

ORDINANCE NO. 537

AN ORDINANCE AMENDING CHAPTER 3, "ANIMALS AND FOWL," OF THE CODE OF ORDINANCES OF THE CITY OF RIVER OAKS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$ 2000 FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has determined that in order to effectively enforce animal control regulations and protect the health, safety, and welfare of the citizens, the current ordinances needed to be codified and amended,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

SECTION 1. Chapter 3, "Animals and Fowl" of the Code of Ordinances of the city of River Oaks, Texas, is as amended, is amended to read as follows:

"ARTICLE I. IN GENERAL

SEC. 3-1. DEFINITIONS

In this chapter:

- (1) Animal Control Officer means an employee of the city designated by the Chief of Police to enforce animal control ordinances.
- (2) Cat means *Felis domestica*.
- (3) Dog means *Canis familiaris*.
- (4) Estray means any stray horse, stallion, mare, gelding, filly, colt, mule, jenny, jack, jennet, asses, burro, swine, hog, pig, sheep, goat, or any species of cattle.
- (5) Guard or Attack Dog means any dog professionally trained for security purposes.

- (6) Harboring means the act of keeping and caring for an animal or providing a premise to which the animal returns for food, shelter, or care for a period of 72 hours.
- (7) Impounding means taken into custody and placed into an animal control facility.
- (8) Kennel means any shelter where dogs and/or cats are bred, boarded, or held in return for payment
- (9) Livestock means any cattle, horses, mules, jacks, jennets, asses, burro, sheep, goats, swine (hogs and pigs, domestic, wild, and potbelly), other penned animals, chicken, or other fowl.
- (10) Local rabies control officer means the person or entity designated by the city to receive reports of animal bites, investigate such reports; insure quarantine of suspected rabid animals.
- (11) Owner means any person, firm, corporation, association, partnership, or trust who has a property right or interest in an animal or who harbors an animal or who allows an animal to remain on a premises for a period of 72 hours or more.
- (12) Pet means a domesticated animal including, but not limited to a cat, dog, rabbit, rodent, bird, and any other species of animal which is sold or retained in a household, but shall not include livestock, a skunk, non-human primates and any other species of wild, exotic or carnivorous animal.
- (13) Quarantine by owner:
- (a) Animal must be inside an enclosed structure, i.e. house or garage and must remain there for ten days.
 - (b) If maintained outside, animal must be behind a fence from which it cannot escape and on a chain from which it cannot break loose or inside a covered pen or kennel from which it cannot escape.
- (14) Running at Large means an animal not completely confined by a building, cage, container, wall, leash, rope, chain, vehicle, or fence of sufficient construction to restrain the animal, whether on or off the owner's premises. An animal being physically held by the owner within the limits of the owner's private property is not an animal running at large.
- (15) Vaccinated means properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and/or Texas

Department of Health and administered by a veterinarian licensed to practice in the State of Texas.

- (16) Vicious Animal means any unprovoked animal who approaches a person or domestic animal and exhibits vicious or terrorizing behavior in an apparent attitude of attack, whether it inflicts injury or not. Vicious animal includes, but is not limited to any dog with a known propensity to attack without provocation or otherwise cause injury or endanger the safety of human or other domestic animals and a dog trained, owned, or harbored for the purpose of dog fighting.
- (17) Wild Animals means all animals and reptiles which commonly exist in a natural, unconfined state and are usually not domesticated, regardless of the circumstances or duration of captivity. Examples of wild animals include, but are not limited to the following: lions, tigers, bobcats, cougars, panthers, leopards, cheetahs, bears, javelinas, wolves, coyotes, elephants, gila monsters, water moccasins, coral snakes, rattlesnakes, copperheads, king cobras, and any poisonous snake or reptile, pythons, boa constrictors, crocodiles, and alligators.

SEC. 3-2. AUTHORITY.

This chapter is adopted pursuant to Chapter 826, Texas Health and Safety Code, known as the Rabies Control Act.

SEC. 3-3. KENNELS

Kennels or other places where animals are bred, raised, or boarded must be located in commercially zoned districts.

SEC. 3-4. DANGEROUS ANIMALS

- (1) Prohibited. It is unlawful for a person to knowingly or intentionally possess, keep, or harbor a vicious animal or a wild animal in the city.
- (2) Transport. It shall be unlawful to transport a wild animal, dangerous reptile or insect through the city without the same being secured in a wreck repelling, padlocked cage or container.
- (3) Destruction. A vicious or wild animal found running at large may be destroyed by any peace officer or animal control officer in the interest of public safety.

SEC. 3-5. SWINE

Prohibited: The harboring of any swine, hogs or pigs (wild, domestic, or pot belly) within the city.

SEC. 3-6. ABANDONMENT.

A person commits an offense if the person knowingly or intentionally discards an animal in the city, whether alive or dead.

ARTICLE II. DOGS AND CATS

SEC. 3-7. ANNUAL REGISTRATION.

- (1) Required. The owner of a dog/cat that is four months of age or older must register each dog/cat with the city. A registration may be obtained in person or by mail upon providing;
 - A. Certificate of vaccination within the previous six months to include the following information:
 1. Name, address, and telephone number of the owner of the vaccinated dog or cat.
 2. The date of vaccination.
 3. The year and number of the rabies tag.
 4. The breed, age, color, and sex of the vaccinated dog or cat
 5. Neutered, spayed, unneutered, unspayed
 6. Plat plan – if registering more than 3 total dogs and cats
 - B. The payment of the registration fee.
- (2) Metal tag. The city will issue a metal tag. The owner of a dog/cat shall attach the metal tag to a collar or harness that is worn at all times by the animal. All registration tags shall be valid for a period of one year from the date of issuance.
- (3) Annual renewal. The owner of the dog/cat shall annually renew the registration with the city. The same proof of current vaccination and payment of the fee that is required for the initial registration, is required for a renewal.
- (4) New residents. A person moving into the city from an area outside of the city has 30 days to comply with this section.

- (5) Guard or attack dogs. The owner of a guard or attack dog shall:
- A. Indicate on the registration application that the dog is a guard or attack dog. In addition, the breed, number, location, and hours of presence must be indicated for use by the city's police and fire departments.
 - B. All dogs kept solely for the protection of persons and property, residential, commercial, or personal shall be registered with the police department. The area or premises in which such dog is confined shall be conspicuously posted with warning signs bearing letters not less than 2" high, stating "guard dog on premises".

SEC. 3-7. DUPLICATE TAGS.

The owner of a dog/cat may obtain a duplicate registration tag upon payment of a duplicate fee and presentation of the receipt showing payment of the current year's registration fee.

SEC. 3-8. VACCINATIONS.

Required annually. The owner of a dog/cat shall have the animal vaccinated against rabies by the time the animal is four months of age and annually thereafter.

SEC. 3-9. NUMBER OF DOGS AND/OR CATS.

The single family dwelling units are allowed the following pet occupancy levels:

Lot Size	Max # Dogs	Max # Cats	Max # Pets
15,000 sq. feet or less	2	3	4
15,001 to 30,000 sq. feet	3	4	5
30,001 to 60,000 sq. feet	4	5	6
More than 60,000 sq. feet	5	6	7

Multi-family dwelling units cannot exceed a two pet occupancy level .

ARTICLE III. LIVESTOCK

SEC. 3-10 LIVESTOCK

- (1) It shall be unlawful to maintain any livestock within the corporate limits of the city without having first obtained a permit. One head of livestock (horse, pony, mule, donkey, sheep, goat, or cow) may be kept on a lot or tract of land containing a minimum of 5 acres, under one ownership fenced and properly graded to prohibit runoff onto adjacent property. Such livestock shall be

restrained by fencing or other suitable barrier from within 100 feet of adjacent residential, commercial, or other inhabited structure.

- (2) An additional 20 ,000 square feet of land is required for each additional head of livestock proposed to be kept on the premises.
- (3) No hogs or pigs shall be permitted within the corporate limits of the City.
- (4) The owner or lessee shall make application for a permit to the City of River Oaks and pay the livestock permit fee.

SEC. 3.11 RABBITS

More than 3 rabbits may be kept on single family residentially zoned property in the city, if the rabbits are not kept for commercial purposes and the owner of the rabbits complies with the following restriction:

- (1) The rabbits must be kept on a lot or tract of land under one ownership containing a minimum of 15,000 square feet;
- (2) The rabbits must be kept in individual cages;
- (3) The rabbits must be kept at least 100 feet from an adjacent residential/commercial structure;
- (4) The rabbits must be kept in a manner that does not create a nuisance; and
- (5) A maximum of 20 rabbits may be kept in pursuant to this subsection.

SEC. 3.12 FOWL/BIRDS

More than three birds (fowl) may be kept on single family residentially zoned property in the city if the owner of the birds complies with the following restrictions:

- (1) The birds must be kept on a lot or tract of land under one ownership containing a minimum of 15,000 square feet;
- (2) The birds must be kept at least 100 feet from an adjacent residential or commercial structure.
- (3) The birds must be kept in a manner that does not create a nuisance; and
- (4) A maximum of 20 birds may be kept pursuant to this subsection.

SEC. 3.13 BEES

- (1) Acreage Required. Bees must be kept on a lot or tract of land under one ownership containing a minimum of one (1) acre.
- (2) Number. No more than two bee hives may be kept on single family residentially zoned property in the city .

ARTICLE IV. HEALTH REGISTRATIONS

SEC. 3-14. INJURIES TO PERSONS OR ANIMALS CAUSED BY OTHER ANIMALS.

- (1) Reporting animal bites. Any person having knowledge of an animal bite to a human or to an animal, shall report the incident to the local rabies control officer as soon as possible, but not later than 24 hours from the time of the incident. The owner of the biting animal is then required to quarantine the animal in accordance with this chapter.
- (2) Removal of animals from city. If an unprovoked vicious animal bites or attacks a human or another animal, removal of that animal from the city will be required or euthanasia shall be administered following the quarantine period. If any other pet bites or attacks a human or other animal, a warning will be issued to the owner. A second incident in which the pet bites a human will necessitate the removal of that animal from the city or euthanasia shall be administered.

SEC. 3-15. ANIMAL BITE - QUARANTINE.

- (1) Observation. The owner of any animal that has bitten a human is required to quarantine the animal for a period of 10 days at the owner's expense. If the biting animal exhibits signs of illness during that 10 day observation period, the illness must be reported to the local rabies control officer.
- (2) Inability to maintain the quarantine. If the owner of the biting animal cannot maintain a secure quarantine, the animal will be impounded at the owner's expense, or the animal will be humanely destroyed and the brain submitted to proper authorities as required by state law.
- (3) Wild animals. A wild animal will not be placed in quarantine. A wild animal involved in a biting incident will be humanely destroyed and the brain submitted to proper authorities as required by law.
- (3) Release. The owner of an animal must obtain a release from the local rabies control officer upon expiration of the quarantine period.
- (4) Refusal or Interruption. It is unlawful for a person to:
 - (A) fail or refuse to quarantine an animal that has bitten a human; or
 - (B) interrupt the quarantine observation period before obtaining a release from the rabies control officer.

SEC. 3-16. ANIMAL NUISANCES.

Certain Conditions. The following circumstances and conditions are declared to constitute a public nuisance:

- (1) the harboring of an animal, which causes frequent or continued barking, crying, bellowing, braying, crowing, or bleating noise, for a period longer than 10 minutes that reasonably disturbs any person;
- (2) the harboring of an animal in a manner that endangers the public health by the accumulation of animal wastes which create foul and offensive odors or create a breeding place for flies and mosquitoes, including, but not limited to animal pens, stables, or enclosures in which an animal may be kept or confined; or
- (3) the harboring of bees in a manner that denies a person the uninterrupted use of enjoyment of adjacent property or endangers the health and welfare of a person.

ARTICLE V. IMPOUNDMENT.

SEC. 3-17 REASONS FOR IMPOUNDMENT

- (1) An animal can be impounded for any of the following reasons
 - (A) Dogs not wearing a current metal registration tag;
 - (B) Any animal kept under conditions which could endanger the lives or health of a person or animal, such as a rabid animal;
 - (C) Any animal that creates a nuisance as defined in this chapter;
 - (D) Any dog running at large;
 - (E) Any animal treated in a manner determined by the animal control officer and verified by a licensed veterinarian to be cruel or inhumane;
 - (F) Any animal that has bitten a human or requires observation for a suspected case of rabies;
 - (G) Any animal that has been abandoned within an enclosure upon posted 48 hour notice;
 - (H) Any animal found in violation of this ordinance.

SEC. 3-18. NOTIFICATION OF OWNER.

The animal control officer shall make reasonable efforts to contact the owner of any animal impounded. The owner may resume possession of the impounded animal upon payment of impoundment fees, handling fees, and any veterinary expenses incurred, and upon compliance with the vaccination, registration, and quarantine provisions of this chapter.

SEC. 3-19. DISPOSITION OF UNCLAIMED ANIMALS.

- (1) Redemption period. If the owner of an impounded animal does not redeem the dog within 3 days from the time the animal is confined, the animal control officer is authorized to sell the animal, and the proceeds shall be deposited in the general fund of the city.
- (2) Sale or destruction. If the owner fails to claim the dog within the time provided, and the animal control officer is unable to sell the animal, the animal control officer shall provide for the humane destruction of the animal.

SEC. 3-20. DESTRUCTION OF ANIMALS.

- (1) Any vicious dog, certified guard dog, or dangerous wild animal found running at large may be destroyed by an peace officer or animal control officer, if in the judgement of the officer, the animal constitutes an immediate threat to the health and safety of any person, other animal, or the public in general.
- (2) Any non-quarantined animal not reclaimed by the owner may be humanely destroyed after a period of at least 3 days.
- (3) Quarantined animals not reclaimed by the owner may be humanely destroyed after the quarantine period.
- (4) If the owner no longer wishes to keep the animal, a fee, as described in Article VI will be charged for euthanasia, and for other pound fees. However, no animal that has bitten a human being shall be administered euthanasia before the expiration of the quarantine period.
- (5) Any impounded animal that appears to be suffering from extreme injury or illness may be administered euthanasia or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined by the animal control officer.

ARTICLE VI. FEES AND CHARGES

Sec. 3-21. REGISTRATION FEES

- (1) The annual registration fee for animals residing in River Oaks is as follows:

Animal	Annual Registration Fee
Dog/Cat	\$ 5.00
Dog/Cat Neutered/Spayed	\$ 3.00
Duplicate Tag	\$ 3.00
Livestock	\$ 5.00

(3) Fees related to Impoundment are as follows:

(4)

Category	Fee
Impoundment Base Fee	\$ 35.00
Daily charge for Impoundment	\$ 5.00
Euthanasia	\$ 10.00
Veterinary Fees	Expenses actually incurred
Estray Enforcement Program	Fee Set by County

ARTICLE IV. ENFORCEMENT

SEC. 3-22. RESPONSIBILITY.

- (1) Chief of Police. The enforcement of this chapter shall be the responsibility of the chief of police and his designated animal control officer. The chief of police is designated as the local rabies control officer.
- (2) Citations. Any police officer, the animal control officer, ordinance officer, and the local rabies control officer shall have authority to issue citations for violation of the provisions of this chapter.
- (3) Quarantine facilities. The animal control officer has the authority to approve or disapprove quarantine facilities.
- (4) Shelter and Holding facilities. The city council shall select a place for impounding animals under any provision of this chapter. “

SECTION 2. This Ordinance shall be cumulative of all provisions of ordinances of the City of River Oaks, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City council without

the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. Any person, firm or corporation who violates any of the provisions of this ordinance, or who fails to comply with any provision of this ordinance, shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than \$50 nor more than \$2,000, and each day that a violation continues constitutes a separate offense.

SECTION 5. All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of any ordinances affecting animals which have accrued at the time of the effective date of this ordinance; and, as such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. The City Secretary of the City of River Oaks is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by Chapter 7, Section 4 of the Charter of the City of River Oaks.

SECTION 7. This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 27TH DAY OF JULY, 1999.

Mayor Jack Adkison

Attest:

City Secretary