

CITY OF ZAVALLA

ORDINANCE #50

ANIMAL CONTROL

WHEREAS, it is the desire of the City of Zavalla, Texas to establish some means of animal control for the City.

WHEREAS, the City Council of Zavalla felt this ordinance is in the best interest of the health and welfare of the citizens of Zavalla.

THEREFORE, the City Council will adopt Ordinance #50 based on the ARTICLES that follow.

ANIMALS

- Art. I. In General
- Art. II. Rabies Control
- Art. III. Impoundment, Redemption and Disposition.
- Art. IV. Livestock and Fowl.
- Art. V. Keeping of Prohibited Animals
- Art. VI. Ownership of Dangerous or Potentially Dangerous Dogs.

ARTICLE I. IN GENERAL

Section 50-1. Definitions

For the purposes of this chapter, the following terms shall have the meanings ascribed to them:

Animal control officer shall mean the person designated by the City Council of Zavalla to represent and act for the City in the impoundment of animals, controlling of animals at large and as otherwise provided and required in this chapter.

At large shall mean off the premises of the owner and not under the control of the owner or other persons authorized by the owner to care for the animal by leash, cord, chain or otherwise.

Cat shall mean a domestic feline of either sex, including one spayed or neutered.

Dog shall mean a domestic canine of either sex, including one spayed or neutered.

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

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species.

Domestic fowl shall mean any bird species domesticated by man so as to live and breed in a tame condition.

Harboring shall mean the act of keeping and caring for an animal or of providing a premises to which the animal returns for a period of three (3) days.

Inhumane treatment shall mean any treatment to any animal which deprives the animal of necessary sustenance, including food, water, and protection from weather, or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating or teasing, or other abnormal treatment as may be determined by the animal control officer.

Owner shall mean any person owning, possessing, harboring, keeping or sheltering any animal, or allowing an animal to remain about his premises for a period of three (3) days.

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

Restraint. An animal shall be deemed to be under restraint if tied in such a way that it cannot get off the premises of its owner, or within a totally enclosed fence constructed in such a way to prevent the animal from leaving or getting off the premises of its owner, or if accompanied by a responsible person and under that person's control with the use of a leash or similar type restraint.

Stray animal shall mean an animal that wanders upon a public street, alley, or property of another.

Vaccination shall mean an injection of United States Department of Agriculture approved rabies vaccine administered by a licensed veterinarian.

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

ART. I, SECTION 50-2 PENALTY

The first conviction of any violation of this chapter shall be punishable by a minimum fine of incurred charges.
second conviction of any violation shall be punishable by a minimum fine of incurred charges plus \$50.00.

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third conviction of any violation shall be punishable by a minimum fine of incurred charges plus \$100.00. and a fourth or any other convictions shall be punishable by a maximum fine of incurred charges plus \$200.00.

ARTICLE I, SECTION 50-3 Interference with animal control officer.

It shall be unlawful for any person to interfere with, molest, hinder or prevent the animal control officer or his authorized representatives in the discharge of their duties herein prescribed, or to violate any of the provisions of this chapter.

ARTICLE I, SECTION 50-4. ANIMAL OR FOWL CREATING NUISANCE.

It shall be unlawful for any person owning, possessing or exercising dominion over any animal or fowl to fail to prevent such animal or fowl from creating a nuisance to persons or other animals in the city.

ARTICLE I, SECTION 50-5. OFFENSIVE ANIMALS, HEALTH HAZARD .

It shall be unlawful for any person, including the owner, to keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal which by reason of noise, odor, or sanitary conditions becomes offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitutes or becomes a health hazard as determined by the animal control officer.

ARTICLE I, SECTION 50-6. RUNNING AT LARGE & CAUSING DAMAGE

It shall be unlawful for any person owning, possessing, or exercising dominion over any animal to fail to prevent such animal or fowl from running at large and causing damage to persons, property, or any other animals, within the corporate limits of the City of Zavalla.

ARTICLE I, SECTION 50-7. DOGS AT LARGE PROHIBITED.

All dogs shall be kept under restraint.

ARTICLE I, SECTION 50-8. HARBORING DANGEROUS, VICIOUS ANIMALS.

It shall be unlawful for any person, including the owner, to keep or harbor any dangerous or vicious animal within the corporate limits of the City of Zavalla. Such an animal shall be impounded as a public nuisance. If impoundment of said animal running at large cannot be made with safety to the animal warden or other persons, the animal may be

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destroyed without notice to the owner or harborer.

ARTICLE 1, SECTION 50-9. CONFINEMENT OF STRAY ANIMALS BY INDIVIDUALS.

If any animals named in this chapter are found upon the premises of anyone, the owner or occupant of such premises shall have the right to confine such animal until he can notify the animal control officer to come and impound such animal; provided, that the same is done in a reasonable time when so notified, it shall be the duty of such officers to at once cause such animal to be so impounded.

ARTICLE 1, SECTION 50-10. INJURED ANIMALS

Animals injured on public property may be impounded and given adequate veterinary medical treatment pending notification of the owner. If the injured animal is treated and/or impounded, the owner of such animal shall be liable for all expenses of the treatment and/or the impoundment.

ARTICLE 1, SECTION 50-11. INHUMANE TREATMENT

It shall be unlawful for any person to perform or carry out any inhumane treatment against any animal.

ARTICLE 1, SECTION 50-12, CONFINEMENT OF FEMALE DOGS DURING ESTRUS.

Any unspayed female dog in the state of estrus (heat), shall be confined during such period of time in a house, building, or secure enclosure and said area of enclosure shall be so constructed that no other dog may gain access to the confined animal. Owners who do not comply shall be ordered to remove the animal in heat to a boarding kennel veterinary hospital or animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. Failure to comply with the removal order of the animal warden shall be in violation of this chapter and the dog will be impounded as prescribed in this chapter.

ARTICLE II RABIES CONTROL

ARTICLE II, SEC. 50-1. VACCINATION OF DOGS & CATS-REQUIRED

Every owner of a dog or cat four (4) months of age or older shall have such animal vaccinated against rabies. Annual revaccination shall be required thereafter. Any person moving into the City of Zavalla from a location outside the city shall comply with this section within ten (10) days after having moved into this city.

ART. II, SEC. 50-2. SAME-CERTIFICATE

Upon vaccination the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. Such certificate shall contain the following information.

- (1) Owner's name, address, and telephone number.
- (2) Animal identification, species, age, sex, size (in pounds), predominant breed and colors.
- (3) Vaccine used, producer, expiration date and serial number.
- (4) Date vaccinated.
- (5) Rabies tag number.
- (6) Veterinarian's signature and license number.

ART. II, SEC. 50-3, SAME-TAG; DUPLICATE

- (a) Concurrent with the issuance and delivery of the certificate of vaccination referred to in Art. II, SEC. 50-2 the owner of the 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 number and bearing the year of issuance and the name of the issuing veterinarian and his phone number.
- (b) In the event of loss or destruction of the original tag provided in subsection (a), the owner of the dog or cat shall obtain a duplicate tag.

ART. II, SEC. 50-4, SAME-PROOF.

It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy

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of the certificate of vaccination upon demand to any person charged with the enforcement of this chapter.

ART. II, SEC. 50-5, HARBORING UNVACCINATED ANIMALS

It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.

ART. II, SEC. 50-6 . ANIMALS EXPOSED TO RABIES .

Any person having knowledge of the existence of any animal known to have been or suspected of being exposed to rabies must immediately report such knowledge to the local health authority giving him any information which he may require. For any animal known to have been or suspected of being exposed to rabies the following rules must apply;

- (1) Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues should be:
 - a. Humanely killed; or
 - b. If sufficient justification for preserving the animal exists, the exposed animal should be immediately vaccinated against rabies, placed in strict isolation for six (6) months and given a booster vaccination one month prior to release from isolation.
- (2) Vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal should be:
 - a. Humanely killed; or
 - b. If sufficient justification for preserving the animal exists, the exposed vaccinated animal should be given a booster rabies vaccination and placed in strict isolation for three (3) months.

ART. II, SEC. 50-7 BITES TO HUMANS TO BE REPORTED; EXCEPTIONS.

- (A) Any person having knowledge that an animal has bitten a human shall immediately report the incident to the local health authority. Every physician or other medical practitioner who treats a person or persons for such bites shall, within twelve (12) hours, report such treatment to the local health authority or his agent, giving name, age, sex and precise location of the bitten person or persons and such other information as the local health authority may require.
- (B) Human bites from rodents, rabbits, birds and reptiles are excluded from the reporting requirements.

ART. II, SEC. 50-8 SUSPECTED RABIES

Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat or other domestic or wild animal shall immediately report the incident to the local health authority or his agent, stating precisely where such animal may be found. If a known or suspected rabid animal bites or attacks a domestic animal, such incident shall be reported as required above.

ART. II, SEC. 50-9 CONFINEMENT OF DOGS & CATS WHICH HAVE BITTEN HUMANS.

- (A) Any dog or cat which has bitten a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation shall be designated by the local health authority. If the dog or cat is not allowed an at-home quarantine, confinement shall be by impoundment at the Humane Society of Angelina County, at the Lufkin Animal Shelter, or at any veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. Stray cats or dogs whose owners cannot be located shall be confined in the Humane Society, animal shelter or a veterinary hospital. The owner of any dog or cat that has been reported to have inflicted a bite on any person shall, upon demand, produce said dog or cat for impoundment, as prescribed in this section. Refusal to produce said dog or cat constitutes a violation of this section, and each day of such refusal shall constitute a separate individual violation. At no time shall the dog or cat be allowed an at-home quarantine if it is in violation of any provision of this chapter.
- (B) It shall be unlawful for any person to remove from any place of confinement any dog or cat which has been confined as authorized, without the consent of the local health authority.

ART. II, SEC. 50-10 PROCEDURES FOR OTHER ANIMAL BITES

Procedures concerning bites from other animals shall be discussed with the local health authority, animal control officer or the Texas Department of Health for proper disposition. Any wild animal which has bitten a person should be caught and killed and the brain immediately submitted to a qualified laboratory for rabies examination. An exception to this rule may be allowed for large, exotic, or valuable zoo species, which, by reason of their close confinement, would be unlikely rabies vectors. Rodents, rabbits, birds and reptiles are not considered to be transmitters of the rabies virus and should not be submitted for laboratory examination for rabies.

ART. II, SEC. 50-11 REPORTING AGENT FOR RABIES CONTROL ACT

In accordance with the Rabies Control Act of 1981, Art. 4477-6a VTCA, the local health authority for the city animal department or an animal control officer for the city shall be the reporting agent for the purpose of this law, whose duties (shall) consist of the following:

- (1) Receiving all reports of animal bites and scratches to humans.
- (2) Receiving all reports of suspected rabid animals.
- (3) Investigating all reported animals and (bites and) scratches and suspected rabid animals.
- (4) Ordering quarantine, if appropriate, of any animal which has exposed an individual or which may be rabid.
- (5) Other duties as entailed by the text of this law.

ARTICLE III. IMPOUNDMENT, REDEMPTION & DISPOSITION

ART. III, SEC. 50-1

(A) Any dog found within the City of Zavalla in violation of any of the provisions of this chapter shall immediately be impounded and kept for a period of seventy-two (72) hours, unless the dog is wearing a valid rabies vaccination tag, in which case the dog shall be kept for a period of one hundred twenty (120) hours, and then disposed of; provided, however, that the owner of any dog impounded under the terms of this section shall be allowed to take such dog from the place where impounded upon the following conditions:

- (1) Payment of an impounding fee of the sum of three dollars and fifty cents (3.50) for each day or fractional part thereof which the dog has been impounded.
- (2) Payment of a pickup fee of the sum of incurred cost on dogs picked up by the Zavalla Animal Control.
- (3) Payment of any veterinarian charges.
- (4) If the dog is not wearing a collar with valid rabies and license tags attached, then the owner

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thereof must present a certificate showing that the dog has been vaccinated within twelve (12) months from that day, or have the dog vaccinated prior to its release from impoundment, and must further produce or secure a valid license tag for such dog.

- (5) Provide the dog with a collar or harness to which the license and rabies tags are attached.
- (B) Any animal taken into custody by the animal control officer that are visibly affected with any sign of communicable disease other than rabies, which are being held at the impounding facility, may instead of being impounded, be humanely destroyed, provided the animal has not inflicted any human or other animal bite during the preceding ten (10) days; if so, the head is to be removed and submitted to the laboratory for rabies examination.
- (C) The animal control officer shall, upon impoundment, attempt to call the owner and mail notice to the owner of any impounded animal which is wearing a collar with a valid city registration tag attached thereto.

ART. III, SEC. 50-2 ANIMALS OTHER THAN DOGS

(A) Any animal found within the City of Zavalla in violation of any of the provisions of this chapter shall immediately be impounded and kept for ten (10) days, unless earlier claimed by the owner, and then disposed of; provided, however, that the owner of any animal impounded under the terms of this section shall be allowed to take such animal from the place where impounded upon the following conditions:

- (1) Payment of an impounding fee of the sum of three dollars and fifty cents (3.50) per day for fractional part thereof which the dog has been impounded.
 - (2) Payment of a pickup fee on all animals except dogs and cats of incurred costs.
 - (3) Payment of any veterinary charges.
- (B) Any animal taken into custody by the animal control officer that are visibly affected with any sign of communicable disease other than rabies, which are being held at the impounding facility, may instead of being impounded, be humanely destroyed, provided the animal has not inflicted any human or other animal bite during the preceding ten (10) days; if so, the head is to be removed and submitted to the laboratory for rabies examination.

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If a complaint has been filed in municipal court in the City of Zavalla against the owner of an impounded animal for violation of this chapter, the animal shall not be released except on the order of the court, which may also direct the owner to pay any penalties for violation of this chapter in addition to all impoundment fees. The court may, upon making a finding that such animal is vicious or that it represents a clear and present danger or nuisance to the citizens or other animals in the community, order said animal to be euthanized in a humane manner. Surrender of an animal by the owner thereof to the animal control officer does not relieve or render the owner immune from the decision of the court, not to the fees and fines which may result from a violation of this chapter.

ART. III, SEC. 50-4 DISEASED ANIMALS.

Any animal taken into custody by the animal control officer, except those animals which inflicted human bites during the preceding ten (10) days, that are visibly affected with a sign of communicable disease other than rabies, which are being held at the impounding facility, may instead of being impounded, be humanely destroyed, provided:

- (1) That any animal which has inflicted any human bites during the preceding ten (10) days have its head removed by the animal control officer and submitted to the laboratory for rabies examination.
- (2) Any animal exhibiting symptoms of rabies must be handled in a manner prescribed by the local health authority.

ARTICLE IV : LIVESTOCK AND FOWL.

ART. IV, SEC. 50-1 RUNNING AT LARGE

It shall be unlawful for any owner, keeper, or person having in his possession any horse, mule, jack, cow, cattle, sheep, goat, to permit such animal to run at large with the boundaries of the City of Zavalla.

ARTICLE V. KEEPING OF PROHIBITED ANIMALS

ART. V, SEC. 50-1 PERMIT REQUIRED

Any person or entity owning, keeping or harboring a prohibited animal shall obtain a permit from the City.

ART. V, SEC. 50-2 PROHIBITED ANIMALS DEFINED

A prohibited animal:

- (1) Means an animal, other than a common domestic species and regardless of state or duration of captivity, that poses a potential physical or disease threat to the public or that is protected by international, federal, or state regulations, including but not limited to the following:
 - a. CLASS REPTILA: Family Helodermatidea (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); Family Ekaoudae (coral snakes, cobras, mambas, and other elapids); the following listed species of Family Colubridae- Dispholldus typus(Boomsnang), Hyrodynastes gigas (water cobra), Bolga (mangrove snake) and Thelotocals (African twig snake) only; Order Phidal, Family Boldae (racers, boas, water snakes and pythons); and Order Crocodilla (crocodiles, alligators, Calmans and gavials);
 - b. CLASS AVES; Order Falconforms (such as hawks, eagles and vultures); Subdivision Ratitae (such as ostriches, rheas, cassowaries, and emus); and Order Strigiforms (such as owls).
- (2) Class Mammalia: Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), except commonly accepted domesticated cats. Family Canidae (such as wolves, or wolf hybrid, dingos, coyotes, and jackals), except domesticated dogs; Family Mustelidae (such as weasels, skunks, ferrets, martins, mink and badgers); Family Procyonidae (raccoon); Family Ursiadae (such as bears); Order Marsupialia (such as kangaroos and common opossums); Order Edentata (such as sloths, anteaters, and armadillos); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees, and gorillas); Order Rodentia (such as porcupines); and Order Ungulata (such as antelope, deer, bison, and camels).
- (3) Animals not listed: The director may declare any species of animal not listed in this subsection as "prohibited" if the confinement of the animal within the city limits can be shown to constitute a threat to the public health and safety.
- (4) Animals not included; This article does not include:
 - a. A bird kept in a cage or aviary that is not regulated by international, federal or state law;
or
 - b. A gerbil, hamster, guinea pig or laboratory mouse or rat.

ART.V, SEC.50-3 PROHIBITED ANIMALS; PROHIBITED ANIMAL PERMIT

- (A) A person commits an offense if he owns, possesses, exhibits or harbors a prohibited animal with the city.
- (B) It is a defense to prosecution under subsection (a) that the owner or possessor:
 - 1. Holds a valid prohibited animal permit issued under this section; or
 - 2. Is a governmental entity.
- (C) A permit for the possession of a prohibited animal may be issued only to:
 - (1) A research institution.
 - (2) An individual researcher;
 - (3) A member of a nonprofit wildlife society involved in education and research.
 - (4) An individual or a nonprofit animal rehabilitation organization permitted by the Texas Parks and Wildlife Department.
 - (5) A public or private primary or secondary school, or
 - (6) An animal exhibition, rodeo, or circus, of which the animal is an integral part.

If the animal is restrained from inflicting injury upon persons, property or other animals and adequate provision is made for the care and protection of the animal.

- (D) Prohibited animals permits are classified as follows:
 - (1) A commercial prohibited animal permit may be issued to a person providing prohibited animals for animal exhibitions on two (2) or more occasions during a twelve month period. The permit is valid one (1) year from the date of issuance.
 - (2) A temporary prohibited animal permit may be issued to a person providing prohibited animals for animal exhibitions on a one-time basis. The permit is valid for a designated period not to exceed thirty-one (31) days.
 - (3) A noncommercial prohibited animal permit may be issued to a research institution, an individual researcher, or a member of a nonprofit wildlife society involved in education or research. The permit is valid for one (1) year from the date of issuance.
 - (4) A special use prohibited animal permit may be issued to a zoo, a public or private learning institution, or an

individual or a nonprofit animal rehabilitation organization permitted by the Texas Parks and Wildlife Department. The permit is valid for one (1) year from the date of issuance.

- (E) A permit is issued for one (1) or more animals of an owner or possessor at single location.
- (F) A person or entity holding a prohibited animal permit shall notify the manager of animal control in writing of any change in the permitted location for the animal. This requirement does not apply to the transport of the animal.

- (1) In or out of the city; or
- (2) To or from a veterinary clinic.

(G) The fees for a prohibited animal permit are as follows;

Type of permit	Fee
(1) Commercial.....	240.00
(2) Temporary.....	60.00
(3) Noncommercial(educational).....	60.00
(4) Special use (rehabilitation, falconry).....	none

(H) A prohibited animal permit is nontransferable and the permit fee is nonrefundable.

(I) A person who violated this section is guilty of an offense and upon conviction is punishable by a fine of not less than two hundred (200.00) nor more than 1,000.

ART.V, SEC REVOCATION

(A) The manager of animal control shall revoke a permit to own, possess, exhibit or harbor a prohibited animal within the city if the permit holder fails to:

- (1) Properly restrain his animal.
- (2) Adequately care for or protect his animal or
- (3) Meet all requirements specified on the prohibited animal permit.

ART.V, SEC. 50-5 APPEALS FROM DENIAL OR REVOCATION

If the manager of animal control refuses to issue or renew a prohibited animal permit, or revokes a permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of the right to appeal. The applicant or permit holder may appeal the decision of the manager of animal control to the Zavalla City Council.

ARTICLE VI OWNERSHIP OF DANGEROUS OR POTENTIALLY DANGEROUS
DOGS

ART. VI, SEC. 50-1 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this article.

DANGEROUS DOG(S) MEANS:

- (1) Any dog than, when unprovoked, inflicts severe injury or death to a person, or bites or attacks a person on public or private property, or
- (2) Any dog that has killed or severely injured a domestic animal without provocation while off the owner's property.

POTENTIALLY DANGEROUS DOG(S) MEANS;

- (1) Any dog which, when unprovoked, inflicts a severe bite to a person, charges or approaches a person upon the streets, sidewalks, or any public or private property in an apparent attitude of attack such that the dog will cause physical injury to that person; or
- (2) Any individual dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of persons or domestic animals.

PROPER ENCLOSURE shall mean a house or building, or in the case of a fence or a structure/pen must be a least six(6) feet in height. The structure/pen must also have minimum area of seventy-two (72) square feet. The fence or structure/pen must form an enclosure suitable to prevent entry of young children, and must be locked and secured such that a dog cannot climb, dig, jump or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The structure/pen shall have secure sides to prevent the potentially dangerous dog from escaping the enclosure. The structure/pen shall provide protection from the elements for the potentially dangerous dog. The animal control department may require a fence higher than six(6) feet or require a secure top and/or a secure bottom to the structure/pen if the need is demonstrated.

SEVERE ATTACK shall mean an attack in which the dog repeatedly bites or vigorously shakes its victim, and the victim, or a person intervening, has difficulty terminating

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the attack.

SEVERE BITES shall mean a puncture or laceration made by any dog's teeth which breaks the skin, resulting in a degree of trauma which would cause most prudent and reasonable people to seek medical care for treatment to the wound, without consideration of rabies prevention alone.

UNPROVOKED with respect to an attack by any dog shall mean that the dog was not hit, kicked, or struck by a person with and object or part of a person's body; nor was any part of the dog's body pulled, pinched, or squeezed by a person.

ART. VI, SEC. 50-2 DANGEROUS DOG(S) RUNNING AT LARGE

No person shall own or harbor a dangerous dog within the City of Zavalla. Such dog(s) shall be impounded as a public nuisance. If impoundment of said dangerous dog(s) are being attempted away from the premises of the owner and the impoundment cannot be made with safety, the dog may be destroyed without notice to the owner or harborer.

If an attempt is made to impound a dangerous dog from the premises of the owner or harborer and the impoundment cannot be made with safety, the owner or harborer will be given twenty-four (24) hours' notice that if the said dog is not surrendered to the animal control department for impoundment within twenty-four hour period, then the dog will be destroyed wherever it is found. After this notice, the dangerous dog may be destroyed during an attempt to impound, if impoundment cannot be made with safety, whenever the impoundment is attempted. Notice under this section may be verbal or in writing. A written notice is left at the entrance of the premises where the dangerous dog is harbored will be considered valid notice under this article.

ART. VI, SEC. 50-3 DECLARATION OF A DANGEROUS OR POTENTIALLY DANGEROUS DOG

- (A) A dog is automatically declared to be a dangerous dog that performs any of the acts described in Art. VI, Sec. 50-1.
- (B) The animal control department may find and declare a dog to be dangerous or potentially dangerous if the department has evidence before it to believe that a dog is a dangerous or potentially dangerous dog defined herein; or,
- (C) Upon receipt of an affidavit of complaint signed by one or more individuals, made under oath before an individual authorized by law to take sworn statements, or made at the animal control department, setting forth

the nature and the date of the act, the location of the event, the owner of the dog, the address of the owner, and the description of the dog doing such act, the animal control department shall investigate the complaint and may determine that a dog is dangerous or potentially dangerous.

ART. VI, SEC. 50-4 NOTIFICATIONS OF DECLARATION OF A DANGEROUS OR POTENTIALLY DANGEROUS DOG.

- (A) Within five (5) working days of declaring any dog dangerous or potentially dangerous, the animal control department will notify, by certified mail, return receipt requested, the person owning the dog of its designation as a dangerous or potentially dangerous dog. In the event that certified mail, return receipt requested, cannot be delivered, the animal control department may then give notice by ordinary mail.
- (B) If the dog is declared to be dangerous or potentially dangerous, the notice shall inform the owner of the dog that a determination hearing may be requested to contest the declaration. The request for a termination hearing must be in writing and must be received by the supervisor of animal control or his/her designee no later than ten (10) working days from receipt of notice by the owner of the dog. Failure to appeal the declaration within twenty (20) working days shall result in the animal control department's decision as final. The appeal shall be to the municipal court of the city. An owner may appeal the decision of the municipal court in the same manner as any appeal for other civil cases.

ART. VI, SEC. -50-5 DETERMINATION HEARING

- (A) Upon the written request for a determination hearing by the owner of a dog declared dangerous or potentially dangerous, the dog in question will be subjected to a behavior assessment test and the video of this test sent to an animal behaviorist for analysis and his or her professional opinion. The result of these tests will be included at the determination hearing and be taken into consideration on the final determination. The owner shall be responsible for any costs incurred for the test or tests to be conducted and fees of the animal behaviorist to analyze the video test or tests. The supervisor of animal control or his designee shall schedule said hearing before the municipal court judge of the city. The department hearing shall be conducted within twenty (20) working days of the receipt of the request for such hearing.

- (B) The owner shall be notified of said hearing by placing the notice in the United States mail addressed to the owner. Failure of the owner of the dog to appear at the determination hearing shall result in the animal control department's declaration a final. Pending the outcome of the determination hearing, the dog must be securely confined in a humane manner with a licensed veterinarian, or in the animal shelter. The cost of securing said dog pending the determination hearing shall be borne by the owner.
- (C) The municipal court judge shall determine whether to declare the dog to be a dangerous or a potentially dangerous dog under this article based upon evidence, affidavits and testimony presented at the time of the hearing by the owner, witnesses to any incident which may be germane to such a determination, animal control personnel, police or any other person possessing information pertinent to such determination. The municipal judge shall issue findings within five (5) working days after the determination hearing.

ART. VI, SEC. 50-6 DEFENSE TO DECLARATION OF DANGEROUS OR POTENTIALLY DANGEROUS DOGS .

It is a defense to the determination of any dog as dangerous or as potentially dangerous and to the prosecution of the owner of any dog:

- (1) If the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the dog; or
- (2) If the person was teasing, tormenting, abusing, or assaulting the dog; or
- (3) If the person was committing or attempting to commit a crime; or
- (4) If the domestic animal killed was at the time teasing, tormenting, abusing or assaulting the dog; or
- (5) if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault; or
- (6) If the dog was injured and responding to pain.

ART. VI, SEC. 50-7 EXEMPTIONS

It is a defense to prosecution that a person is :

- (1) A veterinarian;
- (2) A peace officer;
- (3) A person employed by a recognized animal shelter or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.
- (4) A person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement of corrections purposes;
- (5) A person who is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies Act (Article 4413 29bb), Vernon's Civil Statutes .

ART. VI, SEC. 50-8 DISPOSITION OF DECLARATION HEARING

- (A) In the event that the dog is determined to be dangerous the supervisor of animal control shall order the dog to be euthanized in a safe and humane manner by veterinarian or by a trained euthanasia technician.
- (B) The municipal court judge may find that the dog in question is potentially dangerous. If the dog is declared potentially dangerous, the owner must adhere to each of the following requirements, which are ordered by the supervisor of animal control:
 - (1) The dog must be licensed in accordance with this article; and
 - (a) The potentially dangerous dog must be kept in a proper enclosure; and
 - (b) The owner must present to the animal control department a certificate of public liability insurance in the amount of one hundred thousand dollars (100,000.00) to cover any damages caused by the potentially dangerous dog, the insurance shall be for a twelve-month period renewable each year and shall not be canceled unless the dog is no longer kept in the city by the owner; and
 - (c) The potentially dangerous dog, when taken outside the enclosure, must be securely

muzzed in a manner that will not cause injury to the potentially dangerous dog nor interfere with its vision or respiration but shall prevent it from biting any person or other dog; and the potentially dangerous dog must be restrained by a substantial chain or cable leash having a minimum tensile strength of one thousand pounds (1,000) and not to exceed six (6) feet in length; and

- (d) The owner shall post a sign on his/her premises warning that there is a potentially dangerous dog on the property. These signs will be available through the animal control department when registration of a potentially dangerous dog is registered. This sign shall be visible from all sides of the enclosure, having letters at least two (2) inches high and capable of being read from the public street or highway. In addition, the owner shall conspicuously display sign with a symbol warning, understandable by small children of the presence of a potentially dangerous dog; and
 - (e) The potentially dangerous dog must be spayed or neutered; and
 - (f) The owner must attend a class on responsible pet ownership conducted by the animal control department; and
 - (g) Further identification shall be included on a special collar with the wording "Danger" written on it and a special tag shall be worn by the dog at all times. One collar and one tag will be provided to the owner annually when the dog is registered. If this collar and or tag is lost, stolen or damaged, it shall be the owner's financial responsibility to replace the collar and/ or tag.
- (C) If the owner of any dog declared to be potentially dangerous under this article is unable or unwilling to comply with the ownership requirement listed above, the dog shall be euthanized by the Lufkin Animal Control Department or a licensed veterinarian. Any dog declared to be potentially dangerous under this article shall not be offered for adoption or sale.
- (D) In the event the municipal court judge rules that the dog in question is neither dangerous or potential dangerous, said dog shall be returned to or released to its owner.
- (E) An owner may appeal the decision of the municipal court.

in the same manner as appeal for other civil cases.

- (F) If any dog is declared to be dangerous or potentially dangerous under this article and if the dog is not in the possession of the animal control department, the owner must surrender the said dog to the animal control department when ordered to do so by any animal control officer. The order to surrender may be verbal or in writing, handed to or mailed to the owner by ordinary mail. If the owner fails to immediately surrender the dog, the animal control department shall have the right to take the dog into its possession from the premises of the owner or elsewhere, wherever the dog may be found within the city. If the dog cannot be taken into custody by the animal control department, it may be taken into custody under a search warrant for contraband issued by the municipal judge or other magistrate having jurisdiction.

ART. VI, SEC. 50-9 GUARD DOGS

- (A) All dogs kept solely for the protection of persons and property, residential, commercial or personal, shall be registered with the Zavalla Animal Control Dept. with payment of twenty five (25.00) fee for the first year and ten dollars (10.00) fee for each annual renewal. Commercial businesses that keep a dog solely for the protection of property after regular business hours, shall meet the following guidelines for "proper enclosure":

- (1) Proper enclosure shall mean a structure as defined in Art. VI, Sec. 50-1. The animal control department may require a fence higher than six (6) feet or require a secure top and/or secure bottom to the structure/pen if the need is demonstrated. This area and the area for which the guard dog is released in after hours to patrol & guard shall be conspicuously posted with warning signs bearing letters not less than (2) two inches high, stating "GUARD DOG .
- (2) Dogs kept by persons living in a residential area that keep said dog solely for personal and property protection must have a secure fence and have signs posted bearing letters not less than two (2) inches high, stating "GUARD DOG" . Additional requirements may be required if the need is demonstrated.
- (3) Said area or premises shall be subject to inspection by the animal control department to determine that the dog

50.15 DEFINITION

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PET SHOP. Any establishment where pet animals are kept for either wholesale or retail trade and includes all breeders, brokers, commission merchants, factors or other middlemen who import pet animals into the city.

50.16 LICENSE REQUIRED.

No person, group of persons or business entity shall own or operate a pet shop without having obtained a valid pet shop license from the city.

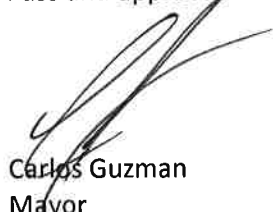
50.17 TERM OF LICENSE; FEE; STANDARDS.

Pet shop licenses shall expire on December 31 of each year. No pet shop license shall be issued until an inspection certificate shall have been issued by the City Animal Control Department. The yearly license fee for pet shops shall be determined by the City Council. Pet shops shall be confined in a building that is total enclosed and all pet animals shall be confined exclusively to the building. The pet shop may not have outside runs or pens and none of the animals owned by the pet shop are to be harbored or housed outside of the building at any time for any reason. All applicants for a pet shop license within the city, if required by state statute to be licensed by the Texas Department of health, must have a valid license issued by the Department to qualify for licensing by the city. The possession of a state license, however, shall not in itself assure that a city license will be granted. Standards and regulations affecting pet shops may be adopted by the city which are equal to or more restrictive than applicable standards.

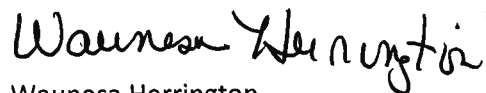
5015 SUSPENSION AND REVOLCATION OF LICENSE.

Any pet shop licensed under this subchapter found to be in violation of any zoning law, health law, or any other applicable law of the city or of the state, or that is maintained in such manner as to be detrimental to the health, safety, or peace of mind of persons residing in the immediate vicinity, may have its pet shop license suspended or revoked.

Pass and approved on 12th day of September, 2016



Carlos Guzman
Mayor



Waunesa Herrington
City Secretary

(a) Facilities shall be of sufficient size as to allow animals to move about freely. This shall apply to each animal kept. Size of the facility shall be in proportion to the size of each individual animals' height and weight.

(b) Adequate food and water must be provided so that each and all animals kept shall be maintained in good health and free of malnutrition and and/or dehydration.

(c) The premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects and flies that could be harmful to the animal's health and / or the health of the general public;

(2) The animals kept are causing a stench or odor which is offensive to a person or ordinary sensibilities;

(3) The animals are maintained in a manner which is dangerous to the health of the animals themselves or adjacent animals.

(4) The animals are causing noise which is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent or neighboring premises; or

(5) a person has been convicted for any violation of this subchapter on two separate occasions, or animals covered by the permit have been impounded on two separate occasions.

50.06 RESTRICTED BREEDER; PERMIT REQUIRED

Any person, group of persons or business that owns, keeps, or harbors a male and female dog or male and female cat and engages in the commercial business of breeding, buying, selling, trading, or training of dogs or cats shall be considered a breeder and must obtain a valid permit from the city, The annual permit fee shall be \$25.

50.07 RESTRICTED BREEDER; PERMIT VALIDITY; INSPECTION CERTIFICATE; PROOF OF REGISTRATION; FEE.

(A) A restricted breeder permit shall be valid for one year from the date of issuance. No breeder permit shall be issued until an inspection certificate has been issued by the city Animal Control Department.

(B) Such permit contemplated by this section may be revoked by the Animal Control Department if;

(1) The facilities, upon inspection, show that they are inadequate for the animals; or

(2) The animals are not registered with the American Kennel Club, United Kennel Club, or the Cat Fanciers Association; or

(3) The animals do not have a current rabies vaccination within the last year; or

(4) The animals kept are causing a stench or order which is offensive or disturbing to a person of ordinary sensibilities; or

(5) the animals are causing noise which is offensive or disturbing to a person of ordinary sensibilities; or

(6) A person has been convicted for any violation of this chapter on two separate occasions, or animals covered by the permit have been impounded on two separate occasions.

Article VIII

Pet Shops

50.15 Definition

50.16 License required

50.17 Term of license; fee; standards

50.18 Suspension and revocation of license

PET SHOPS

AMENDMENT TO ORDINANCE #50
ANIAMAL CONTROL

Article VII

Kennels and Multiple-Pet Premises

- 50.01 Definition
- 50.02 License required
- 50.03 Validity of permit; inspection certificate; fee
- 50.04 Violation; revocation of permit
- 50.05 Multiple-pet-ownership of permit
- 50.06 Restricted breeder; permit required
- 50.07 Restricted breeder; permit validity; inspection certificate; proof of registration; fee

KENNELS AND MULTIPLE-PET PREMISES

50.01 DEFINITION

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

KENNEL. Any establishment designed for the permanent or temporary boarding, keeping, selling, trading, training or breeding of animals.

50.02 LICENSE REQUIRED.

Any person, group of persons or business entity that owns, keeps or harbors more than a total of five dogs or cats more than three months of age in any combination and engages in the commercial business of breeding, buying, selling, trading, training or boarding dogs or cats or both dogs and cats or other pet animals shall be considered as operating a kennel and must obtain a valid kennel license from the City.

50.03 VALIDITY OF PERMIT; INSPECTION CERTIFICATE; FEE.

A kennel permit shall be valid for one year from the date of issuance. No kennel license shall be issued until an inspection certificate has been issued by the City Animal Control Department. The annual permit fee shall be \$25.

50.04 VIOLAITON; REVOCATION OF PERMIT.

Any kennel permitted under this subchapter found by a court of law to be in violation of any zoning law, health law or any other applicable law of the city or the State of Texas or that is maintained in such a manner as to detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity may have its kennel permit suspended or revoked by the Animal Control Division.

50.05 MULTIPLE-PET-OWNERSHIP PERMIT.

(A) Every person, firm or corporation that keeps or harbors five or more dogs or cats in any combination over three months of age but does not engage in the commercial business of breeding, buying, sell, trading, training or boarding of dogs or cats shall not be considered as operating a kennel but must procure a multiple-pet-ownership permit from the City. Such permit shall be issued through the office of the Animal Control Division for a fee of \$5 and shall valid for one year from the date of issuance.

(B) Such permit contemplated by this section may be revoked by the Animal Control Division if:

(1) The facilities, upon inspection, show that they are inadequate for the number of animals sought to be keep: