

ARTICLE 2.01 GENERAL PROVISIONS*

Sec. 2.01.001 Nuisances

(a) It shall be a violation of this chapter, and declared to be a nuisance, for any owner to harbor any pet animal which, by any sound or cry or other activity, shall disturb the peace, comfort or property of the inhabitants of the neighborhood.

(b) It shall be a violation of this chapter, and declared to be a nuisance, for any owner to fail to confine during estrus any unsprayed female pet animal. Such confinement is to be during such period of estrus in a secure enclosure or structure so arranged as that no other pet animal may gain access to the confined animal. Owners who do not comply with this subsection shall be ordered to remove the animal in estrus to a boarding kennel or veterinary hospital. All expenses incurred as a result of the confinement shall be paid by the owner. Failure to comply with a removal order shall be a violation of this subsection and the animal removed to be impounded at the owner's expense.

Sec. 2.01.002 Positive control of pet animals required

(a) Pet animals shall be prohibited from running at large. No owner of a pet animal shall fail to keep said animal under restraint. All pet animals shall be kept in the confines of the owner's premises, either by fence, leash, chain or similar device. It shall be unlawful for any owner to permit pet animals to run or be at large upon any public street, public grounds or property or any private property. This shall not be construed as to prohibit any owner from exercising his/her pet animal off the owner's premises, provided that at such times the owner shall keep such animal under positive control by the use of a leash, chain or similar device.

(b) It is understood that, due to the nature of domestic cats, this section is to be applied with due care.

(Ordinance 93-12-3 adopted 12/9/93)

Section 2.01.003 Number of dogs and cats limited

(a) No resident of the city shall have more than five (5) dogs or five (5) cats or combination thereof on his/her premises.

(b) Exceptions to subsection (a) include new litters, kennels, breeders and grooming establishments.

(c) Kennels and Breeders must register with the city.

• State law references-Authority of governing body to regulate animals, V.T.C.A., Local Government Code, sec. 215.025 et seq.; health and safety of animals, V.T.C.A., Health and Safety Code, ch. 821 et seq.

ARTICLE 2.02 RABIES CONTROC

Sec. 2.02.001 Vaccination of dogs and cats

(a) The owner or custodian (excluding animal shelters) of each domestic dog or cat shall have the animal vaccinated against rabies by four months of age. The animal must receive a booster within the 12-month interval following the initial vaccination. Every domestic dog or cat must be revaccinated against rabies at a minimum of at least once every three years with a rabies vaccine licensed by the United States Department of Agriculture. The vaccine must be administered according to label recommendations. Nothing in this section prohibits a veterinarian and owner or custodian from selecting a more frequent rabies vaccination interval. (Ordinance adopting Code)

(b) Every owner of a dog or cat shall, upon request, provide a certificate of vaccination issued by a licensed veterinarian.

(c) The owner of a dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate and bearing the year of issuance. Such tag shall be worn by the dog or cat at all times.

(d) It shall be a violation of this section for any person to harbor any dog or cat which has not been vaccinated against rabies.

(e) It shall be a violation of this chapter to fail to comply with any subsection or rule of this section concerning vaccination.

(Ordinance 93-12-3 adopted 12/9/93)

Sec. 2.02.002 Quarantinet

Procedures for the quarantine of animals shall be as provided in V.T.C.A., Health and Safety Code sec. 826.041 et seq., which is adopted by reference in this section.

ARTICLE 2.03 VICIOUS OR DANGEROUS ANIMALS**

Division 1.
Generally

Sec. 2.03.001 Guard dogs

(a) No section or subsection of this chapter is intended to prohibit the ownership of guard dogs.

• State law references-Authority of municipalities to establish rabies control programs, V.T.C.A., Health and Safety Code, sec. 826.015; appointment of rabies control authority by municipality, V.T.CA, Health and Safety Code, sec. 826.017; rabies vaccinations, V.T.C.A., Health and Safety Code, sec. 826.051 et seq. t State law references-Rabies reports and quarantine, V.T.C.A., Health and Safety Code, sec. 826.041 et seq.; quarantine and impoundment facilities, generally, V.T.C.A., Health and Safety Code, sec. 826.051 et seq.

.. State law references-Authority of city to regulate the keeping of dangerous dogs, V.T.C.A., Health and Safety Code, sec. 822.041 et seq.; dogs that are a danger to persons, V.T.C.A., Health and Safety Code, sec. 822.001 et seq.

(b) It shall be a violation of this chapter to maintain any dog, which has been specifically trained to attack or protect, in any area for the protection of persons or property unless the dog is physically confined to a specific area, or is under complete and absolute control.

Sees. 2.03.002-2.03.030 Reserved

Division 2. Vicious Pet
Animals

Sec. 2.03.031 Impoundment

The harboring of vicious pet animals is prohibited. Such an animal shall be impounded as a public nuisance. If impoundment of said animal cannot be made with safety to the animal control officer or other person charged with impounding said animal, the animal may be destroyed without notice to the owner or harborer. Said vicious animal is determined to be so, if that animal commits an unprovoked attack upon a person on public or private property or in a public place.

Sec. 2.03.032 Penalty for dog biting or attacking person

Whenever affidavit shall be made before the judge of the municipal court that a dog has bitten or attempted to bite, or attacked any person in a vicious manner in the city, and it shall appear that the person so bitten or attempted to be bitten or attacked or attempted to be attacked, in a vicious manner, was not at the time trespassing upon the property of the owner and not otherwise at fault, such as provoking or teasing, then the judge of the municipal court shall, upon proof thereof, fine the owner of said dog in any amount not exceeding the general penalty in section 1.01.009 of this code for each and every offense. Furthermore, the judge of the court may direct the owner of said dog to present the dog to a veterinarian or other public health authority for rabies observation. Further, a history of such activity by the dog shall allow the judge of the court to order destroyed any such animal in the interest of public safety.

Sec. 2.03.033 Duty to report bites

Any person having knowledge that a dog or cat has bitten a human shall immediately report the incident to the police department. Failure to report is a violation of this chapter.

(Ordinance 93-12-3 adopted 12/9/93)

Sees. 2.03.034-2.03.060 Reserved

Division 3. Dangerous
Dogs

Sec. 2.03.061 State law adopted

Dangerous dogs, as defined in V.T.C.A., Health and Safety Code, section 822.041, shall be regulated in accordance with the provisions of V.T.C.A., Health and Safety Code, chapter 822, subchapter D. (Ordinance adopting Code)

ARTICLE 2.04 IMPOUNDMENT"

Sec. 2.04.001 Authorized

Animals owned or harbored in violation of this chapter or any other ordinance or law of the state shall be taken into custody by an animal control officer or other designated official and impounded. Stray animals shall be similarly impounded.

Sec. 2.04.002 Removal of animals from impoundment

It shall be a violation of this chapter for any person to remove any impounded animal from the animal shelter without the consent of the animal control officer or designated official or agency.

Sec. 2.04.003 Disposition of impounded unvaccinated dogs and cats

The owner of a dog or cat that has not been properly vaccinated for rabies may reclaim the animal within three (3) days of pickup by paying a fee of ten dollars (\$10.00) and a fee of five dollars (\$5.00) per day for feed and housing per day or part of day thereof, to the city, and in addition must provide to the city proof of vaccination within ten (10) days of release. Any animal impounded under this provision for over three (3) days may be destroyed by the city. Stray animals shall be treated similarly, except that any resident of the city may claim the stray.

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Section 2.04.004 Disposition of impounded vaccinated dogs and cats

Rabies vaccinated dogs and cats impounded shall be held for a period of not less than three (3) days, unless reclaimed by the owner as provided herein. The animal control officer will attempt to notify the animal's owner of such impoundment as per information on the metal tag attached to its collar or harness. The owner may reclaim the animal upon payment of a pickup fee of twenty-five dollars (\$25.00) and a fee of ten dollars (\$10.00) per day for food and housing per day or part of day thereafter, paid to the city. Any animal impounded four (4) days or more may be destroyed.

ARTICLE 2.05 LIVESTOCK, SWINE OR FOWLt

Sec. 2.05.001 Keeping hogs or pigs generally

It shall be unlawful for any person who is the owner of any hog or pig of any kind, or any person who has any hog or pig under their management or control, to keep the same or allow the same to remain in any pen or in any other place within the city limits. This does not include Vietnamese potbellied pigs, of which one per residence is permitted.

- State law references-Animals at large, V.T.C.A., Local Government Code, sec. 215.026; authority of city to regulate the capture and impoundment of animals, V.T.C.A., Local Government Code, sec. 215.026(c).
- t State law reference-Authority of municipality to prohibit or otherwise regulate the keeping of livestock and swine, V.T.C.A., Local Government Code, sec. 215.026(b).

Section 2.05.002 Keeping livestock or farm animals generally

No person shall keep upon any tract of land or any lot within the city limits any livestock or farm animals of any kind, including but not limited to horses, sheep or goats of any kind, unless the tract of land or lot has a minimum of 6,500 square feet of surface. Up to one (1) head of livestock may be kept for each 6,500 square feet of surface on the tract of land or lot excluding any dwelling or any part thereof. No fractional measurements of land will be allowed, nor shall the livestock be allowed to roam, graze, or be kept within 500 feet of any food service establishment or food processing establishment, regardless of ownership or occupancy of such establishments. All persons keeping the livestock upon any tract of land or lot within the city limits will be held responsible for the cleanliness and upkeep of the land or lot so as not to allow it to become a public nuisance by the odor that may be created by the keeping of the livestock.

Sec. 2.05.003 Keeping domestic fowl

No person shall keep upon any tract of land or lot within the city limits any domestic fowl, such as but not limited to chickens, turkeys, guinea fowl, geese and/or ducks, unless the fowl are securely penned or tethered on the property of the owner and not allowed to roam free. Any fowl of any kind found to be roaming free by the animal control officer within the city limits will be considered to be unowned and may be taken up or disposed of as may be deemed necessary to prevent the fowl from becoming a public nuisance. All owners or keepers of the fowl within the city limits will be held responsible for the cleanliness and upkeep of the tract of land or lot upon which the fowl are being kept so as not to allow it to become a public nuisance by the odor that may be created by the keeping of the fowl.

Sec. 2.05.004 Exemptions

(a) Sections 2.05.001 and 2.05.002 above shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments located on property zoned for such purposes. Such establishments, however, must meet sanitation requirements and keep animals securely caged or penned.

(b) Sections 2.05.001, 2.05.002 and 2.05.003 above shall not apply to those students participating in 4-H or FF A who engage in the raising of livestock or fowl for the purpose of showing them in a livestock show.

(1) These persons shall be required, however, to register the keeping of such animals or fowl with the animal control department.

(2) There will be no fee for registering of livestock or fowl for the purpose of showing in a livestock show. Registration shall list the name and address of the student, the exact address and location where the animals or fowl are being kept, and period of time the animals or fowl will be kept at that location.

(c) For any animal now being kept or harbored lawfully within the city as per the date of adoption of this article or at any location outside the city which may be annexed after the date, the distance and number requirements of sections 2.05.001, 2.05.002 and 2.05.003 above shall not apply for a period of six months' from the date after the passage of this article or the date of annexation, respectively.

Sec. 2.05.005 Keeping swine

It shall be unlawful for any person, firm, corporation or entity to keep any swine within the city limits, with the exception that hogs may be kept on the Moulton public school grounds as are necessary for agricultural and educational purposes, and with the further exception that those children participating in 4-H and FF A programs may be permitted to raise two (2) hogs each within the city limits.

(Ordinance adopting Code)

ARTICLE 2.06 ENFORCEMENT

Section 2.06.001 Chief of police or his designee is designated as animal control officer

(a) The chief of police or his designee is hereby designated as the city's animal control officer and as local health authority for the purpose of V.T.C.A., Health and Safety Code, ch. 826.

(b) Upon notification of a possible violation of this chapter, the animal control officer shall investigate the possible violation, and if upon investigation a violation is determined to exist, shall cause the violation to be remedied or shall issue a notice to appear before the municipal court of the city.

Sec. 2.06.002 Interference with enforcement of animal control officer, local health authority, or other designated official

It shall be a violation of this chapter for any person to interfere with, molest, hinder, or prevent the officers charged with any duties of this chapter, from carrying out said duties.

Sec. 2.06.003 Violation of chapter

Any person so deemed guilty of violating any section, subsection or rule contained herein shall be fined at the determination of the judge of the municipal court in accordance with the general penalty provision found in section 1.01.009 for each and every violation, and each day of violation is hereby declared to be a separate offense, unless the fine for violation of a specific section, subsection or rule so violated contains separate provisions for penalty.

(Ordinance 93-12-3 adopted 12/9/93)