

AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS IN THE CITY OF CANEY CITY, TEXAS, SET FORTH IN ACCORDANCE WITH THE RABIES CONTROL ACT OF 1981, ARTICLE 4477-6a, VTCS. PROVIDES FOR: DEFINITIONS, ANIMAL VACCINATION, NAMING OF LOCAL ANIMAL CONTROL OFFICER, QUARANTINING AND DISPOSITION OF BITING ANIMALS: FOR IMPOUNDMENT, LICENSING, FEES AND PENALTIES, CONTROL OF VICIOUS ANIMALS, INHUMANE TREATMENT OF ANIMALS, A SEVERANCE CLAUSE AND REPEALING CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANEY CITY, TEXAS:

SECTION I - DEFINITIONS

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

- 1.1 OWNER: Any person who has right of property in an animal or who harbors any animal or allows an animal to remain about his premises for a period of five days.
- 1.2 HARBORING: The act of keeping and caring for an animal or of providing a premise to which the animal returns for a period of five days
- 1.3 DOMESTIC ANIMAL; Shall include the following species: Dog and Cat.
- 1.4 PET ANIMAL: Shall include dogs and cats.
- 1.5 VICIOUS ANIMAL: Any animal that commits an unprovoked attack upon a person on public or private property or that attacks threatens to attach or terrorizes a person on public property or in a public place.
- 1.6 STRAY ANIMALS: Any animal for which there is no identifiable owner or harborer.
- 1.7 RABIES CONTROL: Shall mean the vaccination of a dog, cat or other domestic animal with an anti-rabies vaccine approved by the United States Department of Agriculture and administered by a veterinarian licensed by the state of Texas.
- 1.8 LOCAL HEALTH AUTHORITY: Shall mean the reporting agent for the purposes of this law, whose duties consist of the following:

- 1. receiving all reports of animal bites and scratches to humans.
- 2. receiving all reports of suspected rabid animals,
- 3. investigation of all reported animal bites and scratches and suspected rabid animals.
- 4. order quarantine, if appropriate, of any animal which has exposed an individual or another animal which may be rabid, and
- 5. other duties as entailed by the test of this law.

SECTION II - RABIES CONTROL

2.1 In the City of Caney City, Texas, the Local Animal control Officer shall be appointed by The City Council.

2.2 VACCINATIONS: Every owner of a dog or cat four months of age or older shall have such animal vaccinated against rabies the license period shall be from April 1st of each year until March 31st of the following year. Any person moving into the City from a location

outside of the City shall comply with this ordinance within 10 days after having moved into the City.

**2.3 CERTIFICATION 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.

Such certificate shall contain the following information:

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

**2.4 RABIES TAGS:** Concurrent with the issuance and delivery of the certificate of vaccination referred to in Section 2.2, the owner of the dog shall cause to be attached to the collar or harness of the vaccinated dog 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.

**2.5** Each animal must be registered with the City of Caney City

**2.6 DUPLICATE TAGS:** In the event of loss or destruction of the original tag provided in Section 2.3, the owner of the dog shall obtain a duplicate tag.

**2.7 PROOF:** It shall be unlawful for any person who owns or harbors a vaccinate 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 ordinance.

**2.8 HARBORING UNVACCINATED ANIMALS:** It shall be unlawful for any person to harbor any dog or cat which has not been vaccinate against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.

**2.8 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 Animal Control Officer giving him any information which he may require. Any animal known to have been or suspected of being exposed to rabies, the following rules must apply:

- a. Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues should be:
  1. humanely killed under the supervision of a licensed veterinarian,
  2. if sufficient justification for preserving the animal exists, the exposed animal should be immediately vaccinated against rabies, placed in strict isolation for six months and given a booster vaccination one month prior to release from isolation.

- b. Vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal should be:
1. humanely killed under the supervision of a licensed veterinarian,
  2. 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 months.
- c. These provisions apply only to domestic animals for which an approved rabies vaccine is available.

SECTION III - REPORTING BITES FROM ANIMALS  
SUSCEPTIBLE TO RABIES: RELATED PROCEDURES

3.1 DUTY TO REPORT: Any person having knowledge that an animal has bitten a human shall immediately report the incident to the local Animal Control Officer. Every physician or other medical practitioner who treats a person or persons for such bites shall within twelve hours report such treatment to the Local Animal Control Officer or his agent, giving name, age, sex, and precise location of the bitten person or persons and such other information as the Local Animal Control Officer may require.

3.2 EXCLUSIONS: Human bites from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this action.

3.3 SUSPECTED RABIES: Any veterinarian who clinically diagnosis rabies or any person who suspects rabies in a dog, or cat or other domestic or wild animal shall immediately report the incident to the Local Animal Control Officer or his agent stating precisely where such animal may be found. If a known or suspected radib animal bites or attacks a domestic animal, such incident shall also be reported as requirebove.

3.4 CONFINEMENT OF DOGS AND CATS: 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 Animal Control Officer. If the dog or cat is not allowed an at-home quarantine, confinement shall be by impoundment in the Human Society of Cedar Creek Lake (Payable in Advance), or at any veterinary hospital of the owner's choice. Such confinement shall be at the owner's expense. Stray dogs or cats whose owners cannot be located shall be confined in the Human Society of Cedar Creek Lake or a veterinary hospital. The City shall be responsible for all costs as set our in the attached contract agreement. The owner pf any dog or cat hat has been reported to have inflicted a bite on any person shall on demand produce said dog or cat for impoundment, as prescribed in this section and each day of such refusal shall constitute a separate and individual violation. At no time shall a dog or cat be allowed an at-home quarantine if it is in violation of any provision of this ordinance.

3.5 REMOVAL OF DOGS AND CATS FROM CONFINEMENT: It shall be unlawful for any person to remove from any place of confinement andy dog or cat which has been confined as Authorized, without the consent of the Local Animal Control Officer.

3.6 PROCEDURES FOR OTHER ANIMAL BITES: Procedures concerning bites from other animals shall be discussed with the Local 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 considered for laboratory examination for rabies.

4.1 NUISANCE: It shall be unlawful for any owner to harbor any dog, cat, or other pet animal which by any sound or cry or other activity shall disturb the peace, comfort, or property of the inhabitants of the neighborhood, and such disturbance is hereby declared to be a public nuisance and a violation of this ordinance.

4.2 CONFINEMENT DURING ESTRUS: Any unsprayed female dog or cat in the stage 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 or cat 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. 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 control officer shall be a violation of this order and the dog or cat will then be impounded as prescribed in this order.

4.3 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 impoundment; however, disposition may be made according to Section 6.5.

#### SECTION V - VICIOUS ANIMALS

5.1 VICIOUS ANIMALS: No person shall own or harbor a vicious animal within the City of Caney City, Texas. 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 Control Officer or other persons, the animal may be destroyed without notice to the owner or harborer.

5.2 GUARD DOGS: It shall be unlawful to place or maintain any dog which has been specifically trained to attack, in any area for 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 inches high.

#### SECTION VI - IMPOUNDED ANIMALS

6.1 IMPOUNDMENT: Animals owned or harbored in violation of this order or any other ordinance or law of the State of Texas shall be taken into custody by an animal Control Officer. Stray animals shall be similarly impounded.

6.2 REMOVAL OF ANIMALS FROM ANIMAL SHELTER: It shall be unlawful for any person to remove any impounded animal from an animal shelter without the consent of the Animal Control Officer.

6.3 REMOVAL OF BITING DOGS AND CATS FROM CONFINEMENT: The impoundment of dogs and cats that have inflicted human bites shall be for a period of ten (10) days for observation and shall not be terminated until consent from the Local Animal Control Officer is secured.

6.4 DISPOSITION OF IMPOUNDED ANIMALS: As soon as practicable after impoundment, if the owner of the impounded animal is known, immediate notice shall be given to him. Any impounded animal may be redeemed upon payment of the care and feeding charges, veterinary charges, rabies vaccination charges and such other costs as set by the City Council. If such animal is not redeemed within three (3) days, it shall be deemed abandoned and may be placed for adoption, subject to payment of the impoundment fee care and feeding charges, veterinary charges, rabies vaccination charges and such other costs as set by the City Council, or said animal may be humanely euthanized. If any impounded animal appears to be either seriously ill or injured in such a manner as to render treatment impractical, it may be humanely destroyed before the end of the three (3) day waiting period to end its suffering.

6.5 DISPOSITION OF IMPOUNDED ANIMAL BEING HELD ON COMPLAINT: If a complaint has been filed in the City Court in the City of Caney City, Texas, against the owner of an impounded animal for violation of this ordinance; the animal shall not be released except on the order of the court which may also direct the owner to pay penalties for violation of this order 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 of nuisance to the citizens or other animals in the community, order animal to be destroyed 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 nor to the fees and fines which may result from a violation or violations of this ordinance.

6.6 DISPOSITION OF DISEASED ANIMALS: Any animal taken into custody by the animal Control Officer except those animals which have inflicted human bites during the preceding ten (10) days and 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:

- a. That any animal which has inflicted any human or animal bite during the preceding ten (10) days have its head removed the Animal Control Officer and submitted to the laboratory for rabies examination.
- b. Any animal exhibiting symptoms of rabies must be handled in a manner prescribed by the Local Animal Control Officer.

#### SECTION VII - ANIMALS PROHIBITED

7.1 ANIMALS PROHIBITED: It is hereby prohibited and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit in the City of Caney City, Texas, and monkey, or other non-human primate, skunk, racoon, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther, bear, wolf, coyote, fox, other carnivorous animal or poisonous reptile.

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

7.3 SECTION DOES NOT APPLY: This section shall not apply to:

1. A bona fide publicly or privately owned zoological park.
2. A bona fide research institution using animals for scientific research.
3. A Circus duly authorized to do business in the City of Caney City, Texas.

#### SECTION VIII - INHUMANE TREATMENT

8.1 CRUELTY TO ANIMALS: It is hereby prohibited and it shall be unlawful for any person to commit or cause to be committed any act of cruelty, harassment, or torture to any animal or intentionally cause such animal to be mutilated or in-humane killed. Ownership, or the commission of such acts of cruelty on private property shall not be justifiable defense for violation of this section.

8.2 POISONING: It is hereby prohibited and it shall be unlawful for any person to poison any domestic animal or to distribute poison or toxicants on public or private property in any manner whatsoever with the intent of poisoning any animal.

8.3 ABANDONING ANIMALS: It is hereby prohibited and shall be unlawful for any person to willfully abandon any animal; or to withhold food or water from any animal such that its health is endangered, or it is caused to suffer unduly,

8.4 DISPLAY OR SALE OF DYED OR IMMATURE ANIMALS: It is hereby prohibited and it shall be unlawful for any person to possess, display sale, barter, or give away dyed, colored or in any way artificially treated baby chick, ducklings, fowl, rabbits or any animals as pets, play-things, novelties, gifts, or for any other purpose. This section shall not be construed to prohibit their display of hatcheries, stores, owners, dealers or persons engaged in the business of selling such immature animals to be raised for food; but such hatcheries, store owners, dealers or persons shall not sell or give away baby chicks, ducklings, or any other immature domestic fowl as pets, playthings, novelties or gifts.

8.5 FIGHTING ANIMALS: It is hereby prohibited and it shall be unlawful for any person to cause, instigate, or encourage any dog or other animal to fight with another of its own species or with another of a different species. It shall be unlawful for any person to train or keep any dog or other animal for the purpose of fighting. It shall be unlawful for any person to maintain a place where any dog or other animal is permitted to fight for exhibition or for wager or for sport.

#### SECTION IX - SAFETY PROVISIONS

9.1 INTERFERENCE WITH THE LOCAL ANIMAL CONTROL OFFICER: It shall be unlawful for any person to interfere with, molest, hinder, or prevent the Local Animal Control Officer or his authorized representatives in the discharge of their duties as herein prescribed, or to violate any of the provisions of this order.

9.2 PENALTY FOR VIOLATION: Any person who violates any of the provisions of this order or other sections of this ordinance shall be guilty of a Class C misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$200.00 dollars, unless pre-empted by state penalty provision.

9.3 SEVERANCE CLAUSE: If any section, subsection, sentence, clause or phrase of this order is for any reason held to be invalid such decision shall not affect the validity of the remaining portion of this order.

9.4 SAFETY CLAUSE: The Local Animal Control Officer of the City of Caney City, Texas, hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety.

9.5 REPEALER: All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

9.6 EFFECTIVE DATE: This act shall take and be in effect on and after April 11 1991.

SECTION X - RECORDS

10.1 RECORDS: It shall be the duty of the Local Animal Control Officer of the City of Caney City, Texas, to maintain such records as deemed necessary to the enforcement of all provisions of this order and have those records available for display to the City Council, or to the public at any time during regular business hours of 9:00 AM 4:00 PM.

PASSED AND APPROVED THIS THE 11 DAY OF April, 1991

Joe Barton  
Mayor

ATTEST:

Anne Ramsey  
City Secretary