

City of Caney City
Ordinance No. 2010-03
Keeping of Animals

An Ordinance covering the keeping, maintaining or harboring of animals within the City and providing for liens abatement penalties and fines not to exceed \$100 per day.

BE IT ORDAINED by the City Council of the City of Caney City, Texas:

1. **Applicability** - This Ordinance shall apply to individually surveyed tracts of land containing an overall area of two grazing acres or less. This Ordinance does not pertain to common house pets such as cats or dogs.

2. **Animals Prohibited:**

A. It shall be unlawful for any person to keep, maintain, or harbor in the City swine, any wild animal, including but not limited to monkey, or other nonhuman primate, skunk, raccoon, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, panther, bear, wolf, coyote, fox or other carnivorous animal. Hybrid animals, resulting from crossing wild with domestic species, are also prohibited.

B. It is hereby prohibited and it shall be unlawful for any person to import, offer for sale or trade, keep, maintain, or harbor in the City any endangered species of animal as defined by the United States Department of the Interior or the Texas Department of Parks and Wildlife.

3. **Animals Allowed:**

Cattle, horse, mule, jack, jennet, goat, sheep, lama or alpaca may be kept on a property owners premises if the premise has an area of at least one grazing acre

per each head of livestock. In the event a foal, calf or other offspring is born, such foal, calf or offspring shall be permitted to be kept up to six months of age or until weaned, whichever is the latter.

The area where the animals are kept must be adjoining the full time property owners permanently located residence within the boundaries of Caney City.

4. Abatement of Unlawful Conditions: NOTICE

A. It shall be the duty of the Caney City Police Department, upon having knowledge of any land, tract, lot or portion thereof, regardless of size, within the corporate limits of the City of Caney City, that is in violation of this section, to (after receiving approval of the City Council) serve written notice to the owner either by hand delivering in person or by depositing notice in the United States mail (certified mail, return receipt requested). Such notice shall reference this ordinance, state the nature of the violation and the legal address of the property in violation, and the name of the person to whom notice was sent or delivered.

B. Upon being served with such notice, the owner of the property shall have ten (10) days from the date of notification to bring said property into compliance with the provisions of the Ordinance. In the event no address for the owner or if notice of violation is returned to the City unclaimed, then the City Secretary is hereby authorized to attempt to notify such person by citation in the official newspaper of Caney City at least two (2) times with ten (10) consecutive days. Such notice shall contain therein a legal description of the subject property and the name of the record owner and of any other persons or parties thought to have ownership interest in such property. In addition to the recorded owner, the notice is also to be addressed to "To Whom It May Concern". The owner of said property shall be liable for the cost of the certified mail and the newspaper notice, in addition to the fine amount.

5. Abatement of Unlawful Conditions: ANIMAL REMOVAL, ANIMAL SALE, PROPERTY LIENS, FORECLOSURE.

A. In the event the owner of any land, tract, or lot, upon which a condition described in this Ordinance exists fails to correct, remedy or remove such

condition within ten days after notice to do so is given in accordance with this Ordinance, the City may take whatever action is necessary to correct, remedy, or remove such conditions including, but not limited to, the removal, transport, storage and sale of the animals or cause the same to be done, and pay therefore and charge the expenses incurred thereby to the owner of such land, tract, or lot or other property upon which the animals were kept. The doing of such work by the City shall not relieve any person, firm or corporation from prosecution for violation of any provision of this Ordinance.

B. Whenever any work or action is taken by the City pursuant to the provisions of this Ordinance, the City Secretary shall file a lien statement of expenses incurred thereby with the County Clerk of Henderson County, Texas. The lien statement must state the name of the owner, if known, and the legal description of the property. Such statement shall give the amount and description of such expenses, and the date or dates on which the expenses were incurred. The lien attaches upon the filing of the lien statement with the County Clerk. Such liens shall be at the rate of 10% per annum from the date such statement was filed with the County Clerk. For any such expenditure and interest, suit may be instituted and recovery and foreclosure of the lien may be had in the name of the City and the statement of expenses made and filed in accordance with 5 A above or a certified copy thereof, shall be prima facie proof of the amount expended for such work.

C. The remedy provided in 5 A and B above shall be in addition to any other penalty or charge imposed under this Ordinance.

D. The City Council may foreclose a lien on property under this Ordinance in a proceeding relating to the property brought under the applicable Texas Code.

6. Fines:


Any violation of this Ordinance shall carry a maximum fine of \$100 per day. In the event a fine is not paid on time or the animals are abandoned, the City of Caney City may seize the animals and place them with a suitable auction for immediate

sale. The proceeds from a sale shall be utilized for the payment of costs of direct and incidental costs incurred with the seizure, sale and unpaid fines.

7. Enforcement:


The Caney City Police Chief or his designee may enter the premises at any time to enforce this Ordinance including but not limited to the seizure and transportation of animals kept in violation of this Ordinance.

PASSED AND APPROVED THIS THE 17th day of Aug. 2010.



Joe Barron
Mayor, Caney City

ATTEST:



Jamey Locke
City Secretary, Caney City

