

ORDINANCE NO. 656

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS, REGULATING ANIMALS WITHIN THE CITY BY AMENDING CHAPTER 3, "ANIMALS", OF THE CITY OF WEST COLUMBIA CODE OF ORDINANCES; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000; AND MAKING OTHER POVISIONS RELATED TO THE SUBJECT.

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WHEREAS, the City Council of the City of West Columbia, Texas, finds that it is in the best interest of the citizens of West Columbia, Texas, that animals in the city be hereafter regulated in accordance with the following provisions.

BE IT THEREFOR ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS THAT:

Section 1. Chapter 3, "Animals" of the Code of Ordinances of the City of West Columbia is hereby amended to read as follows:

"CHAPTER 3

ANIMALS

ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) ANIMAL shall mean any live, vertebrate creature, domestic or wild.
- (2) ANIMAL CONTROL OFFICER shall mean the person designated by the Chief of Police of West Columbia, or any person designated by the state, a municipal government or a humane society as a law enforcement officer qualified to perform such duties under the laws of this state. Animal Control Officer shall include any licensed peace officer when acting in the capacity of othe animal control officer.
- (3) ANIMAL SHELTER shall mean any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

(4) AUCTIONS shall mean any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. This section does not apply to individual sales of animals by owners.

(5) AT LARGE shall mean any animal not under restraint.

(6) CIRCUS shall mean a commercial variety show featuring animal acts for public entertainment.

(7) COMMERCIAL ANIMAL ESTABLISHMENT shall mean any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel.

(8) GROOMING SHOP shall mean a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

(9) KENNEL shall mean any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.

(10) LIVESTOCK shall mean any domesticated animal (expressly excluding dogs) commonly used for transportation or maintained on farms or ranches, including but not limited to, horses, cattle, sheep, goats, swine, donkeys, and mules.

(11) NUISANCE ANIMAL shall mean any animal or animals that unreasonably annoy humans, endanger the life, health or property of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. The term "nuisance animal" shall mean and include, but it is not limited to, animals that fall within any one or more of the following categories:

[a] Is repeatedly at large or not restrained;

[b] Damages the property of anyone other than its owner;

[c] Molests or intimidates pedestrians, passers by or passing vehicles;

[d] Trespasses on school grounds;

[e] Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other noises or utterances causing unreasonable annoyance, disturbance or discomfort to any person or persons other than its owners;

[f] Causes fouling of the air by odor;

[g] Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

[h] Is offensive or dangerous to the health, safety or welfare by virtue of the number and/or type of animals maintained on the premises;

[i] Attacks other domestic animals;

[j] Any female animal at large within the City while in season.

(12) OWNER shall mean any person, firm or corporation having title to any animals or who has, harbors, keeps, maintains, permits or otherwise exercises control over an animal which remains on or about the person's premises for a period of twenty-four (24) consecutive hours. Where the owner of an animal is a minor under the age of 18, the parent, legal guardian, or owner of the property where the animal is located is responsible as the owner of the animal under this ordinance.

(13) OWNER'S PREMISES shall mean any property owned, leased, or otherwise subject to the right of use and possession by the Owner of an animal.

(14) PERFORMING ANIMAL EXHIBITION shall mean any spectacle, display, act or event other than circuses in which performing animals are used.

(15) PET shall mean any animal, other than livestock, kept for pleasure rather than utility.

(16) RESTRAINT shall mean the animal is subject to at least one of the following:

(a) confined to the owner's premises within a house, building or a substantial fence of sufficient length and height to prevent the animal from escaping the enclosure or otherwise leaving the Owner's Premises;

(b) restrained on the Owner's Premises by a leash sufficiently strong to prevent the animal from escaping and which restricts the animal to the premises, provided, however, that cats shall not be required to be on a leash;

(c) confined by a leash or within an automobile when away from the Owner's Premises, provided, however, public restraint on a leash shall not be sufficient for a female dog or cat in heat; or

(d) in the presence of the owner or member of the owner's family when on the owner's premises;

(e) with respect to female dogs and cats in heat, confined in a building or other secure enclosure in such manner to assure that the female dog or cat in question cannot come into contact with another animal except for planned breeding; or

(f) for licensed domestic cats only, a cat is deemed to be restrained if it has a collar and/or rabies tag identifying the owner and is not a nuisance animal.

(17) RIDING SCHOOL OR STABLE shall mean any place which has available for hire, boarding and/or riding instruction any horse, pony, donkey, mule or burro.

(18) AT LARGE or STRAY shall mean any animal, other than livestock, for which there is no identifiable owner which is found on public property or private property other than that of the owner within the corporate limits of the City of West Columbia.

(19) VETERINARY HOSPITAL shall mean any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.

(20) VICIOUS ANIMAL shall mean any animal that:

(a) 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 that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(b) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain 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; or

(c) is otherwise prohibited from being kept or harbored by state or federal law.

(21) WILD ANIMAL shall mean and include any wild mammal, amphibian, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which because of its size, vicious nature or other characteristics would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters. Such animals shall include but not be limited to tigers, lions, bobcats, ocelots, wildcats, cougars, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceri, hippopotami, monkeys, skunks in their natural state, all forms of poisonous reptiles and other like animals, or any other animal usually confined to cages.

(22) ZOOLOGICAL PARK shall mean any facility, other than a pet shop or kennel,

displaying or exhibiting one (1) or more species of nondomesticated animals operated by a person, partnership, corporation or government agency.

Sec. 3-2. Animal Control Officer.

(a) Employment, function. The Chief of Police may employ, for a period to be terminated at the pleasure of the Chief of Police, a qualified person to enforce any and all animal control provisions contained in this Code, including, but not by way of limitation, any and all provisions of this chapter. Any references within this Code generally or within this chapter in particular to the animal control officer shall be construed to include and shall apply with equal force to the employee charged with the enforcement of animal control.

(b) Records, reports. The animal control officer shall record in a book the number and kind of animals taken up by him showing the date of taking up, or returned to owner or for sale and, if known, the name of the owner and that of the purchaser, and he shall make a monthly report of same to the Chief of Police, City Manager and City Council.

(c) Paying over proceeds. All fees and monies collected under the terms of the chapter shall be paid into the city treasury.

Sec. 3-3. Authority to Impound and Destroy Animals.

The animal control officer is authorized to impound and cause to be euthanized animals in accordance with this section.

(a) The animal control officer shall take into custody any animal found at large in the city, and shall impound the animal in a place designated for purpose of impoundment by the city. Such impounded animal shall be held for a period of five (5) days, after which, if the animal has not been claimed by the owner following any required notice by this chapter, the animal shall be deemed abandoned by the owner, become the property of the city, and the city may then sell, transfer ownership, or euthanize the animal.

(b) In addition to other authority granted to the animal control officer, such officer shall have the authority to do the following:

(1) Cause to be euthanized or destroy an animal which poses an imminent danger to a person, property or other animal and real or apparent necessity exists for the destruction of the animal;

(2) Cause to be euthanized an impounded animal if it is reasonably certain the animal will not recover, the animal is in evident pain, or the animal demonstrates symptoms of a communicable disease;

- (3) Cause to be euthanized an animal upon the request of the owner and assess the appropriate fee;
- (4) Impound an animal, which endangers the health and welfare of itself, another animal, or person; and
- (5) Cause to be euthanized an animal that is determined to be feral or wild.

Sec. 3-4. Revocation, conditions of license, permit.

(a) The animal control officer may revoke any permit or license issued under this chapter if the person holding the permit or license refuses or fails to comply with this chapter, the regulations promulgated by the city, or any law governing the protection and keeping of animals.

(b) Any person whose permit or license is revoked shall, within ten (10) days thereafter, remove from the city or humanely dispose of all animals owned, kept or harbored by such person. No part of the permit or license fee shall be refunded.

(c) It shall be a condition of the issuance of any permit or license under this chapter that the animal control officer shall be permitted to inspect all animals and the premises where animals are kept at any time and, if permission for such inspections is refused, the permit or license of the refusing owner may be revoked.

(d) If the applicant has withheld or falsified any information on the application therefor, the city shall refuse to issue a permit or license.

(e) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

(f) Any person having been denied a license or permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a fee established therefor and on file in the office of the city secretary.

Secs. 3-5--3-30. Reserved.

ARTICLE II. LICENSE AND RABIES TAGS REQUIRED

Sec. 3-31. License Required

(a) Any owner keeping, harboring or having custody of any animal over four (4) months of age within this city must obtain a license as herein provided. Any owner keeping, harboring or having custody of more than three (3) animals must obtain a multiple-pet ownership permit as provided in section 3-36.

(b) Written application for licenses shall be made by the owner of the animal to the city which shall include name and address of applicant, description of the animal, the appropriate fee and rabies certificate issued by a licensed veterinarian or antirabies clinic if required by this chapter.

(c) If not revoked, licenses for the keeping of animals shall be for a period of up to one (1) year.

(d) Application for a license must be made within thirty (30) days after obtaining an animal over four (4) months of age, except that this requirement will not apply to a nonresident keeping an animal within the city for no longer than sixty (60) days.

(e) License fees in section 3-32 shall not be required for seeing eye dogs or governmental police dogs.

(f) Upon approval of the license application and fee, the city shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

(g) Any cat found running at large without an identifying tag or collar shall be deemed wild or feral and may be impounded and euthanized.

Sec. 3-32. Fee; issuance.

(a) The license required by section 3-31 shall be issued after payment of the applicable fee which is on file in the city secretary's office.

(b) The licensing period shall begin with the fiscal year and shall run for one (1) year. Application for license may be made thirty (30) days prior to, and up to sixty (60) days after, the start of the fiscal year. A person obtaining a dog for which a license is required after that date shall be required to obtain a license and pay fifty (50) percent of the fee stipulated in this section.

(c) Any person who fails to obtain a license as required within the time period specified in this section will be subjected to a late fee which is on file in the city secretary's office.

(d) A duplicate license may be obtained upon payment of a replacement fee which is on file in the city secretary's office.

(e) No person may use any license for any dog other than the dog for which it was issued.

(f) Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a late fee of \$10.

(g) A duplicate license may be obtained upon payment of a \$2 replacement fee.

Sec. 3-33. Rabies inoculation and tag required.

(a) Dogs and cats over four (4) months of age are required to be vaccinated against rabies and receive a tag.

(b) Dogs and cats must wear identification and rabies tags on collars at all times when off the premises of the owners.

(c) The city shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

Sec. 3-34. Removal of tag prohibited without consent.

It shall be unlawful for any person to remove, within the limits of the city, any metal tag issued under the provisions of this article or any collar from any dog or cat without the written consent of the owner of such dog or cat.

Sec. 3-35. Registration of Guard/Attack Dogs.

Every Owner of a dog which has received guard and/or attack dog training must register such dog with the animal control officer. Any dog which has received guard and/or attack dog training may be destroyed when such dog is found running at large. An ID collar, identifying the dog as a guard dog, must be worn at all times; and the dog must wear a muzzle when out of confinement. The Owner of such dog shall place a sign in a conspicuous place on the premises at every entrance advising the public that the guard dog is on the premises.

Sec. 3-36. Multiple-pet ownership permit.

(a) No more than three (3) animals shall be kept or harbored at any one (1) residential dwelling without a valid multiple-pet ownership permit having been issued for that residence to an adult residing at such residence. Animals under four (4) months of age shall not be counted for purposes of this section.

(b) A multiple-pet ownership permit may be procured from the city, subject to the criteria hereinafter set forth. If the facilities pass inspection, the permit shall be issued for a fee of twenty dollars (\$20.00) and shall be valid through the end of the calendar year in which it is issued with the permit fee being ten dollars (\$10.00) in the event the initial permit is issued on or after July 1 of that year.

Sec. 3-37. Criteria for permit.

The criteria for passing inspection for a multiple-pet ownership permit are as follows:

- (1) Facilities shall be of sufficient size as to allow animals to move about freely. This shall apply to each animal kept. The size of the facility shall be in proportion to the size of each individual animal's height and weight.
- (2) Adequate foods and water must be provided, so that each and all animals kept shall be maintained in good health and free of malnutrition and/or dehydration.
- (3) The premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects and flies that could be harmful to the animals' health and/or to the health of the general public.
- (4) The premises must provide adequate protection from the common elements, i.e., rain, heat, cold.

Sec. 3-38. Revocation of permit.

A multiple-pet ownership permit may be revoked by the animal control officer if:

- (1) The animals kept are causing a stench or odor which is offensive to a person of ordinary sensibilities; or
- (2) The animals are maintained in a manner which is dangerous to the health of the animals themselves or adjacent animals; or
- (3) The animals are causing noise which is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent or neighboring premises; or criteria.
- (4) The facilities are not maintained in accordance with this chapter.

Secs. 3-40--3-55. Reserved.

ARTICLE III. CARE AND CONTROL

Sec. 3-56. Restraint Required; Nuisance Animals Prohibited

(a) It shall be unlawful for any person to own, keep, possess, harbor or allow to remain upon a premises under his or her control any animal which is at large or otherwise not under restraint.

(b) Every animal which has bitten or molested persons on at least one occasion shall be confined by the owner within a building or secure enclosure and shall be

securely muzzled or caged whenever off the premises of its owner.

(c) The animal control officer is hereby authorized to trap animals at large by means of wire traps and to issue live traps to citizens for the purpose of trapping animals at large. It shall be unlawful for any person to tamper with a live trap or release an animal confined in a live trap.

(d) It shall be unlawful for any person to own, keep, possess, harbor or allow to remain upon premises under his control any animal which is a nuisance animal.

(e) A person may not restrain a dog with a chain or tether on private property unless the person is holding the chain or tether.

(f) The prohibition in subsection (e) does not apply to a temporary restraint:

(1) during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity; or

(2) that is required to protect the safety or welfare of a person or the dog, if the dog's owner or handler remains with the dog throughout the period of restraint.

(g) A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether directly around a dog's neck. A person may not restrain a dog with a chain or tether that weighs more than 1/18 of the dog's body weight. A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.

(h) A person may not restrain an animal in a manner that does not allow the animal to have access to necessary shelter and water.

(i) A person may not restrain a dog in a manner that allows the dog to move outside the person's property.

Sec. 3-57. Impoundment; notice; redemption procedures; penalty for violation.

(a) Unrestrained dogs and nuisance animals shall be taken by the police or animal control officers and impounded in an animal shelter in accordance with this section.

(b) Impounded animals shall be kept for not less than five (5) working days.

(c) If by a license tag or other means the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or mail.

(d) An owner reclaiming an impounded animal shall pay a fee which is on file in the city secretary's office.

(e) Any animal other than livestock not reclaimed by its owner within five (5) working days shall become the property of the city or humane society, and shall be placed for adoption in a suitable home or humanely euthanized.

(f) Any and all fees imposed by this section are expressly in addition to, and not in lieu of any fines which might otherwise be imposed for violation of this chapter.

(g) The city shall revoke automatically all licenses issued to animal owners against whom three (3) or more violations of this chapter have been assessed in a twelve-month period.

Sec. 3-57. Game Birds and Fowl.

(a) It shall be unlawful for any keeper of game birds or fowl to allow the same to run at large.

(b) Game birds or fowl shall not be kept, maintained or possessed in any building, pen, yard or enclosure, the exterior limits of which are within two hundred (200) feet of any occupied dwelling, other than the dwelling of the owner/keeper of such bird or fowl.

(c) It shall be unlawful for any person to maintain, possess or operate any place, building, enclosure, pen or yard exceeding in size, singly or in the aggregate, two thousand five hundred (2,500) square feet for the keeping, commercial breeding, raising or sale of any game birds or fowl within the City limits.

(d) Every building, pen, enclosure or yard in which game birds or fowl are kept shall be maintained in a clean and sanitary condition at all times. Litter and droppings shall be disposed of in such a manner as not to permit fly-breeding or an unsanitary condition.

(e) No chickens or other fowl shall be kept or maintained on property within the city limits unless they are kept in a fully caged area with a minimum of ten square feet per bird.

Sec. 3-58. General notice of impoundment.

As soon as possible after any animal has been impounded, the animal control officer shall post a notice at the police department describing each of such animals, whether bearing a vaccination tag or not, and giving the number of the tag and the name of the person registering the animal in the case where the animal bears a vaccination tag. In cases where the animal bears a vaccination tag, then in addition to posting notice as

herein required, the animal control officer shall contact the veterinarian who issued the vaccination tag to determine the identity of the owner of the animal. The animal control officer will notify such person to whom such vaccination tag was issued by letter, postal card or telephone if the owner has been identified. The mailing of such a letter or postal card shall be deemed sufficient notice whether the person addressed shall receive the same or not.

Sec. 3-59. Animal care.

The premises in which any animal is kept or harbored shall be at all times maintained in a sanitary manner sufficient for the health and safety of the animal and the public. Failure to comply with any requirement of this chapter shall be unlawful.

(a) All pens, coops or enclosures ("pens") which are used to confine animals shall conform to the following regulations:

(1) *Distance from habitation.* All pens used to confine animals must be located a minimum distance, as indicated below, from every building or structure used for sleeping, dining or living, with the sole exception of the home of the animal's owner and the same distance, unless indicated to the contrary, shall also apply to the pen's location with respect to the owner's property line.

(A) fowl and small animals (less than twenty-five pounds per animal) - 50 feet;

(B) swine, sheep, goats, and other mid-size animals (25 pounds or more but less than 100 pounds) - 100 feet;

(C) livestock or other animals weighing 100 pounds or more ("large animals"), but excluding swine, sheep and goats, - 100 feet from every adjoining lot line (in residential areas only) and 150 feet from every building or structure used for sleeping, dining or living.

(D) a small animal pen which is a part of a veterinarian hospital and dogs kept as domestic pets only and not for breeding or for gain are exempted from the provisions of this subsection.

(2) *Population Density.* All pens used to confine horses and/or cows must include not less than three-fourths (3/4ths) of an acre for each animal six (6) months of age or older up to a maximum of three (3) animals with one additional animal being permitted for each one-half (1/2) acre in excess of the two and one-quarter (2 1/4) acres required for the first three animals. There shall be a minimum of one-quarter (1/4) acre per animal for all smaller livestock such as goats, swine and sheep.

(3) Breeding Enclosures. It shall be unlawful for the owners of any male livestock or other large animals capable of breeding to allow that animal to associate or stand with female livestock or other large animals except when done in a structure or building sufficiently enclosed on all sides or in all parts so as to completely shut off and prevent all outside view, provided further, that any such structure shall be not less than 150 feet from the nearest private residence other than that of the owner.

(4) Minimum Shelters. Any shelters for livestock or other large animals must have a water tight roof, walls on each side sufficient to block the wind, and floor space for each animal in a minimum amount of 108 square feet.

(5) Pen Construction. Any pen for a horse, cow or animal of similar size shall consist of either

(A) a solid wall stretching from the ground to at least four feet above the ground that does not sway or give way; or

(B) a fence consisting of a minimum of four strands of wire at least sixteen gauge in size stretched tautly between fence posts, with the bottom strand being no more than one foot above the ground with one strand being four feet or more above the ground and arranged in a manner such as to effectively restrain the animals contained in the pen in question.

(6) Sanitary Conditions. All pens within the City shall be maintained and kept in a sanitary condition, shall be cleaned at least once per week, and shall be maintained so as to not be offensive, disagreeable, or cause injury to the health or comfort of any persons residing in the vicinity of the pen, and otherwise in compliance with the provisions of this chapter.

(b) Nothing in this section is intended nor shall it be construed as permitting maintenance of large animals described above within the City limits for commercial purposes.

(c) Notwithstanding anything contained herein to the contrary, it shall be unlawful to stake or graze large animals other than in a pen.

Sec. 3-60. Wild Animals.

(a) It shall be unlawful for any person to lead or permit any animal of a species that is generally wild in nature, including those covered by the definition of wild animal, to walk, run, parade, tour, sit or be tied in a public place within the City outside a secure

cage without permission of the animal control officer.

(b) It shall be unlawful for anyone to keep or harbor any wild animal within the City unless the same is kept in a cage in a safe manner and in secure quarters or cage sufficient to contain such animal at all times. Secure quarters shall mean a completely enclosed cage or a cage with a stake for tying any member of the cat family and shall mean a chainlink fence or wall of sufficient height and strength to keep all other animals within a confined private area. Any wild animal found loose outside the confined private area will be prima facie evidence that the fence or wall is insufficient. Secure quarters shall not mean the passenger section of an automobile, truck or other motorized vehicle operated, parked or used on a public street or in a public area, nor shall it mean the hauling area of a truck or trailer unless the area is caged with chainlink fence.

(c) It shall be unlawful for anyone who owns, raises, keeps or is caring for any wild animal to allow the same to be at large outside of its secure quarter or cage within the City. In the event such animal is discovered outside of the secure quarters or cage, it shall be presumed that the person who owns, raises, keeps or cares for the same allowed it to roam at large outside the secure quarters or cage.

(d) When a wild animal shall be found running at large in the City or not in a cage or secure quarters as provided in subsection [b] above, all police officers and the animal control officer are authorized to capture, restrain and impound any such animal to preserve the public peace and safety. When recapturing or attempting to handle a wild animal, police officers, animal control officers, and other lawfully constituted authorities may take any reasonable action, including the use of deadly force, against such animal for the safety and welfare of themselves or of other persons and property.

(e) The City shall select and establish a place within the City for impounding animals found running at large in violation of this section. Any such animal may be restored to the person entitled to its possession, if all actual costs of maintaining the animal plus an impounding fee of Five Dollars (\$5.00) for each animal per day is paid to the City through the Chief of Police and provided that the animal is reclaimed within one hundred twenty (120) hours. If not reclaimed within one hundred twenty (120) hours, the animal shall be deemed abandoned and become the property of the City. The City may dispose of the animal in any manner it deems appropriate.

(f) The animal control officer may require that any wild animal be permanently removed from the City, notwithstanding any appeal which may be filed with such order, said animal to be removed immediately upon receipt of the order. An appeal may be initiated by delivering notice of that appeal in writing within ten (10) days to the Chief of Police, City Manager and/or the Animal Control Officer who shall, upon notice to the applicant, sit as a committee to review the determination by the Animal Control Officer and/or make such modifications to that order as they, in their judgment, deem

appropriate.

(g) Failure of the owner or person having care, custody or control of the wild animal in question to remove that animal as provided for above, shall authorize the Animal Control Officer to impound and/or destroy that animal in accordance with the other provisions of this chapter.

(h) The City may issue a temporary permit for the keeping, care and protection of an infant wild animal native to Brazoria County which has been deemed to be homeless. No permit shall be issued for any animal, the keeping of which is forbidden by state or federal law. The City shall also have the power to release or order the release of any infant wild animal kept under temporary permit or otherwise which is deemed capable of survival in the wild.

Sec. 3-61. Performing animal exhibitions.

(a) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

(b) All equipment used on a performing animal shall fit properly and be in good working condition.

Sec. 3-62. Report of bites; confinement of biting animal.

A person who is bitten by any animal within the City shall report such incident to the animal control officer. The person responsible for such animal shall, upon notification by the animal control officer, keep such animal confined and under observation either in the pound or by a licensed veterinarian for not less than ten (10) days after such person is bitten and shall release such animal only upon approval of a veterinarian. The failure of the person responsible for such animal to comply with such notice shall be unlawful. The owner of such animal shall be responsible for any actual expenses incurred for treatment, veterinary fees and lodging fees. If such animal dies while under observation, the head will be sent to the state health department for examination.

Sec. 3-63. Sterilization; Microchip required.

No unclaimed dog or cat shall be released without being (1) sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized; (2) received rabies vaccination; and (3) implanted with a microchip for identification.

Sec. 3-64. Vicious/Dangerous Animals.

(a) A person is deemed to have notice that they are the owner of a vicious animal

when:

- (1)** notified in writing by the animal control officer;
 - (2)** the owner knows of an attack as described in the definition of “vicious animal” in this chapter; or
 - (3)** the owner receives notice that a justice court, county court, or municipal court has found that the animal is dangerous.
- (b)** If the animal control officer determines that an animal is a vicious animal, the animal control officer shall take all steps required or permitted under chapter 822 of the Texas Health and Safety code and shall immediately impound the animal if the animal has caused death or serious bodily injury.
- (c)** The owner of the animal declared to be a vicious animal shall have the rights of appeal granted in Chapter 822 of the Texas Health and Safety Code. Failure to request a hearing in the allotted fifteen day period shall constitute a final determination that the animal is a vicious animal.
- (d)** Upon a determination that an animal is a vicious animal, the presiding judge may order:
- (1)** The animal be humanely euthanized; or
 - (2)** Allow the animal to be reclaimed under the following conditions:
 - (A)** Caging for the animal within minimum dimensions of ten (10) feet by twenty (20) feet by six (6) feet with an impermeable floor and chain-link top.
 - (B)** The enclosure shall be clearly marked “Dangerous Animal” on all sides.
 - (C)** The animal shall be walked on a leash of six (6) feet or less in length.
 - (D)** The animal is always in the specified enclosure, on a leash, in the residence of the owner.
 - (E)** The owner obtain a \$100,000 home owners insurance policy for coverage specific to the bodily Damage or property damage the dog may cause.
 - (F)** Make the animal, enclosure, and insurance policy available for

inspection at any time by animal control officer.

(G) Notify the city upon the animal's change of address or death.

Secs. 3-65--3-80. Reserved.

ARTICLE IV. LIVESTOCK AND OTHER FARM ANIMALS

Sec. 3-82. Keeping of swine prohibited; exception.

It shall be unlawful for any person to keep, or cause to be kept, for any purpose whatever, any swine (other than a pot-bellied pig kept as a pet) within the corporate limits of the City, except during the exhibition of swine at a public, bonafide livestock show.

Sec. 3-83. Livestock running at large prohibited.

It shall be unlawful for an owner to allow any livestock to run at large in the corporate limits of the City.

Sec. 3-84. Grazing livestock near public places .

It shall be unlawful for any person to stake any livestock for the purpose of grazing upon or within reach of any public street, alley, sidewalk or park within the limits of the City.

Sec. 3-85. Storage of feed for livestock.

It shall be the duty of every person raising or keeping livestock to cause all food provided therefor to be stored and kept in a sanitary manner.

Sec. 3-86. Maintenance of premises where livestock are kept.

(a) Any owner of livestock within the corporate limits of the City shall maintain and keep all buildings and the vicinity around such buildings or all lots, stockyards or open areas where any livestock are kept in such a manner that any and all of such places are free from the accumulation of rubbish, garbage, manure or other putrefying, decomposing, infectious or bad-smelling substances.

(b) It is hereby declared to be a nuisance for any person to maintain any of the places mentioned in this section in such a manner that such places are not free from the accumulation of the items mentioned herein or other putrefying, decomposing, infectious or bad-smelling substances.

Sec. 3-87. Impoundment.

The Animal Control Officer shall take up any and all strays that may be found in and

upon any street, alley, or in or upon any lot not enclosed in the City of West Columbia, or otherwise to be found at large, and to confine such stray livestock for safekeeping. Upon impounding of stray livestock, the Animal Control Officer shall prepare a "notice of stray livestock" and file such notice in the "stray livestock book" located in the office of the Animal Control Officer. Each entry shall including the following:

- (1) The name and address of the person who notified the Animal Control Officer of the stray livestock;
- (2) The location of the stray livestock when found;
- (3) The location of the stray livestock until disposition;
- (4) A description of the animal, including its breed, color, sex, age, size, all markings of any kind and any other identifying characteristics.

Sec. 3-88. Advertisement of impounded stray livestock.

When stray livestock has been impounded, the Animal Control Officer shall make a diligent search of the register of recorded brands in the county for the owner of the stray livestock. If the search does not reveal the owner, the Animal Control Officer shall advertise the impoundment of the stray livestock in a newspaper of general circulation in the county at least twice during the next five (5) days following impoundment and post a notice of the impoundment of the stray livestock on the public notice board of the County Courthouse and of the City Hall.

Sec. 3-89. Recovery by owner.

The owner of a stray livestock animal may recover possession of the animal at any time before the animal is sold under the terms of this article if:

- (1) The owner has provided the Animal Control Officer with an "Affidavit of Ownership" of the stray livestock, containing at least the following information:
 - (a) The name and address of the owner;
 - (b) The date the owner discovered that the animal was a stray livestock;
 - (c) The property from which the animal strayed;
 - (d) A description of the animal, including its breed, color, sex, size, all markings of any kind and any other identifying characteristics.
- (2) The Animal Control Officer has an approved affidavit;

- (3) The affidavit has been filed in the "Stray Livestock Book";
- (4) The owner had paid all stray livestock handling fees to those entitled to receive them;
- (5) The owner had executed an "Affidavit of Receipt" containing at least the following information:
 - (a) The name and address of the person receiving the stray livestock;
 - (b) The date and receipt of the stray livestock;
 - (c) The method of claim to the stray livestock (owner, purchaser at sale);
 - (d) If purchased at sale, the amount of the gross purchase price;
 - (e) The amount of stray livestock handling fees paid.
- (6) The Animal Control Officer has filed the "Affidavit of Receipt" in the "Stray Livestock Book."

Sec. 3-90. Fees.

For each and every stray livestock taken and impounded, there shall be paid to the City of West Columbia by the owner thereof or his agents the sum of twenty- five dollars (\$25.00) for the taking and impounding of the stray livestock, and the further sum of five dollars (\$5.00) per day for each and every subsequent day that the animal shall remain in the custody of the Animal Control Officer, such fee being charged for the caring and feeding of such animal. The owner shall also pay for any veterinarian or drug fees incurred for the animal while it is in the custody of the City.

Sec. 3-91. Sale of stray livestock.

(a) If the ownership of an stray livestock is not determined within seven (7) days following the final advertisement required by this article (Section 3-88), title to the stray livestock rests in the City; and the Animal Control Officer shall then cause the stray livestock to be sold at a public auction.

(b) Title to the stray livestock shall be deemed vested in the Animal Control Officer for the purpose of passing a good title, free and clear of all claims to the purchaser at the sale.

(c) The purchaser of the stray livestock at public auction may take possession of the animal upon payment thereof.

(d) The disposition of the proceeds derived from the sale of stray livestock at public auction will be as follows:

(1) Pay all handling fees to those entitled to receive them;

(2) Execute a report of sale of impounded stock;

(3) The net proceeds remaining from the sale of the stray livestock after handling fees have been paid shall be delivered by the Animal Control Officer to the City Clerk. Such net proceeds shall be subject to claim by the original owner of the stray livestock as provided herein;

(4) If the bids are too low, the Animal Control Officer shall have the right to refuse all bids and arrange for another public auction or sealed bidding procedure.

Sec. 3-92. Recovery by owner of sale proceeds.

(a) Within six (6) months after the sale of a stray livestock under the provisions of this article, the original owner of the stray livestock may recover the net proceeds of the sale that were delivered to the City Clerk if:

(1) The owner has provided the Animal Control Officer with an affidavit of ownership;

(2) The Animal Control Officer has approved the affidavit;

(3) The approved affidavit has been filed in the "Stray Livestock Book."

(b) After the expiration of six (6) months from the sale of stray livestock as provided by this article, the sale proceeds shall escheat to the city.

Sec. 3-93. Use of stray livestock prohibited.

During the period of time stray livestock is held by one who impounded the stray livestock, the stray livestock may not be used by any person for any purpose.

Sec. 3-94. Death or escape of stray livestock.

If the stray livestock dies or escapes while being held by the person who impounded it, the person shall report the death or escape to the Animal Control Officer. The report shall be filed in the "Stray Livestock Book".

Secs. 3-95--3-130. Reserved.

ARTICLE V. COMMERCIAL ANIMAL ESTABLISHMENT

Sec. 3-131. Permits required.

No person shall operate a commercial animal establishment or animal shelter without first obtaining a city permit.

Sec. 3-132. Regulations.

The city shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The city may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

Sec. 3-133. Issuance of permit; term; renewal; new applications.

(a) The signing of the application by an applicant for a permit is agreement that the applicant is willing and able to comply with the regulations promulgated by the city and a permit shall be issued upon payment of the applicable fee which is on file in the city secretary's office.

(b) The permit period shall begin with the fiscal year and shall run for one (1) year. Renewal applications for permits shall be made thirty (30) days prior to, and up to sixty (60) days after, the start of the fiscal year. Applications for permit to establish a new commercial animal establishment under the provisions of this article may be made at any time.

(c) If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a transfer fee which is on file in the city secretary's office.

Sec. 3-134. Permit fees.

(a) Annual permits shall be issued upon payment of the applicable fee which is on file in the city secretary's office.

(b) A fee shall not be required for a grooming shop where no animals are boarded over night, a veterinary hospital, animal shelter, or government-operated zoological park.

Sec. 3-135. More than one place of business.

(a) Every facility regulated by this article shall be considered a separate enterprise

requiring an individual permit.

(b) Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.

Sec. 3-136. Reclassification.

Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.”

Section 2. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance regarding public health shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

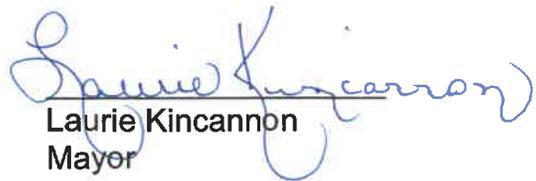
Section 3. Repeal. This ordinance is intended to be cumulative and shall not repeal any previous ordinance except to the extent that any provision of such ordinance is inconsistent and cannot be reconciled with any provision contained herein.

Section 4. Publication and effective date. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

Section 5. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of West Columbia, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED AND ADOPTED this the 12th day of March, 2018.

APPROVED:


Laurie Kincannon
Mayer

ATTEST:

Kelli R. Kuban
Kelli Kuban
City Secretary