

City of Savoy Ordinance 06-12-19

AN ORDINANCE OF THE CITY OF SAVOY, TEXAS, AMENDING **ANIMAL CONTROL REGULATIONS**; PROVIDING PROCEDURES TO DEAL WITH ANIMALS EXPOSED TO RABIES; PROVIDING THE REQUIREMENTS TO REPORT **ANIMAL BITES**; PROVIDING FOR A PENALTY FOR EACH INSTANCE OF VIOLATION OF THE ORDINANCE; PROVIDING A REPEAL AND SEVERANCE CLAUSE; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Health and Safety Code and the Texas Administrative Code have established certain guidelines and restrictions pertinent to the control of animals; and

WHEREAS, the City Council of the City of Savoy, Texas, finds it desirable to amend the Animal Control Ordinance so that it will be in conformance with the Texas Health and Safety Code and the Texas Administrative Code; and

WHEREAS, the City of Savoy desires to develop a viable urban community including decent housing, a suitable living environment, expanding economic opportunities, and to provide for the protection of the health, safety, and convenience of its citizens; and,

WHEREAS, the City Council of the City of Savoy, Texas, finds that the passage of this amending ordinance shall further the purposes of the animal control ordinance of the City of Savoy, Texas, regulate the control of animals and further the public health, safety, convenience, and general welfare throughout the City of Savoy; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAVOY THAT:

SECTION 1: Adoption Provision

The Attached **EXHIBIT A: ANIMAL CONTROL REGULATIONS** is hereby adopted by reference and designated as the Animal Control Regulations of the City of Savoy, the same as though such Regulations were copied at length herein. Further, Ordinance 00-07-25A is repealed.

SECTION 2: Penalty Provision

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not exceeding two thousand dollars (\$2,000.00) for violations of all provisions that govern fire safety, public health, and sanitation, and not exceeding five hundred dollars (\$500.00) for all other violations, provided, however, that no penalty shall be greater or less than the penalty provided for the same

or similar offense under the laws of the State of Texas. Each and every day any such violation continues shall constitute a separate offense punishable hereunder.

SECTION 3: Repeal Clause

All parts of any ordinance in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION 4: Savings Clause

If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

SECTION 5: Effective Date

This ordinance shall be effective upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.

SECTION 6:

The City Council finds that this Ordinance was passed by the City Council at an open meeting for which notice was posted in accordance with the Open Meetings Act.

PASSED AND APPROVED by the City Council of the City of Savoy on this the 19 day of December, 2006.

APPROVED:


Cleto Stogsdill, Mayor

ATTEST:

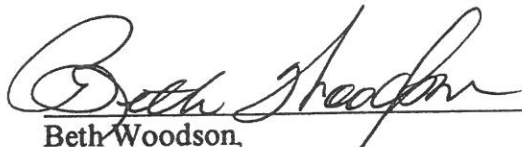

Beth Woodson,
City Secretary

EXHIBIT A

ANIMAL CONTROL REGULATIONS

Section 1 – Animal Control

Sec. 1.001 Definitions

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

Abandon. Includes abandoning an animal in the person's custody without making reasonable arrangements for assumption of custody by another person.

Animal. A domesticated living creature and wild living creature previously captured. "Animal" does not include an uncaptured wild creature or a wild creature whose capture was accomplished by conduct at issue under this section.

Animal registration agency. The municipal animal control office.

Cat. A domestic feline of either sex, including one neutered or sterilized.

Cruel manner. Includes a manner that causes or permits unjustified or unwarranted pain or suffering.

Custody. Includes responsibility for the health, safety and welfare of an animal subject to the person's care and control, regardless of ownership of the animal.

Dangerous wild animal.

- (1) A lion;
- (2) A tiger;
- (3) An ocelot;
- (4) A cougar;

- (5) A leopard;
- (6) A cheetah;
- (7) A jaguar;
- (8) A bobcat;
- (9) A lynx;
- (10) A serval;
- (11) A caracal;
- (12) A hyena;
- (13) A bear;
- (14) A coyote;
- (15) A jackal;
- (16) A baboon;
- (17) A chimpanzee;
- (18) An orangutan;
- (19) A gorilla; or
- (20) Any hybrid of an animal listed hereinabove.

Dog. A domestic canine of either sex, including one neutered or sterilized.

Domestic animal. Includes all species of animals commonly and universally accepted as being domesticated.

Ferret. A domestic *Mustela putorius furo* of either sex, including one neutered or sterilized.

Harboring. The act of keeping and caring for an animal or of providing a place to which the animal returns for food, shelter or care.

Necessary food, water, care or shelter. Includes food, water, care, or shelter provided to the extent required to maintain the animal in a state of good health.

Owner. A person who has the right of property in an animal or who harbors any animal or knowingly allows an animal to remain on or about real property the person owns, occupies, manages or has control.

Person. An individual, partnership, corporation, trust, estate, joint stock company, foundation, or association of individuals or other legal entity.

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

Primary enclosure. Any structure used to immediately restrict an animal to a limited amount of space, including a cage, pen, run, room, compartment or hutch.

Public nuisance. "Public nuisance" means any animal that:

- (1) Menaces or attacks person or vehicles;
- (2) Menaces or attacks other animals;
- (3) Goes upon school premises without the permission of the person in charge thereof;
- (4) Is at large;
- (5) Damages private or public property;
- (6) **Barks, howls, yelps, bawls, or makes other loud, persistent noise** in a manner which, under nonmitigating circumstances, could be considered by reasonable persons of ordinary sensibilities as **excessive or continuous;**
- (7) Being a female in heat, because of the nature of its confinement, or lack of the same, has attracted other animals and **caused them to congregate or remain on** or about any **premises;**
- (8) Is in a public park with the exception of controlled dogs, service dogs, seeing-eye dogs, dogs trained as ears for the deaf, government-owned dogs or animals participating in shows or exhibits that are conducted in compliance with officially sanctioned activities;
- (9) Any other act or condition in this chapter designated as a public nuisance.

Rabies vaccination. The vaccination of a dog, cat or other domestic animal with an antirabies vaccine approved by the United States Department of Agriculture and administered by a veterinarian licensed by the state.

Residence. Any separate living unit occupied for residential purposes.

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

Shelter. A moisture-proof structure suitable in size to accommodate the animal and made of durable materials with three (3) sides, a roof and a solid floor.

Stray animal. Any animal for which there is no identifiable owner or harborer. Vicious animal shall mean any animal that commits an unprovoked attack upon a person on public or private property or that attacks, threatens to attack or terrorizes a person on public property or in a public place.

Wild animal. Includes all species of animals which exist in a natural, unconfined state and are not usually domesticated.

Sec. 1.002 Penalty for violation

It shall be unlawful for any person to violate any of the provisions of this article. Any person violating the provisions of this chapter shall, upon conviction, be punished as allowed by law. The violation of any such provisions of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation may not exceed two thousand dollars (\$2,000.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this code or ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as **abatement of nuisances, injunctive relief and revocation of licenses or permits.**

Sec. 1.003 Animal control officer

The city council may hire or appoint an individual to act as animal control officer who shall perform the duties and responsibilities outlined in this chapter. **Any police officer is hereby empowered to enforce the provisions of this chapter.**

Sec. 1.004 Dogs running at large

(a) It shall be unlawful for the owner, harbinger or person in charge or control of any dog to permit such dog to run at large anywhere out-of-doors in the city. This provision shall apply to all public places and to all private property. For the purposes of this section, a dog is deemed to

be running at large if it is out-of-doors in any place, other than the private property of the dog owner, and not on a leash held by a person able to control the dog. On the owner's private property while out-of-doors, an unattended dog must be fastened to a leash, chain or other device or left within a fence adequate to prevent the dog from leaving the yard. This section shall not apply to police dogs while in the performance of police duties.

Sec. 1.005 Vicious animals

No person shall knowingly own or harbor a vicious animal within the city. Such an animal may be impounded as a public nuisance. If impoundment of such animal running at large cannot be made with safety to the animal control officer or other persons acting under his direction, the animal may be destroyed without notice to the owner or harborer.

Sec. 1.006 Dangerous dogs

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.

Sec. 1.007 Guard dogs

- (a) It shall be unlawful to place or maintain any dog which has been specifically trained to attack 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. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two (2) inches high.
- (b) It shall be unlawful to tie or tether an animal to a door, porch or other area of entry, or in a location in the approach to such entrance to a business or residence, where such action will allow the animal to come in contact with persons who may attempt to approach or enter the residence or building.

Sec. 1.008 Keeping of swine

- (a) It shall be unlawful for any person to keep, or cause to be kept, any swine within the corporate limits of the city, except under the following circumstances:

- (1) It shall be unlawful for any person to keep, harbor, or raise more than two (2) adult potbellied pigs in any one (1) household within the city. A potbellied pig is considered an adult potbellied pig when it reaches six (6) months of age. A person may keep in excess of two (2) potbellied pigs in any one (1) household within the city if the pigs in excess of two (2) potbellied pigs are nonadult potbellied pigs, but under no set of circumstances may such nonadult potbellied pigs come from more than one (1) litter.

(2) All such potbellied pigs shall be kept indoors at all times other than times for evacuation of waste material or during exercise periods.

(3) All such potbellied pigs shall receive animal vaccinations for erysipelas. It shall be the responsibility of the owner of the pig or the property to forward to the animal control supervisor an erysipelas vaccination certificate from a licensed veterinarian which shall include the following information:

(A) Name and address of pet owner;

(B) Description of the pet;

(C) Date of vaccination;

(D) Tag number; and

(E) Other appropriate information.

(4) No person shall keep any potbellied pig at any location within the city unless such person has filed with the animal control supervisor an application for harboring a potbellied pig, and such application has been approved by the animal control supervisor. The application must be accompanied by a check or money order for twenty-five dollars (\$25.00), such check or money order representing a nonrefundable fee for processing of the application.

(b) For purposes of this section, the term "potbellied pig" shall mean a variety of swine meeting the standards of the North American Pot Bellied Pig Association.

(c) Swine may be kept under direct supervision by and upon the premises of public and private schools, fairs, or livestock shows so long as such swine are not kept closer than five hundred (500) feet from any habitation located on another's property.

Sec. 1.009 Keeping of jackasses prohibited

The keeping of any jackass within the corporate limits of the city or in the hearing distance of the populace is hereby declared to be a nuisance and is unlawful.

Sec. 1.010 Livestock

(a) It shall be unlawful for any person in control of any horse, mule, jack, jenny, cattle, sheep, hog or goat to allow the same to run at large within the limits of the city.

(b) The keeping, maintaining, or operating of any stock pen within the corporate limits of Savoy, Texas, wherein any livestock are enclosed or kept in any kind of enclosure for the

purpose of being fed and maintained is hereby made unlawful and declared to be a nuisance. All pens, when allowed, shall be kept in a clean and sanitary condition to eliminate flies, mosquitoes, and odor from disturbing surrounding residents.

(c) It shall be unlawful for any person to feed, breed, stable, pasture or keep any cow, goat, horse, sheep or any other animal of like species in or on any lot, pen, building, parcel of land, stable, or other enclosure in the city, any part of which lot, pen, building, stable, parcel of land or other enclosure nearer than 200 feet to any building occupied by any person during any part of the day or night. A minimum of one (1) acre of area shall be required for each such animal.

Sec. 1.011 Fowl

(a) It shall be unlawful for any person in control of any turkey, goose, chicken or domesticated fowl to permit the same to run at large within the limits of the city.

(b) It shall be unlawful for any person to keep, harbor, maintain or permit any person to keep, harbor, maintain or permit the presence on any lot or parcel of land within the city of more than one of any fowl of any kind, sex or description for each fifty-five (55) square feet of ground area available for such purpose. It shall be further unlawful for any person to keep, harbor, maintain or permit the presence on any lot or parcel of land within the city of more than six of any mature poultry or fowl of any kind, sex or description on any lot or parcel of land of one acre or less.

(c) Each place in the city used for feeding, harboring or keeping any poultry or fowl shall be maintained in a sanitary manner at all times and kept free of offensive odors, flies, rodents and other pests.

(d) It shall be unlawful to keep any poultry or fowl in the city which by loud, frequent or habitual crowing or any other noise annoyance from such animal shall disturb the peace and quiet of any person of ordinary sensitivities. Any such person who believes that there has been a violation of this provision shall have the right to file a complaint against the owner or keeper of such poultry or fowl in the municipal court of the city, whereupon a hearing within a reasonable time thereafter shall be held and a determination made as to whether such loud, frequent or habitual crowing or other noise annoyed the peace of such person, and if so, the court may thereupon declare such fowl to be a nuisance and order the owners or keeper thereof to remove such fowl from the city limits. The failure to obey the order of the municipal court under this section shall constitute a class "C" misdemeanor. In addition to such remedy as provided in this section, should there be a conviction for any other violation of this section, the party convicted shall be subject to a fine.

Sec. 1.012 Cruelty

(a) Animals shall be provided humane care, treated and transported in a humane manner and not in violation of section 42.09 of the state Penal Code, Title 10 of the Texas Health and Safety

Code, as amended, or any other provision of law, including federal, state and local laws, ordinances and rules.

(b) A person commits an offense if:

- (1) A person fails to provide an animal under his or her care, custody, control or ownership clean, healthy, sanitary and safe conditions with necessary food, water, care or shelter to the extent appropriate to maintain the animal in a state of good health and prevent unwarranted pain or suffering;
- (2) A person having charge or care, custody or control of an animal places or confines such animal, or allows such animal to be placed or confined, in a motor vehicle, trailer or other enclosure under such conditions, or for such a period of time, as to endanger the health of the animal due to heat, lack of food or water, or such other circumstances as may cause injury or death to the animal;
- (3) A person treats an animal in an inhumane or cruel manner as defined by section 42.09 of the state Penal Code, as amended, or Chapter 821, Texas Health and Safety Code, as amended, which are adopted and incorporated herein for all purposes;
- (4) A person knowingly owns, harbors, trains, sells or offers for sale any animal which is to be used for the purpose of fighting, or to be trained, tormented, badgered or baited for the purpose of causing or encouraging said animal to attack human beings or animals when not provoked, except that this subsection shall not apply to guard dogs;
- (5) A person mutilates any animal, whether such animal is dead or alive. This subsection does not apply to medical or veterinary medical research, medical or veterinary autopsies, or biology class use of animals for educational purposes;
- (6) A person causes an animal to fight another animal or person;
- (7) A person other than a licensed veterinarian docks an animal's tail, or crops an animal's ears, or castrates an animal; provided, however, this subsection shall not apply to normal livestock operations occurring within the city;
- (8) A person dyes or colors chicks, ducks, rabbits, reptiles or birds;
- (9) A person transporting an animal fails to effectively restrain an animal so as to prevent the animal from leaving or being accidentally thrown from a vehicle during normal operation of the vehicle, or fails to effectively restrain an animal so as to prevent infliction of bodily harm to passersby; provided, however, the provisions herein shall not prohibit a person from transporting an effectively confined or tethered dog(s) in the open bed of a pickup truck;

- (10) A person is in control of a motor vehicle which strikes a domestic animal or livestock within the corporate limits of the city and fails to report the accident to the city animal control officer as soon as practical;
- (11) A person abandons any animal without necessary food, water, care or shelter for a period of more than forty-eight (48) hours, or abandons an impounded animal at the animal services facility with the intent to readopt the animal to avoid impoundment fees;
- (12) A person ties or tethers an animal in a manner that prevents access to adequate shelter, food and water;
- (13) A person ties or tethers an animal in such a manner that the animal could become entangled or injured;
- (14) A person cruelly confines an animal in a manner that prevents the animal from being able to stand to its full height, stretch out, turn around and lie down and make normal postural adjustments for a period of twenty-four (24) hours or more;
- (15) A person confines an animal in such a way that the animal is forced to stand and/or lay within its own feces, standing water or other unsanitary conditions;
- (16) A person overdrives, overloads, drives when overloaded, or overworks an animal in a cruel and inhumane manner; or
- (17) A person places any substance or article which has in any manner been treated with any poisonous substance in any place accessible to human beings, birds, dogs, cats or other animals with the intent to kill or harm animals. This shall include antifreeze purposely left exposed to poison animals. This subsection, however, does not preclude the use of commercially sold rodent poisons when applied in accordance with the manufacturer's directions for such use, in that person's residence, accessory structure or commercial establishment.
- (18) A person ties or tethers animals in proximity to one another, were such actions may encourage aggression or a desire to fight.

Sec. 1.013 Maintenance of enclosures

- (a) All animals and fowl shall be kept in appropriate enclosures. All pens, stables or enclosures in which any animals or fowl are kept or confined in the city shall be so drained and all offal so removed as to create no offensive odor or smell.
- (b) **Animals shall not be kept permanently on a rope, chain or tethers.** If an animal is maintained on a rope, chain or tether, the owner shall provide notice to the animal control officer of when an

enclosure will be completed. Maintaining an animal on a rope, chain or tether for more than 14 days will be considered a prima facie violation of this ordinance.

(c) When an animal is temporarily on a rope, chain or tether, the restraint shall not allow the animal, or any part of the animal, to cross over the owner or harborer's property line.

(d) Each person keeping animals or fowl within the corporate limits of the city shall, upon request of the animal control officer or a police officer, after proper identification and during reasonable times, permit access to the area or places of keeping of animals or fowl, for the purpose of carrying out the provisions of this chapter. Should the animal control officer or a police officer be denied entry, he then shall make application for a search warrant to enter the premises, such warrant to be issued by the Municipal Court Judge of the city upon proper application therefore.

Sec. 1.014 Bird sanctuary

(a) The entire area embraced within the corporate limits of the city shall be and the same is hereby designated as a bird sanctuary.

(b) It shall be unlawful to trap, hunt, injure, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob or destroy any bird nests, starlings, pigeons and sparrows excepted. Should other and similar birds become noxious by reason of congregating in a given area and constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the city and in the opinion of the chief of police, the nuisance may be abated by whatever means he deems necessary.

Sec. 1.015 Animal attacking human being declared public nuisance

All animals, domestic or wild, attacking a human being within the city limits are declared to be a public nuisance and subject to summary abatement, including the right of a peace officer witnessing the attack or anyone present and having knowledge of the attack during the attack, to kill the animal without liability to the owner.

Sec. 1.016 Beekeeping

(a) It shall be unlawful to keep or harbor any bees within the corporate limits of the city.

(b) Any beehives used or occupied by bees are hereby declared to be nuisances, and it shall be unlawful to keep or maintain any such hive within the corporate limits of the city.

Sec. 1.017 Cleaning up waste

It shall be unlawful for an owner or person having custody of any dog or any other animal to permit said dog or any other animal to defecate on any school ground, public street,

alley, sidewalk, park or any other public grounds or any private property within the city, other than the premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately.

Sec. 1.018 Dangerous wild animals

(a) An owner shall not own, harbor, shelter or have custody or control of a dangerous wild animal for any purpose within the city limits as they may be amended from time to time except as follows:

- (1) A county, municipality or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity;
- (2) A research facility, as that term is defined by section 2(e), Animal Welfare Act (7 U.S.C. section 2132), and its subsequent amendments, that is licensed by the Secretary of Agriculture of the United States under that act;
- (3) An organization that is an accredited member of the American Zoo and Aquarium Association;
- (4) An injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment;
- (5) An injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under subchapter C, chapter 43, Parks and Wildlife Code;
- (6) A dangerous wild animal owned by and in the custody and control of a transient circus company that is not based in this state if the animal is used as an integral part of the circus performances;
- (7) A dangerous wild animal while in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this state; or
- (8) A dangerous wild animal while being transported in interstate commerce through the state in compliance with the Animal Welfare Act (7 U.S.C. section 2131 et seq.) and its subsequent amendments and the regulations adopted under that act.

(b) An owner of a dangerous wild animal, even if kept in violation of this section, shall:

- (1) Notify the animal registration agency and the city's police department of any attack of a human by the animal within twenty-four (24) hours of the attack.

(2) Immediately notify the animal registration agency and the city's police department of any escape of the animal.

(c) An owner of a dangerous wild animal that escapes is liable for all costs incurred in apprehending and confining the animal and for any costs and expenses incurred by way of personal injury or death in attempting to apprehend and confine such animal.

(d) An animal registration agency and the city police department, or an employee of an animal registration agency or the police department shall not be liable to an owner of a dangerous wild animal for damages arising in connection with the escape of a dangerous wild animal, including liability for damage, injury, or death caused by the animal during or after the animal's escape, or for injury to or death of the animal as a result of apprehension or confinement of the animal after escape.

(e) An owner commits an offense if the person violates subsection (a), (b)(1) or (b)(2) hereinabove. An offense under this section is a class C misdemeanor. Each animal with respect to which there is a violation and each day that a violation occurs is a separate offense.

(f) An owner who violates subsection (a) hereinabove is liable for a civil penalty of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2,000.00) for each animal with respect to which there is a violation and for each day the violation continues and shall be subject to being enjoined by the city attorney from committing future violations.

State law reference—Dangerous wild animals, V.T.C.A., Health and Safety Code, sec. 822.101 et seq.

Sec. 1.019 Number of dogs and/or cats on residential property restricted

(a) The keeping of an unlimited number of dogs and cats presents health and safety issues and disturbs the quiet enjoyment of the neighborhood, through noise and odor and tends to reduce the value of private property. Therefore, any violation of this section is declared to be a nuisance permitting the city attorney to seek injunctive relief, in addition to any other relief provided by this section, to prohibit the continuation of any violation of this section.

(b) No owner shall keep, harbor or shelter, or cause or permit the same to be done, of more than ten (10) dogs or ten (10) cats or any combination of dogs and cats exceeding ten (10) on property zoned residential or used as a residential nonconforming use.

(c) A person who violates this section commits a class C misdemeanor offense with a fine to be no less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). Each animal, with respect to which there is a violation and each day that a violation occurs, is a separate offense.

(d) A person who violates this section is liable for a civil penalty of not less than fifty dollars (\$50.00) nor more than one hundred fifty dollars (\$150.00) for each animal with respect to which there is a violation and for each day the violation continues.

Sec. 1.020 Venomous Reptiles Prohibited.

The keeping of any venomous reptile within the corporate limits of the city is hereby declared to be a nuisance and is unlawful.

Sec. 1.021 Impoundment

(a) The animal control officer, a police officer, a county official, a city official or employee relying upon this ordinance, or others with a recognized authority to enforce animal control statutes, codes and ordinances are hereby authorized, but not required, to impound and/or seize any animal, fowl or reptile found in violation of this ordinance, including but not limited to any domestic animal running at large within the corporate city limits of Savoy or animals owned or harbored in violation of this section, or any other ordinance or law of the State of Texas.

(b) Impoundment, and associated fines, fees and costs will be in addition to any prosecution under this ordinance. Further, the owner or harbored of any animal, fowl or reptile shall be responsible for all fees, expenses and costs associated with care, feeding, veterinarian care, transportation or other costs associated with impoundment. The animal may be held in Savoy until 4:00 p.m., at which time it may be transported to an Animal Shelter. It is left to the discretion of the official as to where to take the animal and when to transport.

(c) Retrieval of the animal from any animal shelter or location of impoundment is the owner's responsibility, including any fees, fines, or penalties.

(d) A reasonable attempt will be made to contact the owner after pick-up of the animal. A fee of \$15.00 will be charged for each pick-up of the animal. This fee is in addition to any other fees that may be necessary to retrieve the animal from any animal shelter.

Sec. 1.022 Disturbances Prohibited

It shall be unlawful and a nuisance for any person to harbor or keep on his premises or in or about his premises or premises under his control any dog, fowl or animal of any kind, which animal, by loud or prolonged barking or howling or noise making, shall create sound levels which unreasonably disturb or interfere with the peace, comfort, and repose of neighboring persons of ordinary sensibilities.

Sec. 1.023 Exceptions

(a) Notwithstanding any other provision in this code, the following sections of this chapter shall not be applicable to any land zoned agricultural-open space designated according to the zoning ordinance of the city:

(1) Section 1.010(c), Keeping Livestock Near Buildings;

(2) Section 1.011, Keeping of Fowl; Area.

- (b) No person owning property under which division (1)(a)-(b) of this section are inapplicable shall utilize such property for the purposes of keeping animals or fowl thereon where such utilization shall cause or constitute a nuisance.

Sec. 1.024 Fighting Prohibited

No person shall possess, harbor or maintain care or custody of any animal or fowl for fighting contests, nor shall any person train, torment, badger, bait or use any animal or fowl for the reason of causing or encouraging the animal or fowl to attack human beings or domestic animals.

Section 2 Rabies

A. RABIES CONTROL

(1) Vaccinations

Every owner or harbinger of a dog or cat three (3) months of age or older shall have such animal vaccinated against rabies. All dogs or cats vaccinated at three (3) months of age or older shall be revaccinated at one (1) year of age and annually thereafter. Such routine revaccination should be performed during the months of January and February during each calendar year. Any person moving into the city from a location outside of the city shall comply with this section within ten (10) days after having moved into the city. If the dog or cat has inflicted a bite on any person, or another animal, within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten (10) days observation period.

(2) Certificate of Vaccination

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 and one (1) copy thereof shall be filed with the city secretary or county health department. Such certificate shall contain the following information:

- (a) The name, address, and telephone number of the owner of the vaccinated dog or cat.
- (b) The date of vaccination.
- (c) The type of rabies vaccine used.
- (d) The year and number of rabies tag.
- (e) The breed, age, color, and sex of the vaccinated dog or cat.

(3) Rabies Tags

Concurrent with the issuance and delivery of the certificate of vaccination referred to in subsection A(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 address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by

his dog or cat whenever said dog or cat is running at large. No person shall use for any dog or cat a tag that has been issued for another dog or cat.

(4) Duplicate Tags

In the event of loss or destruction of the original tag provided in subsection A(3), the owner of the dog shall obtain a duplicate tag.

(5) 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 of the certificate of vaccination upon demand to any person charged with the enforcement of this section.

(6) 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.

(7) 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 City of Savoy Police Department or County Health Department, giving them any information which they may require. For any animal known to have been, or suspected of being exposed to rabies, the following rules must apply:

- (a) Not currently vaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be:
- (1) humanely killed; or
 - (2) if sufficient justification for preserving the animal exists and at the owner's expense, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for 90 days, and given booster vaccinations during the third and eighth weeks of isolation. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture for the vaccine administered. At the end of the confinement, if a licensed veterinarian finds that the animal remains free from all symptoms of rabies, the animal may then be released to the owner.

- (b) Currently vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal shall be:
 - (1) humanely killed; or
 - (2) if sufficient justification for preserving the animal exists, the exposed vaccinated animal shall at owner's expense be given a booster rabies vaccination immediately and placed in strict isolation for 45 days.
- (c) These provisions apply only to domestic animals for which an approved rabies vaccine is available.
- (d) In situations where none of the requirements of this section are applicable, the recommendations contained in the latest edition of the publication titled "The Compendium of Animal Rabies Control," published by the National Association of State Public Health Veterinarians, should be followed.

B. REPORTING BITES FROM ANIMALS SUSCEPTIBLE TO RABIES; RELATED PROCEDURES

(1) Duty To Report

- (a) A person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal as soon as possible, but not later than 24 hours from the time of the incident to the City of Savoy Police Department, County Health Department, or to the Texas Department of Health.
- (b) The report must include:
 - (1) The name, age, sex, and address of the victim;
 - (2) A description of the animal;
 - (3) The animal's owner, if known;
 - (4) Any other information that may help in locating the victim or animal; and
 - (5) Any other information as the officer or agency may require.

(2) Exclusions

Human bites from the animals of the orders Marsupialia, Insectivora, Rodentia, Lagomorpha, and Xenarthra are excluded from the reporting requirements of this action.

(3) 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 City of Savoy Police Department, County Health Department, or to the Texas Department of Health, stating precisely where such animal may be found. If a known or suspected rabid animal bites or attacks a domestic animal, such incident shall also be reported as required above.

(4) Confinement of Dogs, Cats and Ferrets

(a) When a domestic dog, cat, or ferret which has bitten a human has been identified, the owner or custodian will be required to place the animal in quarantine until the end of the 10-day observation period. Unvaccinated animals should not be vaccinated against rabies during the observation period; however, animals may at owner's expense be treated for unrelated medical problems diagnosed by a veterinarian. The observation period will begin at the time of the bite incident. If the animal becomes ill during the observation period, the local rabies control authority must be notified by the person having possession of the animal. The animal must be placed in a department licensed facility specified by the local rabies control authority and observed at least twice daily. However, the local rabies control authority may allow the animal to be placed in a veterinary clinic. As an alternative, the local rabies control authority may allow home quarantine if the following criteria can be met.

- (1) A secure enclosure approved by the local rabies control authority must be used to prevent escape.
- (2) The animal has been vaccinated against rabies within the last 12 months. If an unvaccinated animal is not over four months of age at the time of the bite, it may be allowed home quarantine.
- (3) The local rabies control authority or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period.
- (4) The animal was not a stray (as defined in the Texas Health and Safety Code, § 826.002) at the time of the bite.

(b) Such confinement shall be at the owner's expense.

- (c) Stray dogs, cats, or ferrets whose owners cannot be located shall be confined in the Animal Shelter designated by the Chief of Police or the Animal Control Officer.
- (d) The owner of any dog, cat, or ferret that has been reported to have inflicted a bite on any person shall on demand produce said dog, cat, or ferret for impoundment, as prescribed in this section. Refusal to produce said dog, cat, or ferret constitutes a violation of this section, and each day of such refusal shall constitute a separate and individual violation.

(5) Removal of Dogs and Cats from Confinement

It shall be unlawful for any person to remove from any place of confinement any dog or cat which has been confined or impounded as authorized by this section, without the consent of the impounding agency.

(6) Disposal of Rabid Animals

Any animal dying of, or killed while suffering from, rabies, or suspected of suffering from rabies, shall be held for such disposition of the body, and under such conditions, as the Health Director may prescribe.

(7) Procedures for Other Animal Bites

Any wild animal (other than rodents, rabbits, birds, and reptiles) which has bitten a person shall be caught and killed, if possible, and the brain submitted immediately to a qualified laboratory for rabies examination.

or similar offense under the laws of the State of Texas. Each and every day any such violation continues shall constitute a separate offense punishable hereunder.

SECTION 3: Repeal Clause

All parts of any ordinance in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION 4: Savings Clause

If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

SECTION 5: Effective Date

This ordinance shall be effective upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.

SECTION 6:

The City Council finds that this Ordinance was passed by the City Council at an open meeting for which notice was posted in accordance with the Open Meetings Act.

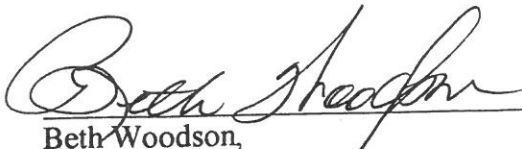
PASSED AND APPROVED by the City Council of the City of Savoy on this the 19 day of December, 2006.

APPROVED:



Cleto Stogsdill, Mayor

ATTEST:



Beth Woodson,
City Secretary