

CITY OF CANEY CITY, HENDERSON COUNTY TEXAS

ORDINANCE NO: 2023-0003

Animal Control

Pursuant to the authority of Chapter 822, "Regulation of Animals", and Chapter 826, "Rabies", of the Texas Health and Safety Code, the City Council ("Council") of the City of Caney City Texas ("City") adopts and enforces the following ordinance to protect the public health, safety, and welfare In the City of Caney City, Texas.

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I. GENERAL PROVISIONS

A. Animal Control Authority, hereinafter ACA, means any peace officer of the State of Texas, County Health Officer, or other entity that the Council considers appropriate. Among other duties, the ACA shall enforce the provisions of this ordinance by investigating complaints as to animal nuisances; issuing citations when deemed appropriate; and shall impound animals when appropriate.

B. Local Rabies Control Authority, hereinafter LRCA, means the Local Health Authority, or designee, who will receive reports of animal bites and potential rabies exposures; investigate bite reports; ensure quarantine of possible rabid animals or include laboratory testing of possible rabid animals; issue citations for failure to restrain; and otherwise carry out provisions of the Texas Law and local regulations pertaining to control and eradication of rabies.

C. Under these rules, the ACA is also designated as the LRCA with both positions being referred to herein as the Animal Control Authority, or ACA (reference Texas Health and Safety Code 826.017).

II. DEFINITIONS

A. "Dog" shall mean any member of the *Canis familiaris* family.

B. "Cat" shall mean any member of the *Felis catus* family excluding hybrids.

C. "Domestic Animal" shall include all species of animals commonly and universally accepted as being domesticated including animals commonly referred to as livestock.

D. "Wild Animal" shall include all species of animals that commonly exist in a natural unconfined state and are usually not domesticated. This shall apply regardless of state or duration of captivity.

E. "Pet Animal" shall include dogs, cats, rabbits, rodents, birds, non-venomous and non-constrictor reptiles, and any other species of animal which is sold or retained as a household pet but shall not include skunks, raccoons, non-human primates, and any other species of wild, exotic or carnivorous animal that may be further restricted by law.

F. "Owner/Custodian" shall mean any person, firm or corporation who has right or property in an animal or who harbors an animal or allows an animal to remain about their premises for a period of least four (4) consecutive days.

G. "Harboring" shall mean the act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter, or care for a period of four (4) consecutive days.

H. "Vicious animal" shall mean any individual animal or any species that has on one previous occasion made an unprovoked attack or bitten any person or other animal which the ACA has reason to believe has a dangerous disposition, or any species of animal which the ACA has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

I. "Dangerous dog" shall mean any dog that (reference Texas Health and Safety Code 822.0421):

1. makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and such enclosure was reasonably certain to the ordinary person to prevent the dog from leaving the enclosure on its own; or
2. commits unprovoked acts in a place other than an enclosure in which the dog was being kept and such enclosure was reasonably certain to the ordinary person to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

J. "Stray" or "Running at Large" shall mean an unsupervised pet or domestic animal(s) that roam(s) beyond its owner's/custodian's premises or property under the owner's/custodian's lease or control and is/are roaming without any physical restraints, or that is/are not controlled with visual or verbal commands. Any pet or domestic animals(s) under direct owner/custodian supervision within the owner's/custodian's private property or property under the owner's/custodian's lease or control shall not be considered stray or running at large.

K. "Nuisance animal" shall be considered any pet or domestic animal that causes any uncontrolled, sustained noise; or is considered a stray or running at large; or commits any other activity or offense that disturbs the peace, comfort, and sensibilities of the inhabitants of the area.

L. "Secure" shall refer to a restraint or enclosure that is reasonably designed to confine a pet or domestic animal taking into account the size, strength, agility, age, and history of the animal.

M. "Vaccinated" shall mean properly injected with a rabies vaccine licensed for use in that species by the US Department of Agriculture and administered by a veterinarian licensed to practice In the State of Texas.

N. "Currently vaccinated" (reference Texas Administrative Code 169.22) shall mean vaccinated and satisfying the following criteria:

1. The animal must have been vaccinated against rabies according to the label recommendations of a US Department of Agriculture (USDA) approved vaccine.
2. At least 30 days have elapsed since the initial vaccination.
3. The time elapsed since the most recent vaccination has not exceeded the label recommendations of the vaccine.

O. "Abandon" shall mean to leave or drop off a pet or domestic animal without provision for food, water, or shelter such that the animal's health is endangered or causes the animal to suffer (reference Texas Penal Code 42.09, Cruelty to Animals, reference Texas Health and Safety Code 821.021)

P. "Shelter" shall refer to a structure that is large enough to allow the animal to stand up, turn around and lie down in a normal position; has a floor, at least three (3) sides, and a roof; and provides protection from the extreme weather elements.

Q. "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

R. "Hybrid animal" shall mean any animal resulting from crossing wild with domestic species.

S. "Livestock" shall mean animals such as cattle, horses, mules, sheep and goats.

III. RABIES CONTROL

A. VACCINATIONS: Every owner/custodian of a dog or cat three (3) months of age or older shall have such animals vaccinated against rabies, and shall then vaccinate each dog or cat with a booster shot within twelve (12) months after the initial shot and then again as often as the vaccine manufacturer recommends. Any person moving into the City from a location outside of the City shall comply with this ordinance within thirty (30) days after having moved into the City.

B. BITE REPORTING: If a dog or cat has inflicted a bite on any person or another animal, the owner/custodian of such dog or cat shall report the bite to the LRCA or County Health Authority, and no rabies vaccine shall be administered until after a ten-day observation period. (reference Texas Administrative Code 169.25)

C. CERTIFICATE OF VACCINATION: Upon Vaccination, a veterinarian shall execute and furnish to the owner/custodian of a dog or cat as evidence of vaccination, a certificate upon a form furnished by the veterinarian as specified by the Rabies Control Act. The veterinarian shall retain a duplicate copy of such certificate for 1 year beyond the length of time the animal is due to be revaccinated per the manufacturer's recommendations.

D. RABIES TAGS: Concurrent with the issuance and delivery of the certificate of vaccination referred to in Section III, C, a veterinarian shall issue 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 the veterinarian's address. The owner/custodian shall affix a collar or harness with the attached metal vaccination tag to the vaccinated dog at all times.

E. REPLACEMENT TAGS: In the event of loss or destruction of the original tag provided in Section, III, C of this ordinance, the owner/custodian of a dog or cat shall obtain replacement tags. Vaccination certificates and tags shall be valid only for the dog or cat for which it was originally issued.

F. FURNISHING PROOF OF VACCINATION: It shall be a violation of this ordinance for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his or her copy of the certificate of vaccination upon demand to any peace officer charged to enforce this ordinance.

G. HARBORING A NOT CURRENTLY VACCINATED PET ANIMAL: It shall be a violation of this ordinance for any person to harbor any pet animal that has not been currently vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

H. 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 ACA, giving any Information that may be required. For any animal known to have been, or suspected of being exposed to rabies, the following rules apply. (reference Texas Administrative Code 169.30, Texas Health and Safety Code 826.041)

1. Animals having a current rabies vaccination must be revaccinated immediately and confined according to the method prescribed by the LRCA for a period of forty-five (45) days.
2. Animals not having a current rabies vaccination should be humanely destroyed. However, if the owner/custodian of such an animal elects, he or she may, at the owner's/custodian's expense and in the manner prescribed by the LRCA, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than three (3) months. A revaccination shall be done at the third and eighth weeks of isolation.
3. Each day an owner/custodian of an animal described in Section III, H, (1) and (2) above fails to abide by those sections constitutes a separate offense.

IV. IMPOUNDMENT OF PET OR DOMESTIC ANIMALS

A. IMPOUNDMENT: Animals owned or harbored in violation of this ordinance or any other ordinance of law of the State of Texas may be taken into custody by the ACA and impounded. Stray or animals considered running at large may be similarly impounded.

B. ANIMAL SHELTER: An animal shelter shall be utilized for the purpose of boarding and caring for any animal impounded under the provision of this ordinance. In lieu of an animal shelter, the City may contract with any licensed veterinarian or other licensed facility to provide this service at a fee mutually agreed upon and having a suitable facility that has been approved by the Texas Department of Health.

C. RIGHT TO ENTER: The ACA/LRCA is hereby authorized to enter upon any lot, tract, or parcel of land for the purpose of seizing and impounding any animal found thereon in violation of this ordinance.

D. REGISTRY OF ANIMAL: Immediately upon impounding any animal, the ACA/LRCA shall make a complete registry of the animal, entering breed, color, and gender of such animal and the place and time of taking custody.

E. REMOVAL OF ANIMALS FROM ANIMAL SHELTER: It shall be unlawful for any person to remove any impounded animal from the animal shelter without the consent of the ACA/LRCA or other impoundment official or agency. The impoundment official or animal shelter shall not release any animal to an owner/custodian without proof of rabies vaccination.

F. REMOVAL OF BITING PET ANIMALS FROM CONFINEMENT: The impoundment of pet animals that have inflicted bites on humans shall be for a period of ten (10) days for

observation and shall not be terminated until consent from the proper officer or agency is secured.

G. DISPOSITION OF IMPOUNDED ANIMALS: As soon as practicable after impoundment, if the owner/custodian of the impounded animal is known, immediate notice shall be given to owner/custodian. Any impounded animal may be reclaimed upon payment of impoundment fee, care, and feeding charges, veterinary charges, rabies vaccination charges and such other costs as set by the Council. If such animal is required to wear and is not wearing a current rabies tag and is not redeemed within 72 hours, it shall be deemed abandoned. Said animal may then be placed for adoption, or the impoundment officer may humanely euthanize said animal.

H. DISPOSITION OF IMPOUNDED ANIMAL BEING HELD ON COMPLAINT: If a complaint has been filed in the Municipal Court of the City ("Court") against the owner/custodian 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/custodian to pay any penalties for violation of this ordinance in addition to fair impoundment fees. The Court may order said animal to be euthanized in a humane manner upon making a finding that such animal is a dangerous or vicious animal or that it represents a clear and present danger or nuisance to the citizens or other animals in the community. Surrender of an animal by the owner/custodian thereof to the peace officer does not relieve or render the owner/custodian immune from the decision of the Court, nor to the fees and fines that may result from a violation of this ordinance.

I. DISPOSITION OF DISEASED ANIMALS: Any animal taken into custody by the ACA except those animals which have inflicted bites on humans 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 that:

1. any animal that has inflicted any bite on a human or animal during the preceding ten (10) days have its head removed and submitted to the laboratory for rabies examination;
2. any animal exhibiting symptoms of rabies must be handled in a manner prescribed by the LRCA.

V. IT IS ORDERED THAT

- A. Each stray dog is declared a nuisance unless a current rabies vaccination tag is attached to the dog.
- B. Each dog must be controlled by its owner/custodian. A dog shall be considered “controlled” if:
1. the dog remains on the premises of its owner/custodian; or,
 2. the dog is under the control of the owner/custodian by means of a leash or is under the verbal or visual command of its owner/custodian; or,
 3. the dog is secure within its owner’s/custodian’s vehicle.
- C. Each unrestrained dog may be detained or impounded by the ACA. At its option, the ACA may elect to issue a citation to a person who violates this ordinance without detaining or impounding the dog if the ACA deems the public health safety and welfare is no longer in eminent danger.
- D. A person commits an offense if the person fails, refuses, or improperly restrains a dog that is required to be restrained under this ordinance. An offense under this ordinance is a Class C Misdemeanor under Texas Health and Safety Code Section 826.022.
- E. All citation fees collected shall be deposited in the treasury of the City and may be used to defray the cost of administering these regulations.
- F. An owner/custodian of an animal found in violation of this ordinance will be charged not only an impoundment fee of no less than \$40 but also a boarding fee of no less than \$10 per day. These fees will be made payable to the animal shelter/humane society that is impounding said animal(s).
- G. Each time a pet or domestic animal runs at large/strays in violation of this ordinance constitutes a separate offense.
- H. The owner/custodian of a dangerous or vicious pet animal shall obtain liability insurance coverage or show financial responsibility in the following amounts to cover damages resulting from an attack by the animal on any person, livestock, domestic animal or fowl, and provide proof of such to the ACA on an annual basis:
1. for acts against a person \$100,000
 2. for acts against livestock, domestic animal or fowl ... \$100,000

I. To keep a dangerous dog as a pet animal, owners/custodians must:

1. keep all shots up to date; and
2. keep the dog in a secure, locked location; and
3. post warning signs of a dangerous dog on the property; and
4. obtain a tattoo or electronic implant with "dangerous disposition" within 24 hours of the dog's release from quarantine; and
5. muzzle the dog when it leaves the owner's/custodian's property; and
6. have the dog altered; and
7. go through owner/custodian training.

J. Notwithstanding the above, a dangerous dog or a dog that is a danger to other animals must be restrained at all times by a secure leash or be kept in a secure enclosure.

K. Unlawful Restraint of a dog as defined in the Texas Health & Safety Code Section 821.102 shall be considered a Class C misdemeanor unless the restraint falls under the Exceptions stated in Texas Health & Safety Code Section 821.103.

L. Any vicious animal found running at large may be ordered destroyed by any peace officer in the interest of public safety.

M. A peace officer may order any owner/custodian or person having care, control, or custody of any dangerous or vicious pet or domestic animal to take such animal permanently from the City. This animal must be removed immediately following receipt of such order even if an appeal is initiated. This order may be appealed in writing within fifteen (15) days after the date the owner/custodian is notified to the Municipal Court of the City ("Court"). An owner/custodian may appeal the decision of the Court in the same manner as appeal for other cases from the Court.

N. If the owner/custodian or person having care, custody, or control of a vicious pet or domestic animal fails to remove such animal as provided for in subsections L and M of this section, such animal may be impounded or humanely destroyed.

O. If the owner/custodian or person having care, custody, or control of a vicious pet or domestic animal must report the disposition and relocation of such animal to the ACA in writing within ten (10) days after the expiration date for removal of such animal from the City. Each day thereafter such information is not provided shall constitute a separate offense.

P. The ACA shall be authorized to obtain a search and seizure warrant if there is reason to believe that a pet or domestic animal ordered removed from the City for being vicious has not been so removed.

Q. It shall be unlawful for any pet or domestic animal to be brought into the City that has been declared vicious or dangerous by any other city or county and shall result in a separate offense.

R. If an owner, custodian, keeper or person in control of a pet or domestic animal allows the pet or domestic animal to run at large, worry or kill domestic animals or fowls, they will be subject to a Class C Misdemeanor.

S. If an owner, custodian, keeper or person in control of a pet or domestic animal allows the pet or domestic animal to be “running at large”, “abandons” the animal, fails to provide “shelter” for the animal, “restrains” the animal improperly, and/or allows the animal to be a “nuisance animal” as defined in Section II, Parts J, K, O, P, & Q; they shall be subject to a Class C Misdemeanor.

T. An owner, custodian, keeper, or person in control of a pet or domestic animal shall adhere to Section III part D and failure to have a required metal rabies vaccination tag attached to the pet or domestic animal, shall make them subject to a Class C Misdemeanor.

U. If an owner, custodian, keeper, or person in control of a pet or domestic animal is found to be in violation of Section III, Part G, they shall be subject to a Class C Misdemeanor.

V. An owner, custodian, keeper, or person in control of a pet or domestic animal, shall be subject to a Class C Misdemeanor if they are in violation of section V, Parts B, C, D, and/or J.

W. An owner, custodian, keeper, or person in control of a pet or domestic animal shall be subject to a Class C Misdemeanor, if the pet or domestic animal is more than three months of age and is required to have a current rabies tag and a veterinarian certificate or tag issued for the pet or domestic animal cannot be presented to the ACA.

X. An owner, custodian, keeper, or person in control of a pet or domestic animal shall be subject to a Class C Misdemeanor if the pet or domestic animal is not provided food and fresh water daily.

Y. It is hereby prohibited and shall be unlawful for any person to keep maintain or harbor in the City, swine, wild or hybrid animals.

Z. Livestock may be kept on a property owner’s 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 owner’s permanently located residence within the boundaries of the City.

AA. It is hereby prohibited and 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.

AB. If an owner, custodian, keeper or person in control of a pet or domestic animal allows the pet or domestic animal to run at large, and that animal does damage to another person’s property, the owner, custodian, keeper or person in control of the animal must pay for damages. The owner that has damaged property shall get three (3) estimates and submit to the owner, custodian, keeper or person in control of the animal for payment.

VI. ADDITIONAL PROVISIONS

A. The Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety.

B. Nothing in this ordinance shall be construed to allow or otherwise condone the possession of ownership of any wild or exotic animal within the City.

VII. REPEAL

This ordinance repeals Ordinances 4119A, 12894, 2010-03 and all other ordinances addressing the herein described conditions.

VIII. SEVERABILITY

It is hereby declared by the City Council of the City of Caney City that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

IX. PUBLIC NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and was properly posted as required by law.

X. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CANEY CITY, TEXAS ON THIS 12th DAY OF October, 2023



Steve Pine, Mayor



Kayley McCullough, City Secretary

