



ORDINANCE NO. 1338

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CIBOLO, TEXAS, CHAPTER 10 – ANIMAL CONTROL, ARTICLE I THROUGH ARTICLE V TO REVISE PET REGISTRATION REQUIREMENTS AND TO ADOPT PROVISIONS RELATING TO ANIMAL HEALTH AND PUBLIC SAFETY; DECLARING A PUBLIC PURPOSE; INCORPORATING RECITALS; PROVIDING A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the improper maintenance and possession of animals within the City creates situations which are hazardous to the health and safety of the City's residents and to the animals; and

WHEREAS, the City Council desires to provide procedures for the enforcement of regulations for the safe maintenance of animals;

WHEREAS, the City of Cibolo has existing animal control regulations as provided in Chapter 10 – Animal Control, of the City's Code of Ordinances; and

WHEREAS, the City Council of the City of Cibolo, Texas, in coordination with City staff, have reviewed the existing animal control regulations in their entirety and, after careful consideration, have determined that regulations should be amended, updated and revised to ensure the health, safety, and welfare of the public with respect to the possession and care of animals within the jurisdiction of the City; and

WHEREAS, the City Council of the City of Cibolo, for the purposes of providing for the safe, attractive and healthful community, and to promote the health, safety and general welfare of the community and its residents has determined that the adoption of amended and/or revised regulations addressing the control, care and keeping of animals is necessary and appropriate; and

WHEREAS, the City Council of the City of Cibolo, after consideration and deliberation of this matter in a public meeting has determined that regulations set out in this ordinance fairly balances and protects the rights of both animal owners and the community at large and that the requirements imposed herein are rationally related to the regulation of the keeping of animals and legitimately regulate the activities addressed in this ordinance; and

WHEREAS, this ordinance is adopted in accordance with the authority granted to the City of Cibolo by virtue of its status as a Home Rule municipality and the applicable provisions of the Texas Health and Safety Code, and other applicable provisions of state law; and

NOW THEREFORE, the Cibolo City Council has considered the effect of these amendments and has determined them to be appropriate, necessary and in the public interest;

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

SECTION 1. AMENDMENTS TO CHAPTER 10 – ANIMAL CONTROL. From and after the effective date, Chapter 10 – Animal Control, of the City’s Code of Ordinances, shall be amended, including any subsequent renumbering required to incorporate these amendments, so as to hereinafter read as follows:

Chapter 10 - ANIMAL CONTROL REGULATIONS.

ARTICLE I. - GENERAL PROVISIONS

Sec. 10-1. - 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:

Altered: The surgical procedure resulting in the removal of the reproductive organs of a dog or cat to render the animal unable to reproduce.

Animal: Any live or dead vertebrate creature, warm blooded or cold blooded, domestic or wild.

Animal at Large: Any animal not under the restraint (as defined in this section) of a person capable of controlling the animal on or off the premises of the owner. An animal within an automobile or other vehicle shall not be deemed "animal at large".

Animal Control Officer: Any person designated by the City of Cibolo possessing a certification as an Animal Control Officer issued by the Texas Department of Health (TDH) and who is qualified to perform such duties as required by this chapter and/or state law.

Animal Shelter: Any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of holding animals under the authority of this chapter or state law for adoption, care, confinement, euthanasia, or impoundment.

Auction: Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This section does not apply to individual sales of animals by owners.

Bite: Puncturing or tearing of the skin by an animal's teeth. Scrapping of the skin by an animal's teeth with sufficient severity to break the skin and draw blood.

Cat: Shall mean any live or dead domestic animal that is a member of the feline family (*Felis Catus*). Excluding hybrids.

Circus: A commercial variety show featuring animal acts for public entertainment.

Commercial Animal Establishment: Any 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.

Currently Vaccinated: Vaccinated and satisfying the following criteria:

- (1) The animal must have been at least three months of age at the time of vaccination.
- (2) At least thirty (30) days have elapsed since the initial vaccination.
- (3) Not more than twelve (12) months have elapsed since the most recent vaccination.

Dangerous Animal: Means an animal that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and was reasonably certain to prevent the animal from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the animal was being kept and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person.

Dangerous Dog: "Dangerous dog" means a dog that:

- (1) 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
- (2) 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.

Dangerous Wild Animal: Any live animal to include, but not limited to; a lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, bobcat, lynx, serval, caracal, hyena, bear, coyote, jackal, baboon, chimpanzee, orangutan, gorilla, monkey (of any kind), reptile (alligator, crocodile, or similar reptile), or any poisonous animal or reptile, or any hybrid of an animal listed in this definition.

Dog: Shall mean any live or dead domestic animal that is a member of the canine family (Canis Familiaris). Excluding hybrids.

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

Feral Animal: Having escaped domestication and becomes wild.

Fowl: Any live or dead bird (Gallus Galluis), of any kind; domestic or wild, cock or hen.

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

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

Harboring: The act of keeping and caring for an animal or providing a premises to which the animal returns for food, shelter, or care for a period of three days.

Hybrid: Any offspring of two animals of different species.

Identified/Unidentified Animal: Animals that can or cannot be identified as belonging to a citizen by way of microchip, identification tag, rabies tag or collar. The contact information for an identified animal's owner must be ascertainable from an object affixed to or implanted within the animal's body.

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 or cats; and/or a facility with separate primary enclosure's for keeping more than three animals of the same species.

Licensed Veterinarian: A veterinarian licensed to practice veterinary medicine in one or more of the 50 states or practicing veterinary medicine on an installation of the Armed Forces or National Guard.

Livestock: Domestic animals used or raised on a farm, especially those kept for a profit; specifically, horses, ponies, mules, donkeys, cattle, goats, sheep and swine, regardless of age, sex or breed.

Local Health Authority: The City Health Inspector shall be designated as the Local Health Authority.

(L.R.C.A.) Local Rabies Control Authority: A duly appointed Animal Control Officer shall act as the Local Rabies Control Authority ("rabies control officer" or "LRCA") for the City of Cibolo and shall handle all duties required under Chapter 826 of the Texas Health and Safety Code, also known as the Rabies Control Act of 1981.

Observation Period: The time following a bite incident during which the biting animal's health status must be monitored. The observation period for domestic animals is ten days and will begin on the day of the bite incident (the day the bite occurred is day one).

Owner: Any person, partnership, firm, or corporation who has custody, control, or owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more, or if it returns to a residence or business on three separate days. It is the duty of any Resident to notify Animal Services if and when stray animals return to a residence on multiple occasions.

Performing Animal Exhibition: Any spectacle, display, act, or event, other than circuses, in which performing animals are used. This shall include animal amusement vendors such as, but not limited to, pony-go-round rides, commercial horseback pictures, etc.

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

Pet or Companion Animal: Shall include dogs, cats, rabbits, ferrets, rodents, birds, reptiles, pot belly pigs, and any other species of animal that is sold or retained as a household pet unless further restrictions are applied in this chapter, but shall not include skunks, nonhuman primates, and any other species of wild, exotic, or carnivorous animal that may likewise have further restrictions in this chapter.

Pet Shop: Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells, or boards any species of animal.

Possible Exposure to Rabies: Receipt of a bite or scratch from any warm-blooded animal, animal-to-human or animal-to-animal, is reason to suspect possible exposure to rabies.

Primary Enclosure: any structure used to immediately restrict an animal or animals to a limited amount of space, such as a cage, compartment, hutch, pen, run, room, or stall.

Provocation: Any purposeful act that causes an animal to bite, scratch, or attack in protection of self, owner, or owner's premises. Entrance, in any manner, into an area where an animal is properly under restraint and 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:

- (1) Is known to be stray;
- (2) Has been found to be at-large more than twice;
- (3) Damages the property of anyone other than its owner;
- (4) Charges the fence, molests, intimidates, or threatens pedestrians or passersby;
- (5) Trespasses on school grounds;
- (6) Chases vehicles or pedestrians;
- (7) 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;
- (8) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (9) Is determined to be offensive or dangerous to the public health, safety, or welfare due to the number and/or types of animals being maintained at a location;
- (10) Attacks another domestic animal or a human being.

Quarantine: Strict confinement, for the purpose of preventing the spread of disease, under restraint and prohibiting contact with another animal or humans by a closed cage, isolation kennel, rabies chamber, paddock, or in any other manner approved by the Local Health Authority, Local Rabies Control Authority, or Animal Control Officer or at a facility approved by the Texas Department of Health.

Quarantine Period: That portion of the observation period during which a biting 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, scratch, or saliva.

Restraint: Any animal in the presence of and under the control of a responsible person and obedient to that person's commands secured by a leash or lead (or held in the hands of the owner or keeper) At all other times, all animals shall be confined to the realty or premises of the owner of such animals by a substantial fence of sufficient strength and height to prevent such animals from escaping therefrom; or inside a house on such premises; or secured on such premises by a leash consisting of a material of sufficient strength to prevent said animals from escaping from such premises. It shall be unlawful for the leash to be arranged in a manner that allows the animal to get on or across or within eight feet of any street, park, or other public land or within eight feet of any sidewalk, public way, place or building when such leash is stretched to its full length. Any animal so arranged shall be considered dangerous to the public in general and declared a public nuisance, and shall be impounded and the owner subject to a citation. Although cats may be exempt from the leash requirement while on the premises of the owner, any cat straying on the property of anyone except its owner shall be deemed a public nuisance animal and will be subject to impoundment and the owner subject to a citation.

Riding School or Stable: Any 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.

School Zone: A reduced speed zone designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving public or private elementary or secondary school during the time the reduced speed limit applies.

Scratch: A scrape left by the claws or nails of an animal and of sufficient severity to break the skin and draw blood. For rabies control, scratch shall be included with the definition of bite.

Secured Enclosure: Means 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 release or escape of the dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the Local Rabies Control Authority, or Animal Control Officer, or Police Officer and/or Local Health Authority.

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

Stray: Animal running free or at large, with no physical or verbal restraint and/or appears to have no known owner.

Unowned Animal: Any animal for which an owner has or cannot be identified.

Unrestrained Animal: Not in the presence of a responsible person, not restrained by leash or lead (anchored to an immovable object), no physical or verbal restraint, or not restrained by a substantial fence, pen or enclosure.

Vaccinated: Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by or under the direct supervision of a Licensed Veterinarian.

Veterinary Hospital: Any establishment maintained and operated by a Licensed Veterinarian for surgery, diagnosis, and treatment of diseases and/or injured animals.

Vicious animal: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate 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 that the Animal Control Officer, Police Officer, or Local Health Authority has reason to believe has a dangerous disposition, likely to be harmful to humans or other animals.

Wholesome & Nutritious: Conducive to or indicative of good health or well-being, containing the proteins, vitamins and minerals to reasonably sustain an animal.

Wild Animal: Any animal except the common domestic species (including, but not limited to, dogs, cats, horses, cattle, swine, sheep, and goats), regardless of the state or duration of captivity.

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

Wild state: Living in its original, natural conditions; not domesticated.

Zoological park: Any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals, i.e. wild animals.

(Ord. No. 830, § 608.001, 1-22-2008)

Sec. 10-2. - Appointment of an Animal Control Officer.

An Animal Control Officer(s) shall be appointed to enforce all provisions of this chapter, including gathering up and impounding or quarantining any livestock, fowl, felines, canines, or other domestic animals found running at large (stray) within the city limits, and gathering up or releasing back to the wild any nondomestic animals found running at large (stray) within the city limits. Animal Control Officers shall be inoculated with the rabies pre-exposure vaccination as required by the Texas Department of Health.

(Ord. No. 830, § 608.002, 1-22-2008)

Sec. 10-3. - Duties of Animal Control Officer.

- (a) 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 Animal Services Staff in the performance of his/her duties.
- (b) The Animal Control Officer, Local Rabies Control Authority or any Police Officer shall cause any animal (warm blooded) involved in a human bite incident to be immediately impounded

and quarantined (per section 10-166) at the Cibolo Animal Shelter or a State Approved Quarantine Facility.

(c) It shall be the duty of the Animal Control Officer or Shelter Supervisor to pay all monies collected by him/her under this chapter to the city clerk.

(d) **Records.**

(d.1) Animal Control Officers shall keep an organized file by the animal owner's last name and address in which there shall be recorded all documented complaints, violation letters, warning letters, door hangers, case notes, live trap requests, impounds and outcomes (unless said records are kept by the Animal Services Department) for as long as Law requires.

(d.2) There shall also be a separate organized file by month, day, and year of any animal bite exposure to a human or causing the death of another animal, any exposure to a high risk wild animal whether that be human or domestic pet/livestock, recording any and all victim(s) and owner information with a description of all animals impounded or quarantined, the date of impoundment or quarantine, the date of redemption, transfer or euthanasia, the outcome of any rabies testing, the amount realized from the fees and expenses due for impounding or quarantining and keeping of the same (unless said records are kept by the Animal Services Department) for as long as Law requires.

(e) It shall be the duty of the Animal Control Officers to keep and log all records documenting duties and services rendered including but not limited to activity reports, impound reports, bite reports, rabies quarantine logs, live trap requests, monthly intake/outcome reports, and any other documents required or necessary to track animal ownership, violations, and complaints. To report in writing to the City Manager once each month the total number of animals impounded, the total number of animals redeemed, the total number of animals adopted, the total number of wild animals released back to the wild, and the total number of animals humanely disposed of under the provisions of this chapter, as well as contacts with the public (unless said records are kept by the Animal Services Supervisor) and that report shall be approved and filed with the City Manager or Appointee as a Monthly Report.

(f) It shall be the duty of an appointed Animal Control Officer to act as the Local Rabies Control Authority ("LRCA"), having being appointed pursuant to Subsection 10-2 of this Code upon the acceptance of this ordinance by City Council, as authorized under Sec. 826.017 of the Texas Health and Safety Code. As the LRCA, an Animal Control Officer shall enforce the provisions given in the Texas Health and Safety Code, Title 10 - Health and Safety of Animals, Chapter 826 - Rabies, also known as the Rabies Control Act of 1981 and all amendments to that act.

(g) It shall be the duty of the Animal Control Officer to maintain all certifications and/or licenses required by law to perform their job functions, including any continuing education requirements mandated to keep his/her Basic Animal Control Officer Training under relevant

provisions of the Texas Health and Safety Code, Title 10 - Health and Safety of Animals, Chapter 829 - Animal Control Officer Training.

(Ord. No. 830, § 608.003, 1-22-2008)

Sec. 10-4. - Animal Shelter and Provisions.

- (a) There shall be erected and maintained, under the supervision of the Chief of Police or their designee, building and kennels, to be known as the Cibolo Animal Shelter, suitable for the confinement of all animals seized, impounded or surrendered pursuant to the provisions of this chapter. The Cibolo Animal Shelter shall be kept in a sanitary condition, and all animals taken up and impounded therein shall be provided with sufficient food and water, and other such basic necessities, including reasonably sanitary living conditions. All animals shall be treated in a humane manner while under the custody of the Animal Services Department. The Animal Services Department or its designee shall be considered the designated caretaker of all Impounded Animals immediately upon intake at the facility.
- (b) Animal Services staff shall be responsible to keep records of all logs and reports, impound reports, bite reports, rabies quarantine reports, disposition reports, and any other documents required or necessary to track animals as they come into and leave the shelter. To report in writing to the Chief of Police once each month the total number of animals impounded, the total number of animals redeemed, the total number of animals adopted, or sold to private parties, the total number of wild animals released back to the wild, and the total number of animals humanely disposed of under the provisions of this chapter, and that report shall be approved and filed with the City Manager's Office as a monthly report. The Animal Shelter shall be under direction of the Cibolo Police Department or its designee.
- (c) It shall be the duty of Animal Services staff to pay all monies collected under this chapter to the City's Finance Department.
- (d) It shall be the duty of Animal Services Supervisor to propose in writing all necessary shelter rules, procedures, and guidelines regarding but not limited to adoption, impounding, quarantining, and sterilization for appropriate Administration to amend as required.
- (e) Animal Services staff shall be responsible for the care and maintenance of the shelter and the care of any animals at the shelter.

(Ord. No. 830, § 608.004, 1-22-2008)

Secs. 10-5—10-30. - Reserved.

ARTICLE II. – PET REGISTRATION AND MICROCHIPPING

Sec. 10-31. – Pet Registration.

- (a) The owner or keeper of any dog or cat must have the animal implanted with a registered microchip before the animal attains four (4) months of age. A dog or cat is exempt from this

requirement if the dog or cat is determined to be medically unsuitable for microchipping by a Licensed Veterinarian in writing.

- (b) The City of Cibolo shall provide an application for Pet Registration, which shall include the name, address, and phone number of the applicant, description of the dog or cat, the microchip number and manufacturer. The applicant shall show proof of a current rabies certificate issued by a Licensed Veterinarian as per section 10-161.
- (c) Application for registration must be made within thirty (30) days after obtaining a dog or cat over four (4) months of age; this requirement will not apply to a nonresident's keeping of a dog or cat within the municipality for not longer than sixty (60) days.
- (d) Registration fees shall not be required for animals that, at the time of application, already have an implanted microchip; however, if an animal does not have a microchip and a microchip is implanted in the animal by Animal Services pursuant to this chapter, the owner shall pay a registration fee, per the Fee Schedule kept on record with the City Secretary's Office, for the implant of that microchip by Animal Services.
- (e) Upon acceptance of the Pet Registration Application and fee (if applicable), Animal Service staff shall input the data recorded on the application into the department's database. If the animal does not currently have a microchip, Animal Service staff or its designee shall, after verifying a current rabies vaccination status for the animal, implant the animal with a new microchip with its own unique identification number.
- (f) If the registered animal's rabies vaccination remains current, the City of Cibolo Pet Registration will be valid for the life of the animal. If, at the time of contact with a Resident and verification of registration, the animal is found to not be currently vaccinated for rabies, the owner will be in violation of this section and may receive a citation for failure to vaccinate his or her animal for rabies per Sec. 10-161, as well as failure to register a pet per Sec.10-31 of these regulations. The violating animal shall not be re-registered until the animal's rabies vaccination status is made current.
- (g) Animal Services staff or its designee shall maintain a record of all registered microchips and of all animal registrations issued pursuant to this chapter.
- (h) If there is a change in contact information for an owner or keeper of a microchipped dog or cat, said parties shall update the contact information on file with the Department within thirty (30) days. If there is a change in ownership of a microchipped dog or cat, the initial owner or keeper shall be responsible for notifying Animal Services of the change within thirty (30) days.

Sec. 10-32. - Validity of Previously Issued License.

A currently valid dog or cat license shall continue to be valid until its expiration. On or before its expiration, the owner shall have the animal implanted with a registered microchip in accordance with the provisions of this chapter.

Sec. 10-33. - No transferability.

No person may use any animal's registered microchip number or current City Pet License for any animal other than the animal for which it was issued.

Sec. 10-34. - Confidentiality of certain Information in Dog and Cat Registry.

- (a) Information that is contained in a municipal registry of dogs and cats that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the registered dog or cat is considered confidential and not subject to public disclosure, to the extent allowed by law.
- (b) Such personally-identifiable information may be disclosed only to a governmental entity for purposes related to the protection of public health and safety. To the extent allowed by law, a governmental entity that receives such information must maintain the confidentiality of the information, may not further disclose the information, and may not otherwise use the information for any purpose that is not directly related to the protection of public health and safety.

(Ord. No. 830, § 608.012, 1-22-2008)

Secs. 10-35—10-50. - Reserved.

ARTICLE III. - ANIMAL CONTROL

Sec. 10-51. - Animals at Large.

- (a) All dogs, cats, and other animals, (both household pets and livestock) shall be kept under restraint or confined on property at all times and not allowed to run at-large (stray). This section shall not be construed so as to prohibit trained dogs that are part of a canine unit operated by a law enforcement agency from being unrestrained while in performance of their law enforcement and public safety functions within the city limits.
- (b) All owners shall exercise proper care and control of his/her animal(s) to prevent them from becoming a public nuisance. It shall be a violation of this chapter for any animal to be a **Public Nuisance** (see Definition).
- (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 except for planned breeding.
- (d) The Animal Control Officer may receive a complaint from any Police Officer, or the Local Health Authority, or any other responsible person concerning an animal that has bitten a human being or attacked and killed another animal. The Animal Control Officer may also initiate a complaint concerning an individual animal that he/she has reason to believe has a dangerous disposition that is likely to be harmful to humans or other animals. A complainant must file with the municipal court clerk a written sworn complaint that contains the following information, as applicable:
 - (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 animal owner (if known);

- (5) A statement that the animal attacked and killed another animal;
 - (6) A statement that the animal attacked or bit a human being (refer to definitions of public nuisance, vicious animal, dangerous animal, and provocation in section 10-1);
 - (7) A statement that the animal has exhibited vicious propensities in past conduct (if known); and
 - (8) Other facts or circumstances of the incident.
- (e) If a person reports an incident described by section 10-1 **Dangerous Animal**, the Animal Control Authority may investigate the incident. If, after receiving the sworn statements of any witnesses the Animal Control Authority determines the dog is a **Dangerous Dog**, it shall notify the owner in writing of that fact.
- (1) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the Animal Control Authority to the City of Cibolo Municipal Court. An owner may appeal the decision of the Municipal Court in the same manner as appeal for other cases from the Justice Court, County Court, or Municipal Court.

Not later than the 30th day after a person learns that the person is the owner of a **Dangerous Dog**, the person shall:

- a. Register the dangerous dog with the Animal Control Authority for the area in which the dog is kept;
 - b. Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;
 - c. Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept; and
 - d. Comply with an applicable Municipal or County regulation, requirement, or restriction on dangerous dogs.
- (2) The owner of a dangerous dog who does not comply with subsection a., shall deliver the dog to the Animal Control Authority not later than the 30th day after the owner learns that the dog is a dangerous dog.
- (3) If, on application of any person, a Justice Court, County Court, or Municipal Court finds, after notice and hearing as provided by this section, that the owner of a dangerous dog has failed to comply with subsections a. or b., the court shall order the Animal Control Authority to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.
- (4) The owner shall pay any cost or fee assessed by the Municipality related to the seizure, acceptance, impoundment, or the humane euthanasia of the dog.

- (5) The court shall order the Animal Control Authority to humanely euthanize the dog if the owner has not complied with subsection a., before the 11th day after the date on which the dog is seized or delivered to the authority. The court shall order the authority to return the dog to the owner if the owner complies with subsection a., before the 11th day after the date on which the dog is seized or delivered to the authority.
- (6) The court may order the humane euthanasia of a dog if the owner of the dog has not been located before the 15th day after the seizure and impoundment of the dog.
- (7) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:
 - a. The owner knows of an attack described in section 10-1 **Dangerous Dog**;
 - b. The owner receives notice that a Justice Court, County Court, or Municipal Court has found that the dog is a dangerous dog under this section; or
 - c. The owner is informed by the Animal Control Authority that the dog is a dangerous dog under this section.
- (f) Any animal within the city that shall bite, scratch, or otherwise attack a person (and that has had more than one bite report filed on said animal) who is not at the time trespassing upon the property of the owner or person having control of such animal, nor provoking or teasing such animal shall be deemed vicious or dangerous to persons or other animals and the City of Cibolo may order the following procedures listed below, that such animal be kept muzzled, that such animal be kept within a primary enclosure, that such animal be permanently removed from the corporate limits of the City of Cibolo, or that such animal be delivered to the Animal Control Officer or a Licensed Veterinary Hospital to be humanely euthanized. All of these procedures shall be at the expense of the owner.
- (g) After a sworn complaint is filed with the City Court Clerk, the Animal Control Officer shall investigate the complaint and if there is sufficient evidence he/she may request the Municipal Judge or designee to set a time and place for a hearing. The municipal judge or designee shall give notice of the hearing to the animal's owner by personal service or certified mail, return receipt requested, at least ten days prior to the hearing date.
- (h) The Municipal Judge or designee 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 primary enclosure, removed from the city limits, or euthanize for the protection of the public health, safety and welfare of the community. The Municipal Judge or designee shall receive testimony at the hearing concerning the incident under investigation.
- (1) To order the removal or the humane euthanasia of the animal for the public health, safety and welfare, the municipal judge or designee must find all the following facts to be true:
 - a. The animal attacked or bit a human being or attacked and killed another animal more than twice;
 - b. The animal is the same animal that committed the acts in subsection a. of this section;
 - c. The humane euthanasia of or removal of the animal is necessary to preserve the public health, safety, and welfare of the community.

- (2) To order the muzzling and/or keeping of an animal in a primary enclosure for the public health, safety and welfare, the municipal judge or designee must find all the following facts to be true:
- a. 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;
 - b. The animal is the same animal that committed the acts in subsection a. of this section;
 - c. Muzzling and/or keeping of the animal in a primary enclosure is necessary to preserve the public health, safety, and welfare of the community.
- (3) If the Municipal Judge or designee orders muzzling, keeping within a primary enclosure, the humane euthanasia, or removal of the animal and the owner is not present at the hearing, he shall notify the owner of the decision by personal service or certified mail, return receipt requested. If the Municipal Judge or designee does not order the humane euthanasia of or removal of the animal, the Animal Control Officer 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 and/or keeping within a primary enclosure orders must be followed as long as the animal remains within the City Limits of Cibolo.
- (i) An owner of an animal may appeal the humane euthanasia or removal order to a court of competent jurisdiction within five days of the decision. If the Municipal Judge or designee receives written notice of the intent to appeal within five days of the decision, he shall suspend the humane euthanasia or removal order pending final determination of the court. If said appeal is perfected by the filing of a petition in a court of competent jurisdiction within ten days of the order of the humane euthanasia or removal, he shall suspend the humane euthanasia or removal pending the outcome of the appeal. In that event the owner will have 48 hour 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 primary enclosure if so ordered. Failure to claim the animal within 48 hours will result in the execution of the removal or the humane euthanasia order.
 - (j) In the event that any animal is discovered in violation of any removal or the humane euthanasia order described in (h) above, the animal shall be immediately seized and humanely euthanized. Any animal discovered in violation of any muzzling or keeping within a primary enclosure order shall be seized and impounded, and the owner shall be prosecuted under the provisions of (k) below.
 - (k) It shall be unlawful for any person to harbor or keep on his premises or in or about his premises or premises under his control, any vicious animal except as directed by this subsection. Upon conviction, harboring a vicious animal in violation of this chapter shall result in a minimum as set in attachment A. "Fee and Fine Schedule", on file in the Office of the City Secretary.

- (l) No part of this chapter shall preclude at any time the filing of a complaint in a court of competent jurisdiction under the provisions of Chapter 822 of the Texas Health and Safety Code.

(Ord. No. 830, § 608.021, 1-22-2008)

Sec. 10-52. - Impoundment and Violation Notice.

- (a) Unrestrained dogs, cats, and public nuisance animals may be impounded by an Animal Control Officer. Once contained the animal will be transported to and confined at the Cibolo Animal Shelter. Any animal that poses a threat to public health and safety, any wild animal kept illegally, or any animal that has been cruelly treated or abused may also be impounded. For purposes of discharging the duties imposed by the provisions of this chapter or other applicable laws, and to enforce the same, Animal Control Officers, duly authorized representatives, or employees of the City of Cibolo may enter upon private property to the full extent permitted by law (due process), which shall include, but not be limited to, entry upon private, unfenced property when in pursuit of any animal that he/she has reason to believe is subject to impoundment pursuant to the provisions of this chapter or other applicable laws. When they are called on for assistance, members of the Public Works Department may, at the direction of and under the supervision of an Animal Control Officer, provide limited assistance in the capture, restraint, transportation, and/or impoundment of animals at-large in the City Limits of Cibolo, provided that they are not endangered while providing such assistance.
- (b) Identified impounded dogs, cats, and other domestic animals (livestock does not require a City Registration) shall be kept for not fewer than 120 hours.
- (c) Unidentified impounded dogs, cats, and other domestic animals shall be kept for not fewer than 72 hours.
- (d) Feral (wild) cats, dogs, or other domestic animals may be kept for up to 72 hours at the discretion of the Animal Control Officer and/or the Animal Shelter Supervisor.
- (e) Sick or Injured animals wearing no apparent identification through which ownership can be determined may be kept for up to 72 hours at the discretion of the Animal Control Officer and/or the Animal Shelter Supervisor after consultation with a Licensed Veterinarian.
- (f) If, by City License, a Rabies Tag, a Microchip or other means the owner of an impounded animal can be identified, the Animal Control Officer or Shelter Staff shall as soon as possible upon impoundment notify the owner by direct contact, telephone, mail, or other reasonable means.
- (g) An owner reclaiming an impounded animal shall, at the discretion of the Shelter Supervisor or their designee, pay all impound fees, registration fees and/or boarding fees accrued as a result of the impoundment. A schedule of all applicable fees shall be maintained by the Office of the City Clerk as the City of Cibolo Fee Schedule and shall be made available to the public. If, upon reclaiming an impounded animal, no proof of current rabies vaccination can be provided, the owner may receive a citation in person or by mail for violating applicable provisions of this chapter. Upon the third impoundment of the same animal occurring within

a continuous twelve (12) month period beginning from the date of the first impoundment, the owner shall be charged double the scheduled fee charged for a second impoundment.

- (h) No sick/injured impounded animal shall be released to the owner until the releasing Animal Services staff member is satisfied that arrangements have been made for proper treatment of the sick/injured animal.
- (i) Any impounded animal that is not reclaimed by its owner within 120 hours for an Identified Animal or 72 hours for an Unidentified Animal shall be deemed abandoned. Once abandoned, the animal shall become property of the City of Cibolo, at which time Cibolo Animal Services may take any authorized action regarding the abandoned animal at the direction of the Animal Shelter Supervisor.
- (j) In addition to, or in lieu of, impounding an animal found at-large, an Animal Control Officer, Code Enforcement Officer, or Police Officer may issue to the known owner or keeper of such animal, or to a competent individual at such resident or business of the known owner or keeper, a citation or a notice of violation of this chapter.

(Ord. No. 830, § 608.022, 1-22-2008)

Sec. 10-53. - Authority to Dispatch Animals Running at Large.

If any animal found at-large in violation of this chapter cannot be safely taken up and impounded, such animal may, if deemed necessary, be humanely euthanized by any authorized Police Officer, Animal Control Officer, or other qualified employee of the City of Cibolo.

(Ord. No. 830, § 608.023, 1-22-2008)

Sec. 10-54. - Unreasonably Noisy Animals.

- (a) It is unlawful and declared a public nuisance for any owner of an animal or other person in control of an animal to allow the animal to bark, growl, howl, whine or make any other sound of such volume and/or duration so as to unreasonably disturb the peace of other people on the same, adjoining or nearby property, including public property.
- (b) If Animal Control Officers or Cibolo Police Officers witness a violation this section, they shall attempt to contact a responsible party for the violating animal and notify them of said violation. If a responsible party fails to abate a violation upon being provided such notice or if repeated violations are confirmed, the responsible party may be issued a citation for violating this section.
- (c) If a complaint is made alleging a violation of this chapter and no such violation is witnessed by law enforcement personnel responding to or investigating the complaint, such personnel shall attempt to contact the complainant to request that the complainant provide a written affidavit describing the alleged violation in order to create a record of the complaint and all violations alleged therein. Due to a violation not being witnessed by responding law enforcement personnel, it shall be the responsibility of the complainant to request that the

complaint be filed at-large with the Municipal Court and to comply with any requirements related to such filing, including any filing costs or other court costs. Absent observation of a violation by law enforcement personnel, prosecution of an alleged violation described in a complaint may require sworn testimony and/or court appearance(s) by the complainant, compliance with which shall be the responsibility of the complainant. The procedure described in this subsection shall not preclude responding law enforcement personnel from attempting to contact the alleged violator(s) at the time of their investigation of a complaint, but no enforcement action may be taken by such responding personnel unless contact is made with the alleged violator(s) so that their statement may be taken by a law enforcement officer.

Secs. 10-54—10-80. - Reserved.

ARTICLE IV. - ANIMAL CARE

Sec. 10-81. - Care and Keeping of Animals.

- (a) No owner shall fail to provide his/her animals with sufficient **Wholesome and Nutritious Food**, water in sufficient quantities, adequate ventilation, reasonably safe and sanitary shelter, protection from inclement weather, and at least minimal veterinary care when such care is needed to prevent unnecessary suffering from disease and/or injury.
- (b) No person shall be permitted to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, catfight, cockfight, or other combat between animals.
- (c) No person shall be permitted to abandon any animal at any place or time within the City of Cibolo. If the identity of the owner of an animal suspected to have been abandoned has been determined and the animal has been impounded at the Cibolo Animal Shelter pursuant to this chapter, such owner shall not allow the animal to remain impounded beyond the 120-hours maximum for an Identified Animal or 72-hour maximum for an Unidentified Animal, for the purpose of permanently abandoning the animal or for the purpose of temporarily abandoning the animal in order to subsequently attempt to adopt the animal at a lower cost than the total amount of any fines and/or fees assessed pursuant to this chapter. This does not include Animal Control Officers or Licensed Wildlife Professionals acting in their official capacity to relocate or release an animal within the City of Cibolo, including wildlife that was trapped within the City of Cibolo, provided that such wildlife is healthy enough to be so relocated or released.
- (d) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same might be ingested by or affect any animal, provided that it shall be lawful for a person to expose on their own property a reasonable amount of common rat poison, which may be mixed only with vegetable substance.
- (e) No person, except a person currently licensed to do so by the Texas Parks and Wildlife Department, may place within the City of Cibolo any armed trap designed to restrain an animal by its foot, leg, or neck, including a steel-jaw trap or snare device, with the intent of trapping any animal.

- (f) Any person who, as the operator of a motor vehicle, strikes a domestic or nondomestic animal shall as soon as practicable report such injury or death and the location of such incident to an Animal Control Officer, a Police Officer, or other appropriate municipal employee so that the animal may be retrieved and, if applicable, the owner notified of the incident.

(Ord. No. 830, § 608.031, 1-22-2008)

Sec. 10-82. - Keeping of Domestic Animals.

- (a) It shall be unlawful for any person to own, keep, or harbor, at any one address or location within the city limits, more than three (3) animals of the same species which are over four months of age or an aggregate number of eight (8) such animals, except for livestock, fowl and small animals as provided for in subsections (d),(e) and (f) of this section. The quantitative limitations established by this section shall not apply to fish.

(1) A maximum of three (3) dogs and a maximum of three (3) cats are permitted to be located on a single residential property. In order to keep or own more dogs and/or cats on a single residential property than are permitted under this chapter, an owner must apply for and be issued an **Excess Animal Permit**, which shall be valid for no more than one year. The following criteria shall be used to evaluate an application for an Excess Animal Permit:

(1a) All dogs and cats for which a permit is requested must be sterilized unless, at the time the application is submitted, the animal is either less than four months old or if the animal qualifies for a medical exception as determined in writing by a licensed veterinarian, certified documentation of which must be included with the application.

(1b) Each additional dog or cat must be currently vaccinated for rabies.

(1c) Each additional dog or cat must have a registered microchip.

(1d) Each additional dog or cat must not be housed exclusively outside.

(1e) A photograph of each additional dog or cat must be attached to an animal profile sheet that will be kept on record to identify each additional animal allowed under the requested permit.

(1f) If the applicant is not a legal owner of the property on which the additional animal(s) will be located, a permit may not be issued unless the application includes written consent from an owner of such property to indefinitely locate the additional animal(s) thereon.

(1g) Reasonable efforts must be undertaken to determine whether any animal-related complaints and/or violations have been recorded which involve the applicant, any animal owned or kept by the applicant, or the property upon which the additional

animal(s) will be located. Any such complaints and/or violation, if deemed valid before or during the application review process, may be grounds to deny a permit application.

- (1h) Reasonable inquiry may be made during the application review process, including consideration of any relevant documentation submitted by the applicant as part of their application, to determine whether the property and/or facilities where the applicant intends to locate the additional animal(s) is adequate to ensure that issuance of the requested permit will not disturb or otherwise adversely affect any adjacent or nearby property. Prior to issuance of a requested permit or at any reasonable time thereafter, satisfaction of this requirement may be verified by on-site inspection of the relevant property and/or facilities by department personnel in accordance with applicable law, including required due process.
- (b) All persons residing in the City of Cibolo who own one or more animals must keep said animals at the residential premises permanently occupied and inhabited by said animal owners. It shall be unlawful for said animal owners to keep their animal at any other location within the City Limits of Cibolo (except for livestock as covered in subsection (d) and animal(s) for the protection of property, belongings, or interests covered in subsection (c) of this section).
- (c) All persons owning animal(s) for the protection of their property, belongings, or interests at a location other than their residential premises shall be authorized to keep said animal(s) at a location other than their residential premises. When left unattended any animal(s) shall be restrained by a secure enclosure capable of being secured by a locking mechanism so designed to prevent any reasonable person from unauthorized entry. This does not presume to allow a violation of any section or provision of this chapter to exist.
- (d) Livestock may be kept in any zoning district on any property, lot, or tract of land containing a minimum of two acres. This provision prohibits the harboring of such animals in high-density residential areas within the corporate limits of the City of Cibolo. Livestock shall not be allowed to be staked/tied and graze in public rights-of-way. Livestock shall not be allowed to roam, graze, or be housed within 50 feet of any residence on adjacent property or within 200 feet of any food service establishment or food processing establishment, regardless of ownership or occupancy of such establishments. Prior and continued use of property with livestock shall take precedence. There shall be allowed no more than two head of large livestock (horse, mule, cow, or similar animal) for the first two acres and one head per each acre of land after up to ten acres, no limit after ten acres provided adequate care is maintained, and no more than three head of small livestock (hog, sheep, goat, or similar animal) for the first two acres and two head per acre of land after up to ten acres, no limit after ten acres provided adequate care is maintained. Any combination of large and small livestock will follow the guidelines of large livestock. Acreage must be contiguous, owned or leased.

(1) For any large livestock under this subsection (d) that needs to be penned, a minimum of 400 square feet of enclosed space, at least 100 square feet of which is under a roof, must be provided for each head of horse, cattle or similar animal. For any small livestock under this subsection (d) that needs to be penned, a minimum of 200 square feet of enclosed space, at

least forty (40) square feet of which is under a roof, must be provided for each head of hog, sheep, goat or similar animals.

- (e) Fowl may be kept in any zoning district on any property, lot, or tract of land however it shall be the duty of every person raising or keeping chickens, turkeys, geese, guineas, ducks, pigeons, or other fowl, to keep them in a pen, coop or enclosure, that shall be a distance of at least 25 feet from their own residence and at least 50 feet from any residential structure on adjacent property and shall be kept in a clean and 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. There shall be allowed no more than 20 such fowl.
- (f) Other small animals (such as rabbits, guinea pigs, rats, mice, hamsters, or other similar small animals), more than three animals of the same species may be kept in any zoning district on any property, lot, or tract of land, however it shall be the duty of every person raising or keeping rabbits, guinea pigs, rats, mice, hamsters, or other similar small animals, to keep them in a pen, coop or enclosure, that shall be a distance of at least 25 feet from their own residence and at least 50 feet from any residential structure on adjacent property and shall be kept in a clean and 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. Not more than twenty (20) animals. Other small animals of five or less of the same species will not be required to meet the enclosure or enclosure distance requirement of this section.
- (g) Subsections (a), (b), (d), (e) and (f) shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a Licensed Veterinarian, local school districts agricultural facilities, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements, health regulations, and the establishment must keep animals securely caged or penned. The said subsections shall not be construed to prohibit any person engaged in operating any abattoir, packing house or stockyard from keeping livestock for a reasonable length of time while awaiting their use in connection with the operation of such abattoir, packing house or stockyard that had been zoned for such use.

(Ord. No. 830, § 608.032, 1-22-2008)

Sec.10-83. - Fastening Animals with Rope or Chain; Choker Collar.

- (a) No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Restrained animals must be wearing a properly fitted collar or harness made of leather or nylon, not of the choker type, to which a rope, chain, or cord of not less than ten (10) feet in length may be attached while restraining the animal, and must employ a swivel device at the point of attachment to the collar and at the anchor point in order to prevent tangling. This subsection does not prohibit the proper use of choker collars while actively training an animal.
- (b) No person shall chain their dog using a collar exceeding one and one-half (1½) inches wide for any dog weighing less than sixty (60) pounds. Dogs weighing sixty (60) pounds or more shall not be tethered using a collar exceeding two (2) inches in width.
- (c) An animal that is tethered must have access to adequate shelter at all times.

- (d) A person shall not chain or tether a dog with a chain or tether that weighs more than one-eighth (1/8) of the dog's body weight.
- (e) No person shall tether their female dog while the dog is in estrus.
- (f) It shall be a violation of this chapter if an owner or caretaker leaves an animal outside and unattended by use of a restraint that unreasonably limits the animal's movement in the case of extreme weather conditions, including conditions in which the actual or effective outdoor temperature is below thirty-two (32) degrees Fahrenheit; a heat advisory has been issued by a local or state authority or jurisdiction; or a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

Sec.10-84. - Safety of Animals in Motor Vehicles and Enclosed Spaces.

- (a) A person may not transport an animal in a motor vehicle on a public roadway unless:
 - (1) The animal is safely enclosed and restrained within the vehicle; or
 - (2) If the animal is transported in an unenclosed vehicle, including a convertible, pick-up truck, flatbed truck, or motorcycle, the animal shall be confined in a secure and appropriately sized vented container or confined in a manner that prevents the animal from falling or jumping from the vehicle or otherwise being injured.

- (b) A person may not keep an animal in a motor vehicle or other enclosed space in which the animal's health or life is endangered by high temperature, low temperature, or inadequate ventilation.
 - (1) A Peace Officer or Animal Control Officer may, after making a reasonable attempt to locate the animal's owner, remove the animal from a vehicle or other enclosed space using any reasonable means, including breaking a window or lock. If professional services are required to remove the animal, the owner shall be responsible for the cost of such services.
 - (2) A Peace Officer or Animal Control Officer who removes an animal from a vehicle or enclosed space in accordance with this subsection is not liable for any resulting property damage.

Sec. 10-85. - Keeping of Wild Animals.

- (a) No person shall own, possess, or have custody on his premises in the City of Cibolo any dangerous wild animal or wild animal for display, training, or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses, or veterinary hospitals.
- (b) No person shall keep or permit to be kept in the City of Cibolo any dangerous wild animal or wild animal, including a poisonous or otherwise dangerous reptile, or nonhuman primates, as a pet, unless licensed to do so by the Texas Parks and Wildlife Department.

(Ord. No. 830, § 608.033, 1-22-2008)

Sec. 10-86. – Performing and Working Animals.

- (a) No performing and/or working animal or circuses shall be permitted in which the animal(s) are induced or encouraged to perform through the use of chemicals, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. It is not the intent of this chapter to prohibit exhibitions such as rodeos or similar events or the manner in which they are carried out.
- (b) All equipment used on a performing and/or working animal shall fit properly and be in good working condition.

(Ord. No. 830, § 608.034, 1-22-2008)

Sec. 10-87. - Animal waste.

The owner of every animal shall be responsible for the removal of any feces or waste deposited by his/her animal(s) on public walks, recreation areas, or private property including the property of the owner. It shall be a violation of this chapter for any person to allow an animal that is under their control to:

- (1) Defecate on private property not belonging to them;
- (2) Defecate on public property, and not remove the feces deposited in a timely manner;
- (3) Allow the deposit of waste to remain on their property in such quantities that it becomes offensive to others (aromatically or sanitarily). It is not the intent of this section to infringe upon anyone owning livestock or to prohibit anyone from keeping livestock in the limits of the city a certain amount of what may be considered offensive aroma coming from livestock will be tolerated.

(Ord. No. 830, § 608.035, 1-22-2008)

Sec. 10-88. - Storage of Feed.

All feed provided for animals shall be stored and kept in a rat proof, fly tight building, box, container, or receptacle. Livestock stables must carry out a continuous, active rat control program. The storage of bailed hays, grasses, or other similar cultivated crops shall not be required to be kept in a building, box, container, receptacle or covered however must be kept in a way to prevent vermin accumulation.

(Ord. No. 830, § 608.036, 1-22-2008)

Sec. 10-89. - Inspection of Animals and Premises.

Animals and premises whereon animals are kept or maintained shall be subject to inspection to the full extent permitted by law (due process) by a city official at any reasonable hour, or at any hour in cases of emergency.

(Ord. No. 830, § 608.037, 1-22-2008)

Sec. 10-90. - Abatement of Conditions not complying with this Chapter.

Whenever any premises where animals are kept are in an unsanitary condition, or the facilities are not in keeping with the provisions of this chapter or any other regulations herein, or if any health ordinance or law is not observed, the city, by written notice to the person responsible for the condition of the premises or the keeping of the animals or the person owning or in control of such premises, may order the abatement of the conditions that are not in accordance with this chapter, state laws, or other regulations, or conditions that constitute a public nuisance. Failure to comply with such order shall, in addition to any criminal or administrative proceedings, be grounds for and entitle the city to obtain relief by injunction or any other relief available at law or equity.

(Ord. No. 830, § 608.038, 1-22-2008)

Sec. 10-91. – Loan and Use of Live Traps.

- (a) Animal live traps can be loaned out by Cibolo Animal Services or designee for a daily fee, the amount as set in the City of Cibolo Fee Schedule, on file in the office of the city clerk. There will be a required deposit on each trap, the amount as set in the same fee schedule, on file in the office of the city clerk, prior to the loan of each trap, refundable upon the return of the trap. Any person not returning a trap or returning an unserviceable broken trap shall be responsible for the cost of a replacement trap and forfeiture of their deposit (as part of the trap replacement cost). All funds so generated will go to buy more traps or other equipment for the animal control division.
- (b) It shall be unlawful for any person to take, tamper with, or remove any animal from a city owned trap, or damage, or destroy any city owned live animal trap, or remove a trap from the position in which it is placed by an Animal Control Officer or person who has signed for said trap.
- (c) It shall be the responsibility of the person obtaining the trap from the city to set the trap and call (within a reasonable amount of time) the Animal Control Officer or the city municipal office when an animal has been captured. No trap shall be set or allowed to remain set after 12:00 p.m. on a Saturday, or a day before a holiday. No trap shall be set on a Sunday, or a holiday observed by the City of Cibolo on which the City of Cibolo Municipal Offices are not open for regular business so as to prevent trapped animals from suffering during such times. It shall be the responsibility of the person obtaining the trap to obtain this information. At the City's discretion rented traps may be picked up on Saturday and reissued on Monday.
- (d) Any person or business that owns or operates their own humane trap for the purpose of trapping nuisance wildlife shall adhere to the limitations set forth in this section. Wildlife that fall under the Rabies Control Act as High Risk shall not be transported by a private citizen. Trapped High Risk Animals may only be transported and released by an Animal Control Officer after the animal has been evaluated.

(Ord. No. 830, § 608.039, 1-22-2008)

Sec. 10-92. - Unauthorized Release of Impounded Animals.

It shall be a violation of this chapter for anyone to release, set free, turn loose, or liberate any animal from a city vehicle, cage, carrier, kennel, trap, or shelter that has been impounded or in the custody of the animal shelter or an Animal Control Officer.

(Ord. No. 830, § 608.040, 1-22-2008)

Sec. 10-93. - Compliance with Chapter not Relief from Compliance with Other Regulations.

The keeping of any animal in accordance with the provisions of this chapter shall not be construed to authorize the keeping of the same in violation of the zoning ordinance or any other ordinance of the city.

(Ord. No. 830, § 608.041, 1-22-2008)

Sec. 10-94. - Sell, Trade, Lease, Rent or Give Away of Live Animal on any Roadside, Public Right-Of-Way, Commercial or Private Parking Lots or on Premises of Licensed Food Service Establishments Prohibited.

No person shall sell, trade, lease, rent or give away any live animal on any roadside, public right-of-way, commercial or private parking lot, or on the premises of any licensed food service establishments within the City of Cibolo.

(Ord. No. 830, § 608.042, 1-22-2008)

Secs. 10-95—10-120. - Reserved.

ARTICLE V. - DOG AND CAT STERILIZATION

Sec. 10-121. - Terms as Applied to Dog and Cat Sterilization.

The following words, terms, and phrases when used in this article shall have the meanings ascribed to them in this section and the definitions in section 10-1 shall also apply, except where the context clearly indicates a different meaning:

Altered Animal: means, a domestic animal kept as a pet that has been spayed or neutered by a licensed veterinarian.

Current Owner: means, any person who is legally authorized to reclaim an impounded animal.

New Owner: means, a person who is legally competent to enter into a binding contract and who is adopting a dog or cat from a releasing agency.

Releasing Agency: means, a facility operated by a humane society, municipal agency, public or private animal shelter, or an animal shelter contracted by the city.

Sterilization: means, the surgical removal of the reproductive organs of a dog or cat to render the animal unable to reproduce.

Veterinarian: means, a person licensed to practice veterinary medicine by the state board of veterinary medical examiners.

(Ord. No. 830, § 608.051, 1-22-2008)

Sec. 10-122. – Mandatory Sterilization of Animals.

No unclaimed dog or cat shall be released for adoption from the Cibolo Animal Shelter or any other Releasing Agency operating within the City of Cibolo without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within 30 days for adults and by the specified date in the contract for pups and kittens.

(Ord. No. 830, § 608.052, 1-22-2008)

Sec.10-123. - Mandatory Sterilization of Twice Impounded Dogs and Cats.

- (a) The owner of an unaltered dog or cat which has been impounded twice for being at-large shall, within thirty (30) days following the most recent reclamation of the impounded animal, be notified in writing by Animal Services that the animal must be sterilized by a Licensed Veterinarian within thirty (30) days of the date on which such notice is issued, unless an exception applies.
- (b) The Animal Services Supervisor is authorized to exempt an animal's owner from the requirements of subsection (a) if the owner proves to the satisfaction of the City of Cibolo that the animal meets or has met any of the conditions specified in subsection (c) below.
- (c) At the time of the animal's impoundment:
 - (1) The animal was registered with a national registry as a sporting dog, livestock dog, or working dog.
 - (2) The owner was a member of a national breed club, local breed club, local all-breed club, or sporting or hunting club.
 - (3) The animal was at-large at the time of its impoundment due to fire or due to the criminal or negligent act of a third party who was not residing at the owner's residence at the time of the criminal or negligent act.
 - (4) The current owner of the animal was not given documented written notice of mandatory sterilization upon the first reclamation of the same impounded animal.
- (d) Not later than the thirtieth (30th) day after the date on which notice of required sterilization was issued under subsection (a), the owner of a dog or cat required by subsection (a) to be sterilized shall submit to Animal Services documentation that the animal was successfully sterilized. Such documentation shall be submitted on a form provided by Animal Services and signed by the Licensed Veterinarian who performed the procedure; and
- (f) Nothing in this section shall be construed as permitting altered animals to run at-large.

Sec. 10-124. - Requirements for Cibolo Animal Services Adoption.

Except as provided by section 10-133, the Department may not release a dog or cat for adoption unless the animal has been sterilized or the release is made to a new owner who signs an agreement to have the animal sterilized.

(Ord. No. 830, § 608.053, 1-22-2008)

Sec. 10-125. - Sterilization Agreements as well as Adoption Contracts.

- (a) A sterilization agreement used by a Releasing Agency must contain:
- (1) The date of the agreement;
 - (2) The names, addresses, and signatures of the 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 Chapter 608, Animal Control Regulation, and that a violation of this chapter is an offense punishable as a class C misdemeanor.
- (b) The sterilization completion date contained in the sterilization agreement must be:
- (1) No longer than thirty (30) days after the date of adoption in the case of an adult animal;
 - (2) No longer than thirty (30) days after a specified date estimated to be the date an adopted infant female animal becomes six months old or an adopted infant male animal becomes eight months old; or
 - (3) If the releasing agency has a written policy recommending sterilization of certain infant animals at an earlier date, thirty days after that date contained in the written policy.

(Ord. No. 830, § 608.054, 1-22-2008)

Sec. 10-126. - Sterilization Required.

- (a) Except as provided by this section, an owner who signs a Releasing Agency agreement under sections 10-122, 10-123 and 10-124 shall have the adopted or reclaimed 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 first day that is not a Saturday, Sunday, or legal holiday.
- (c) A Releasing Agency may extend the deadline for 30 days on presentation of a written report from a licensed veterinarian stating that the life or health of the adopted or reclaimed animal may be jeopardized by surgery. There is no limit on the number of extensions that may be granted under this section.

(Ord. No. 830, § 608.055, 1-22-2008)

Sec. 10-127. - Confirmation of Sterilization.

Except as provided by sections 10-128 or 10-129, each owner both new/current who signs a sterilization agreement under sections 10-122, 10-123 and 10-124 shall deliver within thirty (30) days to the releasing agency, from which the animal was adopted or reclaimed, a letter signed by the Veterinarian who performed the surgery.

(Ord. No. 830, § 608.056, 1-22-2008)

Sec. 10-128. - Letter Concerning Animal's Death.

- (a) If an animal dies on or before the sterilization completion date agreed to under section 10-122 or 10-123, the new or current 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 day after the date of the animal's death and 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 the letter required by section 10-127.

(Ord. No. 830, § 608.057, 1-22-2008)

Sec. 10-129. - Letter Concerning Lost or Stolen Animal.

- (a) If an adopted or reclaimed animal is lost or stolen before the sterilization completion date agreed to under section 10-122 or 10-123 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 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 the letter required by section 10-127.

(Ord. No. 830, § 608.058, 1-22-2008)

Sec. 10-130. - Notice of Failure to Receive Letter.

A Releasing Agency that does not receive a letter under sections 10-127, 10-128, or 10-129 on or before the expiration of the seventh day after the sterilization completion date agreed to under section 10-122, 10-123 or 10-124 shall cause a complaint to be filed against the new/current owner. It is a presumption under this law that the failure of the new/current owner to deliver to the Releasing Agency a signed letter as required under sections 10-127, 10-128, or 10-129 is the result of the new/current owner's refusal to have the adopted or reclaimed animal sterilized. The new/current owner may rebut this presumption at the time of the hearing with the proof required under the above-mentioned sections.

(Ord. No. 830, § 608.059, 1-22-2008)

Sec. 10-131. - Reclamation.

- (a) A Releasing Agency that does not receive a letter under sections 10-127, 10-128, or 10-129 after the expiration of the seventh day after the sterilization completion date agreed to under section 10-124 may promptly reclaim the animal from the new owner with no reimbursement of monies.
- (b) A person may not prevent, obstruct, or interfere with a reclamation under this section.

(Ord. No. 830, § 608.060, 1-22-2008)

Sec. 10-132. - Violations of this Article.

- (a) A new/current owner that violates this chapter commits an offense.
- (b) Failure to sterilize an adopted animal will result in the animal being returned to the animal shelter and there shall be no monies refunded and additional penalties may be imposed.
- (c) An offense under this section is a class C misdemeanor.

(Ord. No. 830, § 608.061, 1-22-2008)

Sec. 10-133. - Adoption Standards.

- (a) Each Releasing Agency may set its own standards for potential adopters if those standards are applied in a fair and equal manner.
- (b) If the Releasing Agency is a public facility, the standards must be reasonably related to the prevention of cruelty to animals and the responsible management of dogs and cats in the interest of preserving public health and welfare.
- (c) The Cibolo Animal Services Supervisor shall propose in writing all necessary Cibolo Animal Shelter rules, procedures, and guidelines for animal examinations, adoption procedures, and sterilization request, presenting them to Administration for approval and amendment as required.
- (d) The Releasing Agency shall have examinations of adopted animals by a Veterinarian to determine the health status and to insure current inoculations are up to date prior to the release of the animal to the new owner.
 - (1) Animals will be examined by a veterinarian prior to adoption.
 - (2) Animals may receive inoculations or other medical treatment as recommended by a veterinarian prior to adoption.
 - (3) All costs, debts, and/or fees created by this article can be passed on to the adopter and must be paid prior to receiving custody of the animal as an Adoption Fee(s).
- (e) Cibolo Animal Services adoptions are considered final, however should the adoption not work out due to behavioral problems with the animal, the animal can be returned to the animal shelter and there shall be no monies refunded.

(Ord. No. 830, § 608.062, 1-22-2008)

Sec. 10-134. - **Surgery and Other Veterinary Services.**

- (a) Surgery performed in accordance with this chapter must be performed by a Veterinarian or a full-time student of an Accredited College of Veterinary Medicine as provided by the Veterinary Licensing Act.
- (b) A Veterinarian employed by a Releasing Agency may not perform nonemergency veterinary services other than sterilization on an animal that the releasing agency knows or should know has an owner. However, this section does not prevent a Veterinarian employed by a Releasing Agency from performing veterinary services on an animal whose owner is indigent.

(Ord. No. 830, § 608.063, 1-22-2008)

Sec. 10-135. - **Exemptions.**

This article does not apply to:

- (1) A dog or cat that is reclaimed from Cibolo Animal Services by a person who can show sufficient proof of ownership upon its first impoundment;
- (2) A Releasing Agency transferring an animal to another agency;
- (3) A releasing agency located in a municipality that has in effect an ordinance providing standards for dog and cat sterilization that exceed the requirements provided by this chapter;
- (4) An institution of higher education that purchases or otherwise procures a dog or cat for the purpose of biomedical research, testing, or teaching.

(Ord. No. 830, § 608.064, 1-22-2008)

Secs. 10-136—10-160. - Reserved.

ARTICLE VI. - **RABIES CONTROL**

Sec. 10-161. - **Rabies Vaccination.**

- (a) It shall be unlawful for any person to own, keep, harbor, or have custody or control of a dog or cat over ninety (90) days of age within the City of Cibolo unless such dog or cat is currently vaccinated against rabies by the injection of anti-rabies vaccine by or under the direct supervision of a Licensed Veterinarian. The animal must be vaccinated, satisfying the following criteria:
 - (1) The animal must have been at least three months of age at the time of vaccination.
 - (2) At least thirty (30) days have elapsed since the initial vaccination.
 - (3) Not more than twelve (12) months have elapsed since the most recent vaccination, or not more than 36 months have elapsed if proof of a 36-month vaccination can be provided from 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 certificates shall contain at least the following information:
 - (1) Owner's name, address, and telephone number.
 - (2) The species, sex, age, size (lbs.), predominant breed, and color of the vaccinated animal.
 - (3) The vaccine used, producer, expiration date, and serial number.
 - (4) Date vaccinated.
 - (5) Rabies tag number.
 - (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 bearing (stamped or etched) information such as the Veterinarians (hospital) name and telephone number, a number corresponding to the number placed on the certificate, and with lettering showing the type of immunization and the year thereof. This tag shall be attached to the properly fitted collar or harness of the dog or cat for which it is issued, and shall be worn at all times in a conspicuous place on the collar or harness (exemption for governmental police and fire dogs).

(Ord. No. 830, § 608.071, 1-22-2008; Ord. No. 843, § 2, 5-13-2008)

Sec. 10-162. - Confidentiality of Certain Information in Rabies Vaccination Certificate.

- (a) Information that is contained in a Rabies Vaccination Certificate that identifies or tends to identify the owner or an address, telephone number, or other personally identifying information of the owner of the vaccinated animal is confidential and not subject to disclosure to the extent allowed by law.
- (b) The information may be disclosed only to a governmental entity for purposes related to the protection of public health and safety. A governmental entity that receives the information, including a county or municipality that registers dogs and cats must maintain the confidentiality of the information, may not disclose the information to the extent allowed by law and may not use the information for a purpose that does not directly relate to the protection of public health and safety.

(Ord. No. 830, § 608.072, 1-22-2008)

Sec. 10-163. - Pre-Exposure Rabies Immunization.

Pre-exposure rabies immunization shall be administered to all individuals whose activities place them at a significant risk of exposure to rabies (in accordance with the (CDC) Center for Disease Control).

(Ord. No. 830, § 608.073, 1-22-2008)

Sec. 10-164. - Reports of Exposure to Rabies.

- (a) Any Veterinarian who shall find any animal within the city limits afflicted with a disease that is transmissible from animal to man shall immediately report to the city health inspector such case together with the name and address of the owner and the location of the premises where the animal can be found.
- (b) Persons having knowledge of any animal exhibiting symptoms of or exposed to rabies, or that has bitten, scratched or otherwise attacked an individual or another animal, or that the person suspects to be rabid or could reasonably foresee as capable of transmitting rabies, shall report the animal or incident to the Animal Control Officer, LRCA, or the Cibolo Animal Services as soon as possible but not later than 24 hours from the time of the incident. The report shall include the name and address of any victim and the owner of the animal, if known, and any other information relating to the incident or animal.

(Ord. No. 830, § 608.074, 1-22-2008)

Sec. 10-165. - Reporting Human Bites from Animals.

Any person having knowledge of an animal bite/scratch to a human will report the incident to the Local Rabies Control Authority, Police Department, or Cibolo Animal Services as soon as possible, but not later than 24 hours from the time of the incident.

(Ord. No. 830, § 608.075, 1-22-2008)

Sec. 10-166. - Quarantine Procedures for Animals.

- (a) Every animal that has rabies or symptoms thereof, or every animal that a person could reasonably suspect as having rabies, or that bites, scratches, or otherwise attacks another animal or any person within the City of Cibolo shall be impounded at once and held for observation and quarantined at the approved quarantine facilities of the Cibolo Animal Shelter, a city contracted agency, or a licensed veterinarian. The facilities must meet the minimum state quarantine facility standards and will be subject to inspection by the Texas Department of Health.
 - (1) Dogs and cats: Regardless of vaccination status, the dog or cat must be quarantined for ten days or humanely euthanized, without damage to the head which must be submitted to a rabies laboratory for testing. If the animal is to be quarantined, the ten-day observation period begins on the day of the bite.
 - (2) High risk animals: Skunks, bats, foxes, coyotes, and raccoons must be humanely euthanized, and their heads must be submitted for rabies testing.
 - (3) Low risk animals: Opossums, shrews, moles, squirrels gophers, mice, rats, rabbits, and armadillos (marsupialia, insectivora, rodentia, lagomorpha, and zenartha) do not need to be quarantined or tested, unless the LRCA has reason to believe that the biting animal has rabies.
 - (4) Other biting animals: All biting animals that are not categorized as domestic, high risk, or low risk should be humanely euthanized and tested. However, a 30-day quarantine as an alternative to testing is permitted.

- (b) The owner of any dog or cat that is reported to have rabies or symptoms thereof, or to have been exposed to rabies, or to have bitten, scratched, or otherwise attacked any person or other animal 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 LRCA, Animal Control Officer, or Cibolo Animal Services for a quarantine period of ten days 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 rabies control officer and taken by him/her to an approved quarantine facility or the rabies control officer may direct the owner of the suspect animal involved in a biting incident to have it quarantined at their family veterinary hospital (provided it is an authorized rabies quarantine facility) within 24 hours of the incident and submit proof of the quarantined and examination of the animal to the LRCA, Animal Control Officer, or Cibolo Animal Services.
- (c) The Local Health Authority or LRCA may require an animal that has inflicted multiple bite wounds, punctures, or lacerations to the face, head, or neck of a person to be humanely euthanized and the head submitted to a Texas Department of Health certified laboratory for rabies testing.
- (d) Any animal required to be quarantined under this section that cannot be maintained in a secure quarantine shall be humanely euthanized and the head submitted to a Texas Department of Health certified laboratory for rabies testing.
- (e) If the owner of an animal described in subsections (a) or (b) above, cannot be identified or located at the time of an investigation by the rabies control officer, or if the animal was running at large (stray), the rabies control officer shall impound the animal and take it to:
 - (1) Cibolo Animal Shelter, a city contracted agency, or local veterinarian listed on the vaccination tag if such identification tag is worn by the animal. The Veterinarian shall be responsible for contacting the owner of the animal and for quarantining the animal for at least the required impound time for licensed or unlicensed animals. If the owner cannot be found during this time, the animal may be humanely euthanized for rabies diagnosis, or may be held for the remainder of the quarantine period at the expense of the Veterinarian, at which time the animal shall become the property of the Veterinarian.
 - (2) Cibolo Animal Shelter, a city contracted agency, or nearest local veterinarian if the animal has an out of city identification or a vaccination tag from an out of city veterinarian. The local veterinarian and/or the LRCA shall be responsible for contacting the out of city veterinarian or owner of the animal. All other provisions listed in subsection (1) above, shall apply.
 - (3) Cibolo Animal Shelter, a city contracted agency, or nearest local veterinarian if the animal has no identification or vaccination tag. If the animal is documented as wild or injured, or under certain other circumstances, the animal may be quarantined for up to 72 hours at the discretion of the LRCA after consultation with the Veterinarian, at which time the animal may be humanely euthanized for rabies diagnosis. Other animals will be quarantined for 72 hours. If no owner has claimed the animal at the end of the 72-hour period, the animal may be humanely euthanized for rabies diagnosis.
- (f) The owner of an animal quarantined under this section shall pay to the quarantine facility the reasonable costs of the quarantine and/or disposition of the animal, including the charges for

preparation and shipment of the animal's 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 head submitted to a 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 monies owed. Payment may be requested at the start of the quarantine.

- (g) In the event the owner of such animal described in subsections (a) or (b) refuses to surrender such animal on demand, or in the event the owner of such animal described in subsection (f) refuses to pay for the cost of quarantine or rabies testing, such action shall constitute a class C misdemeanor and upon conviction be punishable by a minimum fine as set in Attachment A., Fee and Fine Schedule, on file in the office of the city clerk.
- (h) The following quarantining 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) The quarantined animal must be observed at least twice daily and a note made of the animals' health status, by an Animal Services Supervisor, LRCA or Animal Control Officer if the animal appears ill or dies.
 - (3) At the discretion of the Animal Services Supervisor, LRCA the unowned animal may be humanely euthanized for rabies diagnosis prior to the end of the quarantine period.
 - (4) The Animal Services Supervisor or LRCA 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 this 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 head submitted to a Texas Department of Health certified laboratory for rabies diagnosis, at the owner's expense.
- (i) Home quarantine may be permitted in some cases. The owner of the animal may request permission for home quarantine. The LRCA may authorize home quarantine providing at the time of the bite:
 - (1) The animal was on the owner's property and not at large (stray);
 - (2) The animal is currently vaccinated and the current rabies vaccination tag is secured to the animal (a vaccination certificate signed by a licensed veterinarian is the only acceptable proof of vaccination);
 - (3) The animal owner has a facility that will provide the required security and isolation to house said animal and that facility must meet the minimum state quarantine facility standards;
 - (4) The bite or scratch incident was a provoked attack;

- (5) The LRCA or a licensed veterinarian observes the animal at least on the first and last days of the quarantine; and
- (6) At any time during the duration of the home quarantine, if the animal shows signs of unusual behavior, illness, or dies, the LRCA shall be notified immediately (within 12 hours) by the person having possession of the animal. The animal shall be turned over to the LRCA and ill animals will be taken to a licensed veterinarian for observation and dead animals will have the head submitted to a Texas Department of Health certified laboratory for rabies diagnosis, at the owner's expense. The release from quarantine must be accomplished in writing.
- (j) It shall be unlawful to violate the provisions and conditions of the home quarantine as required by the LRCA. If the owner of the animal fails to abide by all provisions and conditions required by the LRCA when the home quarantine was granted or 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 the Cibolo Animal Shelter, city contracted shelter, or an approved veterinary facility at the owner's expense.
- (k) Exemption from quarantine requirement for police and fire service animals. A police or fire service animal is exempt from the quarantine requirement of this article of the animal bites a person while the animal is under routine veterinary care or while the animal is being used for law enforcement, corrections, prison or jail security, or investigative purposes. If after biting the person the animal exhibits any abnormal behavior, the law enforcement agency, and the animal's handler or rider shall make the animal available within a reasonable time for veterinarian observation.

(Ord. No. 830, § 608.076, 1-22-2008)

Sec. 10-167. - Quarantine Method and Testing.

- (a) Animals quarantined at a veterinary clinic shall be observed by a Licensed Veterinarian at least on the first and last days of the quarantine period. If the Veterinarian determines 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 Veterinarian determines that the animal does not exhibit the clinical signs of the disease of rabies, the LRCA shall obtain a form from the Veterinarian with his/her signature certifying that the animal has been found to be free of the clinical signs of rabies. This form shall be returned to the LRCA at the end of the quarantine period.
- (b) Animals quarantined at the Cibolo Animal Shelter or a city contracted agency shall be observed at least twice daily and a note made of the animals' health status by the Animal Services Supervisor or LRCA, or any person responsible for notifying the Animal Services Supervisor or LRCA if the animal appears ill or dies. If the animal becomes ill it shall be taken to a Licensed Veterinarian for observation. If the Veterinarian determines 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 Veterinarian determines that the animal does not exhibit the clinical signs of the disease of rabies, the animal will remain at the animal hospital for the remainder of the quarantine period. The LRCA shall obtain a form from the Veterinarian with

his/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. If the animal dies the head shall be submitted to a Texas Department of Health certified laboratory for rabies diagnosis, at the owner's expense. At the end of the quarantine period the LRCA shall notify the bite victim (or bite victims guardian) of the results and the disposition of the animal.

- (c) No animal shall be released from quarantine unless:
 - (1) The owner has an unexpired rabies vaccination certificate and current city license for the animal (if the licensing requirement is applicable); or
 - (2) The animal is vaccinated against rabies by a Licensed Veterinarian at the owner's expense (transportation of the animal to the vet shall be done by the LRCA, Animal Control Officer, or shelter personnel) and a city registration (if required) is obtained at the owner's expense.
- (d) 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 head is not damaged (except as outlined in subsection 10-166(a)). The head shall be submitted to a Texas Department of Health certified laboratory for rabies diagnosis.
- (e) The owner of the animal to be quarantined may request permission from LRCA for a home quarantine provided 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.
 - (2) The animal is currently vaccinated against rabies and possess a current city registration.
 - (3) The animal was not in violation of any laws or ordinances of the City of Cibolo at the time of the incident.
 - (4) The bite was a provoked attack.
 - (5) The victim or victim's parent or legal guardian must approve the granting of a home quarantine if all other requirements have been met. The approval must be in writing on a form provided by the Animal Control Officer.
 - (6) A Licensed Veterinarian must observe the animal at least on the first and last days of the quarantine period. For the first observation, the animal will be transported by the Animal Control Officer to the local Veterinarian and then returned to the location of the home quarantine by the Animal Control Officer after the observation. At the end of the observation period the owner shall transport the animal via the most direct route possible to the local Veterinarian who made the initial observation for the final observation. Both observations by the Veterinarian may be conducted at the location of the home quarantine if requested by the owner or required by the Animal Control Officer at the owner's expense.
 - (7) At any time during the duration of the home quarantine, if the animal shows signs of unusual behavior, illness or dies the city shall be notified immediately (within 12 hours) by the person having possession of the animal. The animal shall be turned over to the Animal Control Officer and ill animals shall be taken to a Licensed Veterinarian for

observation and dead animals shall have their heads submitted to a Texas Department of Health certification laboratory for rabies diagnosis, at the owner's expense.

- (8) The owner shall be responsible for paying all rabies observation fees to the veterinarian or certified facilities of the State of Texas.
- (9) 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 home quarantine was granted and the animal is found in violation of such conditions, then the animal shall be immediately impounded and quarantined for the remainder of the observation period at an approved facility at the owner's expense.

(Ord. No. 830, § 608.077, 1-22-2008)

Sec. 10-168. - Disposition of Domestic Animals Exposed to Rabies.

- (a) Unvaccinated animals that have been bitten or been 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 three months, and given a booster vaccination for one month prior to release from isolation.
- (b) Vaccinated animals that have been bitten or otherwise significantly been exposed to a rabid animal shall be humanely euthanized or, if sufficient justification for preserving the animal exists, the exposed vaccinated animal shall be given a booster rabies vaccination and placed in strict isolation for one month.
- (c) These provisions apply only to domestic animals for which an approved rabies vaccine is available.
- (d) These provisions will be in accordance with current state Law.

(Ord. No. 830, § 608.078, 1-22-2008)

Sec. 10-169. - Rabies Control Flow Chart.

The rabies control flow chart is a recommended guideline. See Attachment C., Rabies Control Flow Chart, on file in the office of the city clerk.

(Ord. No. 830, § 608.079, 1-22-2008)

Secs. 10-170—10-195. - Reserved.

[All remaining sections of Chapter 10 shall remain unchanged.]

SECTION 2. PUBLIC PURPOSE. The City Council finds that the amendments to the City Code are in the public interest and are necessary to promote the health, safety and welfare of the public.

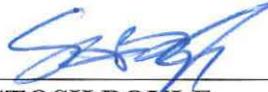
SECTION 3. INCORPORATING RECITALS. The City Council approves the recitals hereto and incorporates them herein as findings of fact.

SECTION 4. REPEALING ORDINANCES IN CONFLICT AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

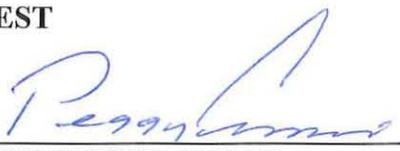
SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 6. EFFECTIVE DATE. The Ordinance shall be effective immediately following publication as required by law.

ORDERED this 22 day of June 2021.

By: 
STOSH BOYLE
Mayor

ATTEST


PEGGY CIMICS, TRMC
City Secretary

