day of such violation shall be deemed a separate and complete offense. Subsequent convictions for any violation of this ordinance within a twelve (12) month period shall double the minimum applicable fine listed below, up to and including the maximum allowed by law.

(b) A judge who has jurisdiction of the offense, at his or her discretion, may dismiss a rabies vaccination violation or a registration/license violation if the defendant remedies the charge defect within ten (10) working days of the date of citation, upon the assessment by the judge and payment by the defendant of an administrative fee of twenty dollars (\$20) for dismissal of a rabies vaccination violation, and ten dollars (\$10) for dismissal of a registration/license violation.

**Section 14. 33. Advisory Committee duties.**

(a) The Schertz Animal Care Advisory Committee shall consist of (4) four members appointed by the City Manager. The members of this Committee shall include a licensed veterinarian, a municipal official, a shelter operator and one member of an animal welfare organization.

(b) The Advisory Committee shall meet at least three (3) times a calendar year and shall assist in complying with the requirements of State and local laws.

(c) The Advisory Committee shall visit the Animal Shelter at times selected by the Committee and make recommendations to the City Manager concerning animal care services and shelter operating procedures.

**Section 14. 34. City Veterinarian duties.**

It shall be the responsibility of the City Veterinarian(s) to inspect the Animal Shelter at least once a year. The City Veterinarian will file a written report to the City Manager and the Texas Department of Health. The report must include all conditions of the Shelter, care of animals, structure and contents and inspection of records as required by the Texas Health and Safety Code, as amended from time to time.

**ARTICLE XI. ANIMAL SHELTER OPERATIONS**

**Section 14. 35. Monthly reports of Animal Shelter.**

It shall be the duty of the Animal Shelter Supervisor to report in writing monthly the total number of animals impounded and/or quarantined, the total number of animals redeemed

or sold to private parties, and the total number of animals humanely disposed of under the provisions of this Chapter.

**Section 14. 36. Fee deposits.**

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

**Section 14. 37. Reclaiming before adoption.**

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

**Section 14. 38. Records.**

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

**Section 14. 39. Redemption.**

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

**ARTICLE XII. ADOPTION**

**Section 14. 40. Inoculation and sterilization of adopted animals.**

All dogs and cats adopted from the Animal Shelter shall be inoculated before adoption and sterilized according to age, with the following:

(a) Dogs: One dose as recommended by Veterinarian to include Distemper-Hepatitis, Adenovirus Type 2, Parainfluenza, Parvovirus, and rabies vaccine according to age requirements, and any other serums directed by the consulting veterinarian.

(b) Cats: Feline 3-way (one dose includes Rhinotracheitis, Calici virus; and Panleukopenia virus and Chlamydia Psittaci); rabies vaccine according to age requirement and any other serums directed by the consulting veterinarian.

No unclaimed dog or cat shall be released for adoption from the Animal Shelter without being sterilized or without written agreement pursuant to Section 14.42 from adopter

guaranteeing that such animal will be sterilized within thirty (30) days for adult animals and by the date an adopted infant female/male becomes six months old.

**Section 14. 41. Examination by veterinarian.**

A veterinarian shall examine all animals adopted from the Animal Shelter for health conditions prior to adoption.

**Section 14. 42. Medical treatment by veterinarian.**

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

**Section 14. 43. Fees passed on.**

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

**Section 14. 44. Adoptions.**

Should the adoption not work out due to behavioral or other problems the adopted animal can be returned to the Animal Shelter, but no money shall be refunded.

**Section 14. 45. Sterilization agreement.**

(a) The sterilization agreement will contain the following:

1. date of the agreement;
2. names, addresses, and signatures of releasing agency and the new owner;
3. a description of the animal to be adopted;
4. the sterilization completion date; and
5. a statement, printed in conspicuous, bold print, that sterilization of the animal is required under Texas Health and Safety Code, Chapter 828, as amended from time to time, and that a violation of the agreement is a criminal offense punishable as a Class C misdemeanor.

(b) The completion date in the sterilization agreement must be

1. the 30<sup>th</sup> day after the date of adoption in the case of an adult animal; or
2. by the date an adopted infant male or female becomes six (6) months old.

**Section 14. 46. Sterilization required.**

(a) Except as provided for by this section, a new owner who signs an agreement under Section 14.42, shall have the adopted animal sterilized on or before the sterilization completion date stated in the agreement.

(b) If the sterilization completion date falls on a Saturday, Sunday or legal holiday, the deadline is extended to the next day thereafter that is not a Saturday, Sunday or legal holiday.

(c) A releasing agency may extend the deadline for (30) thirty days on presentation of a written report from a licensed veterinarian stating that the life or health of the adopted animal may be jeopardized by surgery. There is no limit on the number of extensions that may be granted under this subsection.

**Section 14. 47. Confirmation of sterilization.**

(a) Each new owner who signs a sterilization agreement under Section 14.42 shall deliver to the agency from which the animal was adopted a letter signed by the veterinarian who performed the surgery.

(b) The letter must be delivered in person or by mail not later than the seventh (7<sup>th</sup>) day after the date on which the animal was sterilized.

(c) The letter must state that the animal has been sterilized, briefly describe the animal, and provide the date of sterilization.

**Section 14. 48. Letter concerning animal's death.**

(a) If an adopted animal dies on or before the sterilization completion date agreed to under Section 14.42, the new owner shall deliver to the releasing agency a signed letter stating that the animal is dead.

(b) The letter must be delivered not later than the seventh (7<sup>th</sup>) day after the date of the animal's death, must describe the cause of death, if known, and provide the date of death.

(c) The letter required by this section is in lieu of a letter required by Section 14.42.

**Section 14. 49. Letter concerning lost or stolen animal.**

(a) If an adopted animal is lost or stolen before the sterilization completion date agreed to under Section 14.42, the new owner shall deliver to the releasing agency a signed letter stating that the animal is lost or stolen.

(b) The letter must be delivered not later than the seventh (7<sup>th</sup>) day after the date of the animal's disappearance and must describe the circumstances surrounding the disappearance and provide the approximate date of the disappearance.

(c) The letter required by this section is in lieu of a letter required by Section 14.42.



### **Section 14. 50. Notice of failure to receive letter**

(a) A releasing agency that does not receive a letter under Section 14.42, 14.45, or 14.46 before the expiration of the seventh (7<sup>th</sup>) day after the sterilization completion date agreed to under Section 14.42, shall cause a complaint to be filed against the new owner. It is a presumption under this law that the failure of the new owner to deliver to the releasing agency a signed letter required under Section 14.42, 14.45 or 14.46, is the result of the new owner's refusal to have the adopted animal sterilized. The new owner may rebut this presumption at the time of the hearing with the proof required under the above-mentioned sections.

(b) A releasing agency that does not receive a letter under Section 14.42, 14.45, or 14.46, after the expiration of the seventh (7<sup>th</sup>) day after the sterilization completion date agreed to under Section 14.42 may promptly reclaim the animal from the new owner.

(c) A person may not prevent, obstruct or interfere with the right to reclaim an animal under this section.

(d) In the event of such reclamation the City shall have no obligation to repay fees previously paid pursuant to this Chapter.

### **ARTICLE XIII. FEE SCHEDULE**

#### **Section 14. 51. Schedule of Fees.**

(See current copy of schedule of fees)

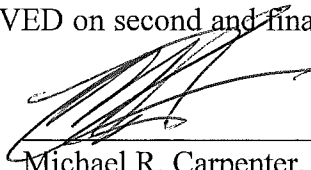
### **SECTION II**

1. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed.

2. This Ordinance shall be in force and effect from and after its final passage.

PASSED AND APPROVED on first reading the 18<sup>th</sup> day of August, 2015.

PASSED AND FINALLY APPROVED on second and final reading the 25th day of August, 2015.



Michael R. Carpenter, Mayor

ATTEST:



Brenda Dennis City Secretary

[CITY SEAL]