ORDINANCE NO. ____________

AN ORDINANCE AMENDING ARTICLE 2 OF THE JOURDANTON CODE OF ORDINANCES RELATING TO ANIMAL CONTROL; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Jourdanton, Texas (“City”), has reviewed Article 2 of the City’s Code of Ordinances relating to animal control within the city limits of the City of Jourdanton; and,

WHEREAS, the City Council has determined that the ordinance amendments set forth herein are necessary and appropriate to promote the health, safety and general welfare of the citizens of the City of Jourdanton, Texas and are consistent with current state laws.

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

SECTION 1. Amendments. The municipal code of ordinances shall hereafter be amended at Article 2 – Animal Control, throughout, which shall hereafter read as attached in Exhibit “A” (with additional text indicated by underlining, and deleted text indicated by strikethrough).

SECTION 2. Remaining Provisions Unchanged. The remainder of the existing Article 2 – Animal Control remains unchanged and shall remain in full force and effect, save and except as amended by this Ordinance.

SECTION 3. Recitals. The City Council finds all of the above recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance as findings of fact.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void.

SECTION 5. Repealer and Savings. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

SECTION 6. Effective Date. This Ordinance shall be effective following publication, as required by state law.

__________________________________________
ROBERT A. WILLIAMS
Mayor

ATTEST:

__________________________________________
SAMANTHA NICHOLSON
Interim City Secretary

APPROVED AS TO FORM:

__________________________________________
Davidson Troilo Ream & Garza
City Attorney
Article 2. Animal Control

ARTICLE 2.01. GENERAL PROVISIONS

§ 2.01.0001. City exempt.

City facilities and operations are exempt from the requirements of this article.

§ 2.01.0002. Exemptions of city officials.

All regulations provided in this article and the functions and duties of all officers, agents, servants, or employees of the city in the enforcement of this article are declared to be governmental and for the benefit, health and welfare of the general public. Any city official or employee charged with the enforcement of this article, acting for the city in the discharge of his or her duties, shall not render himself or herself personally liable by the performance of any act required in the discharge of his or her duties.

§ 2.01.0003. Compliance with federal, state, and city laws, rules, and regulations.

The keeping of any animal in accordance with the provisions of this article may not be construed to authorize the keeping of the animal in violation of any federal, state, or city laws, rules and regulations, including the zoning ordinances or any ordinance of the city. If there is any conflict between the provisions of this article and the city zoning ordinance, the zoning ordinance shall control.

§ 2.01.0004. through § 2.01.0009. (Reserved)

§ 2.01.001. Enforcement.

(a) The animal control officer, health authority or any police officer of the city shall have the authority to enforce any animal regulations of the city and to impound and dispose of any animals found in violation of any animal regulation. The animal control officer, health authority or any police officer of the city authorized with the enforcement of the provisions of this article shall have the authority to issue citations for any violation of this article. If the person being cited is not present, the issuing authority may send citations to the alleged offender by mail or post the citations prominently at the last known address of the alleged offender.

(b) It is a violation of this article to knowingly prevent, interfere with, obstruct, resist, or oppose any animal control officer, health authority or police officer of the city while such person is apprehending an animal or performing any other duties described in this article.

(c) Any animal control officer or peace officer has a right to pursue and apprehend animals running at large onto private property while enforcing the provisions of this article.

(d) All agencies authorized with enforcement of the provisions of this article are authorized to seek a warrant or order from a court of competent jurisdiction to enforce this article, pursuant to all local, state, and federal laws.

(e) A person who violates a provision of this article, or who fails to perform an act required of the person by this article, commits an offense. Each twenty-four (24) hour period of a violation, and each separate animal or condition in violation of any provision of this article, shall constitute a separate offense. Any penalty described herein should not be construed as
Exhibit “A”

exclusive, and the city shall be authorized to pursue all other criminal and civil remedies to which it is entitled under the authority of other city ordinances or state law.

§ 2.01.0011. Animal control authority’s right of defense.

Upon attack by an animal, the animal control authority, by taking such means as deemed necessary in that situation, may defend himself or herself or any other person endangered by such attack. This grant of authority is in addition to the common-law right of all persons to reasonably defend themselves against attack by an animal.

§ 2.01.0012. Fees.

Fees for violations or compliance with this article of the Code of Ordinances for the City of Jourdanton, Texas shall be assessed as set out in the adopted fee schedule in Appendix A of this Code.

§ 2.01.0013. Culpable mental state not required.

Unless specifically provided for in this article, if the definition of an offense does not prescribe a culpable mental state, a culpable mental state is not required if the fine does not exceed five hundred dollars ($500.00). It is the intent of this article to impose strict liability for any violation of this article in which the fine does not exceed five hundred dollars ($500.00), in compliance with V.T.C.A., Penal Code § 6.02.

§ 2.01.0014. through § 2.01.0019. (Reserved)

§ 2.01.002. Keeping wild or exotic animals or poisonous reptiles.

It shall be unlawful to harbor, keep, or maintain any wild or exotic animals or poisonous reptile within the city limits such as bats, skunks, coyotes, foxes, wolves, alligators, lions, tigers, leopards, monkeys, etc. The city, however, may grant exceptions from time to time, such as for special events (circuses, menageries, animal auctions, etc.).

(a) It shall be unlawful to keep, maintain, harbor, or possess any of the following animals, fowl, or reptiles within the corporate limits of the city:

(1) Class Reptilia. Family Heldermatidea (venomous lizards such as but not limited to, gila monster and Mexican beaded lizard, Family Viperidae (rattlesnakes, copperheads, cottonmouths, adders, bushmasters, other pit vipers, and true vipers), Family Elapidae (coral snakes, cobras, asps, mambas, and other elapids), the following listed species of Family Colubridae typus (boomslang), Hydrodynastes gigas (water cobras), Bioga (mangrove snake), and Thelotornis (African twig snake) only, Order Phidia, Family Boidae (racers and water snakes), and Order Crocodilla (crocodiles, alligators, caimans, and gavials);

(2) Class Mammalia. Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), except commonly accepted domesticated cats, Family Canidae (such as wolves, wrol-dog hybrids, dingos, coyotes, and jackals) except domesticated dogs, Family Mustelidae (such as weasels, skunks, martens, mink, and badgers) except domestic ferrets (Multela putorius furo), Family Procyonidae (raccoon), Family Ursidae (such as bears), Order Marsupialia (such as kangaroos,
wallabies, and common opossums), Order Edentata (such as sloths, anteaters, and armadillos), Order Proboscidea (elephants), Order Primata (such as monkeys, chimpanzees, and gorillas), Order Rodentia (such as porcupines), and Order Ungulata (such as antelope, deer, bison, and camels) unless the Order Ungulata are located on properly zoned property:

(3) *Class Arachnida.* Order Scorpiones (scorpions), Order Araneae, Genus Loxosceles (recluse spiders such as brown recluse spider), Order Araneae, Genus Latrodectus (such as black widow, red widow, and brown or gray widow spiders);

(4) *Bats.*

(5) *Skunks.*

(6) *Animals not listed.* The animal control manager may declare any species of animal not listed in this subsection as “prohibited” if the confinement of the animal within the city can be shown to constitute a threat to public health and safety, and does not mean any bird kept in a cage or aviary, that is not regulated by international, federal, or state law, or a gerbil, hamster, guinea pig, hedgehog, or laboratory mouse or rat.

(b) No person shall own, keep, or permit to be kept, any wild animal or hybrid thereof, as a pet.

(c) No person shall keep or permit to be kept on his/her premises or premises under his/her control, any prohibited wild animal for sale, display or for exhibition purposes, whether gratuitously or for a fee.

(d) No person shall sell, give, transfer, or import into the city, any prohibited wild animal except for the transportation of a prohibited wild animal to and from a veterinary clinic.

(e) It shall be unlawful for any person to breed, raise, keep, or have in his/her possession, any prohibited wild animal within the corporate city limits, except a prohibited wild animal kept by an educational or a scientific institution. These institutions shall be subject to initial approval and periodic inspections by the animal control manager or his/her designee.

(f) The animal control manager may issue temporary approval for keeping, care, and protection of injured, newborn, or immature animals native to this area, that he deems to be incapable of caring for itself. Further, the animal control manager shall have the power to release, or order released any animal being kept temporarily, under the provisions of the previous sentence.

(g) This section shall not apply to the city, veterinary clinics, licensed wildlife rehabilitators, approved zoological parks, performing animal exhibitions, circuses, primary and secondary schools, colleges and universities, or zoological parks owned and operated by a governmental entity. This section shall not be interpreted to restrict a person from giving an ill, injured, or orphaned wild or exotic animal to a registered wildlife rehabilitator or to a permitted wildlife educational center. This section shall not be interpreted to restrict a permitted wildlife educational center from transferring a wild or exotic animal to another educational center, zoological park, or other facility capable of legally caring for the animal.

§ 2.01.003. Keeping bees.
Exhibit “A”

(a) It shall be unlawful for any person to keep colonies of bees on their premises in a manner or condition that would render the enjoyment of life or property uncomfortable to others, or interfere with the public peace or be unhealthy to others. Beekeepers shall maintain no more than the following number of colonies of bees:

1. Less than one-fourth acre (10,890 square feet): 2 colonies.
2. One-fourth to one-half acre (10,890 to 21,780 square feet): 4 colonies.
3. One-half to one acre (21,780 to 43,560 square feet): 6 colonies.
4. Greater than one-acre lots will be determined on an individual basis by the city council.

(b) No bee hives shall be located closer than one hundred feet (100') to any dwelling.

§ 2.01.004. Cruelty to animals.

It shall be unlawful for any person willfully and cruelly to injure or kill any animal by any mode or means, causing it unnecessary fright or pain, or to cause or allow any animal to endure pain, suffering, starving, or injury.

§ 2.01.005. Restraint and prohibition from running at large.

(a) The owner of an animal may not permit the animal to run at large. All animals shall be kept under restraint. Each time an animal runs at large in violation of this section constitutes a separate offense.

(b) For the purposes of this article, restraint shall mean that the animal is:

1. Confined to the premises of the owner, caregiver, or keeper within a house, building, cage, or other enclosure.
   a. If the premises are enclosed with a fence, the animal should not be able to reach any part of its body over, under, or through the fence. It shall be unlawful for an animal owner to have a substandard fence to enclose or contain an animal.
   b. If the animal is confined outside in a kennel, crate, or shelter, the enclosure should be ventilated, large enough for the animal to stand freely with extended tail and raise its head comfortably, be at least one hundred (100) square feet per dog that is six (6) months or older, and contain food and water containers that are securely positioned to avoid spillage or soiling with fecal matter.

2. Restrained by a tether. No animal may be restrained by a tether nor leash unless such restraint is in compliance with V.T.C.A, Health and Safety Code, Ch 821, Subchapter E, as amended:

3. During travel, the animal is safely enclosed within the vehicle. If traveling in an unenclosed vehicle, including but not limited to, convertibles, pick-up trucks, jeeps, and flatbed trucks, the animal shall be confined by a vented secured container or cage, rope or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash. In addition, the owner/caregiver must be present or within the immediate vicinity of the animal to ensure the animal is not left unattended, in order to prevent undue suffering and/or possible death; or

4. Held or controlled by a person, other than the operator of the vehicle, capable of controlling the dog or other animal by means of a rope, leash, or chain.
(c) The owner/caregiver of any dog or cat in heat shall be required to confine such animal in a building or secure enclosure in a manner that such animal cannot come in contact with another animal except for planned breeding, and has a current breeder's permit issued by animal control.

(d) Animal control and peace officers are hereby authorized to trap animals at large by means of live traps and to issue live traps to citizens for trapping animals at large that are trespassing on that citizen's property. Any person tampering with a live trap or releasing an animal confined in a live trap is guilty of a misdemeanor.

(e) It shall be unlawful for any person to, in any manner, tease, annoy, disturb, molest, or irritate an animal that is confined to the owner's or caregiver's property.

(f) Upon conviction of any subsequent offense under this subsection, the minimum fine assessed shall be two hundred dollars ($200.00). Upon conviction of a third of subsequent offense under this subsection, the minimum fine assessed shall be five hundred dollars ($500.00).

(g) Aggravated at large. The owner or caregiver of an animal found in violation of this section, and during the course of the said violation, without clear provocation, the dog attacks or bites a person, or approaches a person causing them to reasonably believe the animal will attack or cause bodily injury, or a dog, while not legally restrained, kills or injures a legally restrained domestic animal or livestock animal, the penalty may be enhanced in the interest of public health and safety.

§ 2.01.006. Animal housing requirements.

(a) All animal housing enclosures must be securely built, adequately sized for kind, size, and number of animals housed; maintained in a sanitary condition so that flies or mosquitoes are not allowed to breed; odors are not offensive to adjacent residences or businesses; and in compliance with all other requirements of this article, city zoning laws, and the following minimum standards:

1. Enclosures housing fewer than five (5) animals must be at least twenty (20) feet from any adjacent building, excluding any building owned by the animal's owner or caregiver;

2. Enclosures housing five (5) or more animals must be at least fifty (50) feet from any adjacent building, excluding any building owned by the animal's owner or caregiver;

3. Enclosures used as an area for a dog to regularly eat, sleep, drink, and/or eliminate, must have at least one hundred (100) square feet of space for each dog six (6) months of age or older that is housed on the property; and

4. Enclosure shall be located so that the animals being housed are protected from inclement weather, harassment, stings and bites from insects, and attacks from other animals.

(b) A person commits an offense if he/she fails to provide an enclosure or enclosures meeting the criteria set forth in this section.

(c) A person commits an offense if the person places a dog within a fenced yard, outside dog run, or dog kennel, and the fencing or kennel material is of insufficient height, durability, strength, or spacing to keep the animal from being completely confined within the enclosure.
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or where such materials are not maintained in such a manner to keep the animal from being completely confined within the enclosure.

§ 2.01.007. Small animal pen regulations.

Small animals such as, but not limited to, rabbits, guinea pigs, white rats, white mice, gerbils, and hamsters, if located outside, shall be located at a minimum distance of fifty (50) feet from every building or structure used for sleeping, dining, or living, except the home of the animal's owner or caregiver.

§ 2.01.008. Signs of premises.

All dog owners and caregivers with one or more unattended dogs in their yard shall place a sign on their fence at each gate or entrance warning of the presence of a dog on the property. Such signs must be placed in accordance with the city’s sign ordinance.

§ 2.01.009. Cruelty to animals.

(a) A person commits an offense if, either through his/her actions or omission thereof, he/she:

(1) Causes, instigates, or permits any combat between animals and humans.

(2) Crops a dog's ears, docks an animal's tail, or removes dew claws of an animal, except a licensed to practice veterinarian. All surgery on an animal shall be performed by a licensed to practice veterinarian.

(3) As the operator of a motor vehicle, strikes a domestic animal and fails to immediately report such incident and/or injury or death to the police or animal control division.

(4) Places, exposes, leaves, or spreads, or allows the placing of, any substance, article, or bait that has in any manner been treated with any poisonous or toxic substance or any drug, including but not limited to, antifreeze, whether mixed with food or not, in any place accessible to human beings, birds, dogs, cate, or other animals. This section shall not be interpreted to restrict the extermination of rodents and/or insects, through the use of traps, poisons, or other commercially available means when used in that person's residence, property, accessory structure, or commercial establishment and in accordance with the manufacturer’s directions, as long as reasonable precautions are taken to ensure that no human, pet, or wild animal. Other than the targeted species, comes in contact with the traps, poisons, or other means, and that does not violate any other section of this article. This subsection does not prohibit the city from participating in a city or county-wide animal eradication program.

(5) Fails to provide his/her animal with sufficient nutritious and wholesome food, served to the animal in a clean container that is securely positioned to avoid spillage or soiling, and such wholesome and nutritious food shall be fed to the animal at least daily in order to maintain the animal in good health. Exception: Livestock animals are not required to be fed in containers. Livestock animals on sufficient grazing land are not required to be fed supplemental food daily.

(6) Fails to provide his/her animal with clean water served in a clean container that is securely positioned to avoid spillage or soiling. Such water is to be available to the animal at all times in order to maintain the animal in good health. Exception: Livestock
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on grazing land must be provided with water at all times, either from a natural source such as a pond or stream, or the use of tanks designed to provide water for animals grazing in the open.

(7) Fails to provide his/her animal with veterinary care as may be necessary for an animal having an illness, injury, communicable illness transmissible to other animals or humans, or failing to follow the treatment regimen prescribed after having the animal seen for illness or injury.

(8) Fails to provide his/her animal (other than livestock), whether indoors or outdoors, with proper and adequate shelter and protection from the heat, cold, or other environmental conditions, or other circumstances that may cause bodily injury, serious bodily injury, or death of the animal. Adequate shelter shall conform to the following:

a. All animals kept outdoors shall have access to shelter that provides protection from the weather; i.e., sun, wind, precipitation, or other inclement weather conditions.

b. The shelter for an animal shall have a roof, enclosed sides, a doorway, and a solid, level floor (except for fowl). Plastic and metal barrels of sufficient size are allowed and considered to have a floor. The entrance to the shelter shall allow the animal's entry and exit. The structure shall be structurally sound and in good repair.

c. If there are no artificial heat sources, the structure shall be small enough to allow the animal to warm the interior of the structure and maintain his/her body heat, but large enough to permit standing at full height, stretching out, turning around, lying down, and making normal postural adjustments comfortably.

(9) Places or confines an animal in a motor vehicle, conveyance, or trailer, and fails to effectively restrain the animal as to prevent the animal from leaving or being accidently thrown from the vehicle, conveyance, or trailer, for such a period of time as may endanger the health, safety, or well-being of such animal, including but not limited to, heat, cold, lack of food and/or water, or other circumstances that may cause heat distress, heat exhaustion, heat stroke, disability, or possible death to the animal.

a. Any peace officer or animal control officer finding an animal in violation of this section may obtain a locksmith or break and enter the vehicle, conveyance, or trailer if necessary to remove the animal. Said animal shall be transported to the animal shelter and held for a period of not less than three (3) calendar days. The officer, upon removal of the animal, leave a written notice with the date, time, impounding officer's name, and the address and telephone number of the animal shelter where said animal is located.

(10) Beats, strikes, or punches an animal; bullies, harasses, intimidates, or mentally abuses any animal.

(11) Places a chain around the neck or attaches a chain to any collar of an animal that would hamper or hamper the animal's movement.

(12) Ties, chains, tethers, or stale a dog under such conditions, or for such a period of time, as may endanger the health, safety, or well-being of such animal, including but not limited to, heat, cold, lack of food and/or water, or susceptibility to attack or harassment.
or other circumstances that may cause distress or possibly injury and/or death of the animal.

(13) Transfers ownership or otherwise physically removes from its mother, any dog, cat, ferret, or rabbit, less than eight (8) weeks old, or any other animal that is not yet weaned, except as advised by a licensed veterinarian.

(14) Abandons any animal that he/she has possession or ownership of:
   a. At the animal control facility;
   b. At any other place of business;
   c. On a roadside;
   d. On public or private property;
   e. At a boarding, training, or grooming facility for a period in excess of twenty-four (24) hours;
   f. At a residence, whether occupied or not, for a period in excess of twenty-four (24) hours without provisions for the animal to regularly be provided with fresh food and water, and without a designated person responsible for monitoring the animal's conditions and providing care for the animal; or
   g. With any person that has not consented or revoked consent to be responsible for the care of the animal.

(15) Euthanizes, kills, or attempts to euthanize or kill an animal in a manner other than one allowed by this article or state law.

(16) Fails to maintain clean and healthy living conditions for any animal in his/her care, custody, or control, whether said area is indoors or outdoors, including but not limited to:
   a. Excessive waste. It shall be unlawful for a person to expose an animal to excessive waste, garbage, noxious odors; forces an animal to stand, sit, or lie down in its own excrement or urine, standing water, debris, or other unsanitary conditions. It shall be unlawful for a person to allow an enclosure used to confine an animal to be maintained in an unsanitary condition at any time;
   b. Parasite infestation. It shall be unlawful for a person to allow an animal to have or be subjected to an infestation of ticks, fleas, or other internal or external parasites without having the animal treated by a licensed veterinarian or following a proper commercially available treatment regimen for the animal and the area. It shall be unlawful to allow an enclosure used to confine an animal to be infested with parasites at any time;
   c. Dangerous conditions. It shall be unlawful for a person to expose an animal to dangerous objects that could kill an animal upon contact, to other circumstances that could cause harm to an animal's physical or emotional health, or subject an animal to dangerous conditions, including attacks by other animals.
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(17) Fails to provide basic grooming for an animal so as to cause the animal injury or discomfort due to the failure to maintain basic grooming requirements, including but not limited to, overgrown toenails, matting, excessive filth, or insect and/or parasite infestation.

(18) Attaches or allows to be attached, a collar or harness to an animal that is of inadequate size so that it restricts the animal's growth or causes damage to the animal's skin, limits an animal's movement by restraining the animal to a stationary object by means of a pinch-type, prong-type, or choke-type collar.

(b) If a person has a final conviction for cruelty to animals, he/she cannot own, possess, harbor, keep, or have custody of any animal within the corporate limits of the city. Said person is further prohibited from allowing, causing, or permitting any animal to be harbored or kept on his/her property within the corporate limits of the city. If any animal is found on the premises of an individual that has been convicted of cruelty to animals, an animal control officer shall remove said animal and take to the city’s animal shelter to be held for a period of three (3) calendar days. If the animal is not reclaimed by the owner, who has not been convicted of cruelty to animals or who does not reside in the same household as the person convicted of cruelty to animals, within three (3) calendar days, the animal shall become the property of the city and shall be placed for adoption in a suitable home or humanely euthanized. For purposes of these articles, "conviction" means the entry of a judgement of guilt or a deferred disposition regardless of the punishment imposed.

(c) A person who commits an offense if the person has received written notice of non-possession or has been convicted of cruelty to an animal within the corporate limits of the city, whether the animal is personally owned by the individual or under the individual's care, custody, and/or control.

§ 2.01.010. Prohibition of animals at sporting, recreational, or other public events.

(a) No person shall bring, take, carry, or transport any animal to any public event, any sporting field, such as but not limited to, football, baseball, softball, or soccer field, recreational centers, city-sponsored outdoor events, such as and/or organized sporting or recreational event. It is not a defense that the animal was restrained by a leash, chain, cage, voice command, or any other means.

(b) Subsection (a), above, shall not apply to an animal that is used as a service animal as defined by Title II (State and Local Government Services) and Title III (Public Accommodations and Commercial Facilities), or any animal that is participating in a public event such as a parade, pet show, etc.

(c) Animals are allowed in city parks that do not have a field used for sporting or recreational events, and in parks used for organized sporting or recreational events provided no such event is currently underway, and the animal is held by a person capable of controlling the animal by means of a leash, cord, or chain that is no more than six (6) feet in length.

ARTICLE 2.02. LIVESTOCK AND FOWL

§ 2.02.001. Livestock running at large.

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Exhibit “A”

It shall be unlawful for any person owning livestock, such as horses, mules, jacks, jennets, cattle, sheep, goats and hogs, to permit such livestock to run at large within the corporate limits of the city.

§ 2.02.002. Fowl running at large.

It shall be unlawful for any person owning chickens, turkeys, ducks, geese, guineas, or other fowl to permit such fowl to run at large within the city limits.

§ 2.02.003. Keeping hogs.

Effective November 21, 2005, it shall be unlawful to keep hogs within the city limits, with the exception that such hogs may be kept on the Jourdanton ISD grounds as are necessary for agricultural and educational purposes, and with the further exception that those children participating in 4-H and FFA programs may be permitted to raise five (5) hogs each within the city limits.

§ 2.02.004. Area and enclosure requirements; storage of manure; sanitation.

(a) Area and enclosure requirements. No person shall maintain livestock or fowl within the city limits unless the following area requirements are met:

(1) Horses and cows. There shall be a minimum space of twelve hundred and fifty (1,250) square feet for each horse kept within the city limits. Every animal must be provided with a stable, shed, pen or other enclosure to protect the animal against the elements and which shall be located on the premises where the horse or horses are kept. No stable, shed, pen or other enclosure shall be closer than one hundred feet (100') to any inhabited dwelling; provided that this distance requirement shall not apply to the dwelling occupied by the owner himself. The lot or premises shall also be enclosed with a wooden slat fence.

(2) Goats. Any goat kept in the city limits must be provided a minimum space of three hundred and seventy-five (375) square feet for each goat kept. Every goat must be provided a stable, shed, pen or other enclosure which shall be no closer than one hundred feet (100') to any dwelling; provided that this distance requirement shall not apply to the dwelling occupied by the owner himself. The lot or premises shall also be enclosed with a wooden slat fence.

(3) Chickens. There shall be a minimum of five (5) square feet for each chicken kept in the city limits. A chicken house shall be provided on the premises, which shall be no closer than fifty feet (50') to any dwelling. The chicken house must be of such construction as will allow for ease in cleaning and airing and kept in such a manner as not to become offensive to adjacent neighbors or the public. No more than one hundred (100) fowl may be maintained by any family unit.

(4) Rabbits. All rabbit hutches must be kept in a sanitary manner at all times, and so constructed as to allow ease in cleaning.

(b) Storage of manure. Each premises where livestock or fowl is kept shall be required to have built an impervious (concrete) bin which will act as a storage place for all manure from such livestock or fowl. It shall be covered with an approved cover that will not allow the ingress
or egress of flies and that will prevent any water (rainwater). It will be necessary to have the bin large enough to compensate for the weekly collections of manure. At least one (1) cubic foot of space shall be allowed for each animal per day. A bin shall be erected at all chicken or other fowl lots, a minimum of thirty (30) cubic feet. The thickness of the walls of the bin shall be anchored by bolts which will allow the repair as needed as [to be] performed.

(c) **Sanitation.** It shall be the duty of every person raising, keeping, or harboring any livestock or fowl to keep the premises and/or stable, shed, pen, or other enclosure in a sanitary condition, so that it will not become foul or offensive to persons of ordinary sensibilities residing in the vicinity or breed or attract flies, mosquitoes or other noxious insects, or in any manner endanger the public health or safety.

(d) **Exception.** These provisions shall not be construed to prohibit any person engaging in operating a business from keeping livestock for a temporary period of time, not to exceed seventy-two (72) hours, awaiting resale or their use in connection with the operation of their business.

§ 2.02.005. Disease prevention.

(a) **Horses.** All horses maintained within the city limits must be vaccinated for equine encephalomyelitis and so registered with the health department. Any new additions of horses to the lot must have their vaccination report on file at the health department, or be vaccinated within twelve (12) hours after arrival.

(b) **Cows.** The following tests are mandatory for all cows kept within the city limits:

1. Tuberculin.
2. Bangs disease.
3. Mastitis.

Any new additions to the herd or the lot must have these tests on file at the health department not later than forty-eight (48) hours after the tests have been completed.

(c) **Chickens.** Caution shall be taken in extreme cleanliness of all fowl yards to keep down bugs and lice which infect the skin. All houses, roosts, and nests must be treated weekly with an approved germicide in the form of spray or powder. Care shall be taken to see that all cracks and crevices are thoroughly treated.
Exhibit “A”

**Dog.** Both the male and female canine animals.

**Dog license tag.** A metal tag issued by the city animal control officer to each person who licenses a dog.

**Nuisance dog.** Any stray dog and any other dog wearing current vaccination tags which may be found not to be:

1. Confined on the premises of its owner;
2. Under the control of the owner or his authorized representative by means of a leash, cord, chain, or other device held by such person.

**Owner.** Any person owning, keeping or harboring a dog.

**Stray dog.** Any dog not confined to the premises of its owner, not having a current dog license tag and not having a current vaccination tag.

§ 2.03.002. Running at large.

(a) It shall be unlawful for any owner to permit or allow any dog, unless such dog is under the control of the owner or his authorized representative by means of a leash, cord, chain or other device held by such person, to be off the premises of the owner within the corporate limits of the city. Each time an owner’s dog runs at large in violation of this section constitutes a separate offense.

(b) Animal control and peace officers are hereby authorized to trap dogs at large by means of live traps and to issue live traps to citizens for trapping dogs at large that are trespassing on that citizen’s property. Any person tampering with a live trap or releasing a dog confined in a live trap is guilty of a misdemeanor.

(c) It shall be unlawful for any person to, in any manner, tease, annoy, disturb, molest, or irritate a dog that is confined to the owner’s or caregiver's property.

(d) Upon conviction of any subsequent offense under this subsection, the minimum fine assessed shall be two hundred dollars ($200.00). Upon conviction of a third of subsequent offense under this subsection, the minimum fine assessed shall be five hundred dollars ($500.00).

(e) Aggravated at large. The owner or caregiver of a dog found in violation of this section, and during the course of the said violation, without clear provocation, the dog attacks or bites a person, or approaches a person causing them to reasonably believe the animal will attack or cause bodily injury, or a dog, while not legally restrained, kills or injures a legally restrained domestic animal or livestock animal, the penalty may be enhanced in the interest of public health and safety as provided under the authority of other city ordinances or state law.

§ 2.03.003. License.

(a) It shall be unlawful for any person to own or keep any dog within the corporate limits of the city unless such person shall have first obtained a dog license tag for such dog. The cost of such dog license tag shall be as provided for in the fee schedule in appendix A of this code, and shall expire at the end of one (1) year from date of issue. No owner may be issued a dog license tag for any dog which does not have a current vaccination tag.
Exhibit “A”

(b) The animal control officer shall collect the prescribed license fee for all dogs licensed within the city and deliver all monies so collected to the city secretary, who shall deposit the same in the general fund.

§ 2.03.004. (Reserved) Vicious dogs.

(a) It shall be unlawful for any person to allow a vicious dog, or dog with vicious propensities, to run at large, or fail to keep such dog in a pen or enclosure that is reasonably certain to prevent the dog from leaving the pen or enclosure on its own. Additionally, any person who owns or keeps [such dog] in his or her custody or control shall be required to have liability insurance in an amount of at least $100,000.00 for damages resulting from bodily injury to an individual caused by any dog found to be engaged in vicious conduct.

(b) If it is shown on the trial of an offense under this section that the defendant’s dog has committed an offense of this section once before, such dog may be ordered to be destroyed.

§ 2.03.005. Barking dogs.

No person shall willfully or knowingly keep or permit any dog on his premises or in or about his premises that barks or howls repeatedly in such a manner as to disturb the peace and quiet of the neighborhood or the occupants of adjacent premises. A person shall be deemed to have willfully and knowingly violated the terms of this section if such person shall have been notified by the neighbors, the animal control officer, or any police officer of any such disturbance and shall have refused, for a period of 24 hours, to correct such disturbance and prevent its reoccurrence.

§ 2.03.006. Impoundment.

(a) It shall be the duty of the animal control officer, or any other authorized city employee, to seize and impound any stray dog within the corporate limits of the city.

(b) Any person may take up and deliver to the city animal control officer any stray dog which the animal control officer is required to impound under the provisions of subsection (a) of this section.

(c) The city animal control officer shall, upon complaint of any resident of the city, seize and impound any nuisance dog which may be found within the corporate limits of the city.

(d) The animal control officer, or any other authorized city employee, upon receiving any dog, shall make a complete registry, entering the breed (if determinable), color, sex, and existence of defect or injury of such dog and whether the dog is wearing a collar with a current vaccination tag, and the place and time of taking into custody. If known, he shall enter the name and address of the owner, and shall promptly notify such owner.

Division 2. Dangerous and Aggressive Dogs

§ 2.03.007. Dangerous dogs prohibited.

No dog deemed dangerous will be allowed within the corporate city limits of Jourdanton.

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

**Dangerous dog.** A dog that:

1. Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than the 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

2. 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.

**Secure enclosure.** A fenced area or structure that is:

1. Locked;
2. Capable of preventing the entry of the general public, including children;
3. Capable of preventing the escape or release of a dog;
4. Clearly marked as containing a dog; and
5. In conformance with the requirements for enclosures as established by this article.

**Serious bodily injury.** An injury characterized by severe bite wounds or severe ripping and/or tearing of muscle, that would cause a reasonably prudent person to seek treatment from a medical professional, and would require hospitalization without regard to whether the person actually sought medical treatment.

§ 2.03.009. Prohibition.

(a) It shall be unlawful for any person to own, keep, or harbor a dangerous dog within the corporate city limits.

(b) For purposes of this article, a person learns that the person is the owner/possessor of a dangerous dog when:

1. The owner/possessor knows of an attack or bite committed by the dog, as described in the definition of dangerous dog; or

2. The owner/possessor receives a notice that animal control has deemed that the dog is a dangerous dog.

(c) The owner of a dog that has been determined to be dangerous by another jurisdiction, under guidelines similar to those in this article, is prohibited from bringing the dog into the city. Any dog that is brought into the city in violation of this section shall immediately be turned over to the animal control department. The owner may elect to remove the dog from the city and shall comply with the legal notice requirements of this article and state law. A person commits an offense if he/she is the owner of a dog that has been determined to be dangerous by another jurisdiction and brings such dog into the city limits.

§ 2.03.010. Determination of a dangerous dog.
Exhibit “A”

(a) Complaint. If a person believes a dog to be dangerous as defined in this division, the person may file a sworn written complaint with the animal control department detailing the alleged incident, to include:

1. Name, address, and telephone number of complainant(s) and/or other known witnesses;
2. Date, time, and location of any incident involving the dog;
3. Description of the dog;
4. Name and address of the dog's owner/possessor, if known;
5. Statement describing the facts upon which the complaint is based; and
6. Statement describing any incidents where the dog has exhibited dangerous propensities, including a description of injuries sustained, if any, and whether medical assistance was sought and the outcome of that treatment, if known.

(b) Investigation. After a sworn written complaint is file with animal control or upon personal observation by an animal control officer or a peace officer, an animal control officer or a peace officer shall enter into a fact-finding investigation to determine whether sufficient facts are present to support review for a dangerous dog.

1. While the investigation is ongoing, animal control shall seize and impound the dog at the animal control facility or other state approved facility, at the owner's expense, pending the final determination of whether the dog is deemed dangerous. The owner shall pay any cost and fees incurred related to the seizure, impoundment, or destruction of the dog, in addition to any other expenses incurred for the dog.

2. Owner voluntarily delivers. Once the owner receives notice that a report has been filed with animal control to determine whether the dog is a dangerous dog, the owner shall deliver the dog to animal control immediately to the animal control authority. Animal control shall provide for the impoundment of the dog in secure and humane conditions, at the owner's expense, until final determination of whether the dog is deemed dangerous.

3. Warrant. If the owner fails to deliver the dog as required in this section, on a showing of probable cause to believe the dog meets the definition of a dangerous dog, the court shall order animal control to seize the dog and issue a warrant authorizing the seizure of the dog. Animal control shall provide for the impoundment of the dog in secure and humane conditions, at the owner's expense, until final determination of whether the dog is deemed dangerous.

4. At large/abandoned. If the dog, that is the subject of the complaint, was already seized and impounded for being an animal at large pursuant to this article, or the dog was abandoned, the dog shall remain impounded until final determination of whether the dog is deemed dangerous.

5. If, after searching with due diligence, animal control cannot locate the owner of the dog before the fifteenth (15th) calendar day after the date that animal control seized and impounded the dog, animal control may petition the court to classify the dog as abandoned. If the court finds the dog abandoned, the court may order the dog to be
awarded to the City of Jourdanton and humanely destroyed, and if the court decides that the public health and safety would be best served by doing so.

(c) Administrative determination. At the conclusion of the investigation, the findings will be reviewed by the animal control manager, and:

(1) If there is sufficient evidence the dog does not meet the definition of a dangerous dog as defined by this division, animal control shall notify the owner and if the dog is impounded, release the dog to its owner and waive any impound fees incurred; or

(2) If there is sufficient evidence the dog does meet the definition of a dangerous dog as defined in this division, animal control shall notify the owner in writing of the dangerous dog determination. If animal control determines that a dog is dangerous under this division that decision is final unless the dog owner files a written appeal with the city municipal court within fifteen (15) calendar days from the date of the notice of the determination.

(d) Death or serious injury. If the complaint indicates that a dog caused the death of, or serious bodily injury to, a person by attacking, biting, or mauling the person, and the animal control officer has probable cause to believe that the dog caused the death of or serious bodily injury to the person as stated in the complaint, the animal control shall proceed under V.T.C.A., Health and Safety Code, Ch 822, such A, as amended. Otherwise, the animal control officer has the discretion to proceed with a request for a dangerous dog determination under this division.

(e) For all occurrences not covered in this article, animal control may follow the procedures outlined in V.T.C.A, Health and Safety Code, Ch 822, as amended.

§ 2.03.011. Notice of dangerous dog determination.

(a) The owner shall have fifteen (15) calendar days from receipt of the notice of determination that the dog is dangerous, to:

(1) Owner surrender. The owner may consent to relinquish ownership of the animal to the animal control division. The owner shall pay any cost and/or fees related to the seizure, impoundment, or destruction of the dog, to include an owner surrender fee.

(2) Removal from the city. The owner may remove the animal from the territorial limits of the City of Jourdan:

a. No later than the thirtieth (30th) calendar day after a person learns that the person is the owner of a dangerous dog, the person shall register the dangerous dog with the animal control authority for the area in which the dog will be residing and comply with all of that jurisdiction's applicable laws to include municipal, county, and/or state regulations, requirements, and restrictions on dangerous dogs. Before the animal is released from the city animal control to the owner, the owner shall submit proof, subject to approval by the animal control manager, of the dog being registered as a dangerous dog in the jurisdiction in which the dog will be residing.

b. If the owner of a dangerous dog fails to comply with this subsection within thirty (30) calendar days after a final determination was made, the court shall order animal
Exhibit “A”

control to humanely destroy the dog if the owner has not complied before the eleventh (11th) day after non-compliance.

c. For the purposes of this subsection, "final determination" means the date on which animal control notified the owner of its determination that the animal is dangerous, unless that determination is appealed, in which case the final determination date shall be the date the municipal court issued its final order.

(3) Appeal. The owner has the right to appeal the determination that the dog is a dangerous dog, provided such appeal is timely filed as set forth in this division.

a. The notice to the owner of the dangerous determination shall contain a statement that the owner has a right, no later than the fifteenth (15th) calendar day after the date the owner receives such notice, to appeal such determination to the municipal court or as otherwise provided by law.

b. Notwithstanding any other law or local regulation, the court may not order the destruction of a dog during the pendency of an appeal under V.T.C.A. Health and Safety Code Sec. 822.0424, as amended.

(b) No action by owner. After the thirtieth (30th) calendar day after a person learns that the person is the owner of a dangerous dog, if no action is taken on the part of the owner, the dog will be classified as abandoned and the property of the City of Killeen. If the owner of a dangerous dog fails to comply within thirty (30) calendar days after a final determination was made, the court shall order animal control to humanely destroy the dog if the owner has not complied before the eleventh (11th) day after non-compliance.

(c) A person commits an offense if:

(1) He/she interferes with the lawful seizure or impoundment of a dog by a city enforcement authority;

(2) He/she harbors, hides, transports, or secures the transport for any dog for the purpose of preventing impoundment;

(3) The person operates or manages a quarantine facility other than animal control facility, and he/she fails to properly confine the dog to prevent its escape, releases it to any person, or fails to account for the dog's whereabouts. This section shall not apply if the person operating or managing the quarantine facility first obtains written permission from the animal control manager to release the dog.

§ 2.03.012. Appeal/hearing.

(a) The owner may appeal animal control administrative dangerous dog determination to the city's municipal court.

(b) Appeals to the municipal court shall be made by the owner's filing a written notice with the city's municipal court not later than the fifteenth (15th) calendar day after the date the owner is notified that a dog owned by the owner is a dangerous dog. During the appeal, the determination of animal control shall be suspended, and the dog shall remain impounded at the owner's expense at the animal control facility or other state approved quarantine facility.
(c) The municipal court, on receiving a written notice of appeal, shall set a time for a hearing to determine whether the dog is dangerous. The hearing must be held not later than the tenth (10th) calendar day after the date on which the notice of appeal was filed with the municipal court.

(d) The municipal court shall give written notice of the time and place of the hearing to:

1. The owner of the dog or the person from whom the dog was seized;
2. The person who made the complaint;
3. The animal control division; and
4. Any interested party, including the city attorney, is entitled to present evidence at the hearing.

(e) The city municipal court has jurisdiction to hear an appeal filed under this division. The appeal is a civil proceeding for the purposes of affirming or reversing animal control's determination of dangerous dog.

(f) The judge shall be the finder of fact and shall render a decision based on substantial evidence. The municipal court may receive testimony at the hearing to determine if the dog deemed to be dangerous by animal control is a dangerous dog.

1. If the court determines that a dog is not a dangerous dog, the court shall order the return of the dog back to the owner;
2. If the court determines that a dog is dangerous, the court may:
   a. Order the dog permanently removed from the city within thirty (30) calendar days from the date of the court's order, the dog be removed immediately from the city upon release from animal control, and the owner must provide proof of compliance with the court's order to animal control within forty-eight (48) hours from the date the dog is released from animal control; or
   b. Order the animal to be euthanized in a humane manner.
3. To order removal or euthanasia as a dangerous dog, the court must find the following facts to be true:
   a. The dog is a dangerous dog as defined by this article; and
   b. The removal or euthanasia is necessary to preserve the public health, safety, and welfare of the community.

(g) The court shall determine the estimated costs and fees to house and care for the impounded dog during the appeal process plus current costs and fees incurred and shall set the amount of the bond for an appeal adequate to cover those costs and fees.

(h) An owner or person filing the action may appeal the decision of the municipal court in the manner described by the V.T.C.A., Health and Safety Code, Section 822.0424, as amended.

§ 2.03.013. Aggressive dogs; levels defined.

A dog may be defined as "aggressive" if it has engaged in the conduct defined as:
Exhibit “A”

Level 1 behavior is established when: A dog while unrestrained, is found to menace, chase, display threatening or unprovoked aggressive behavior to or otherwise threaten or endanger the safety of a domestic animal or livestock that was properly restrained at the time of the incident.

Level 2 behavior is established when: A dog, while unrestrained, causes bodily injury to any domestic animal or livestock that was properly restrained at the time of the incident.

Level 3 behavior is established when:

(1) A dog, while unrestrained, kills or causes the death of any domestic animal or livestock that was properly restrained at the time of the incident; or

(2) A dog classified as a level 2 aggressive dog repeats the behavior warranting level 2 classification, as described in this section, after the owner or keeper receives notice of the level 2 classification.

If a dog’s behavior creates a more dangerous situation after it has been deemed aggressive and the owner has complied with all remedial requirements, the animal control manager or their designee will review the new facts and if necessary, may consider more stringent requirements based on the totality of the situation.

§ 2.03.014. Requirements for owners/possessors of aggressive dogs.

(a) Unless the person is appealing animal control's determination that the dog is an aggressive dog, in addition to other requirements of this article, the owner/possessor of an aggressive dog shall comply with the following conditions not later than fifteen (15) calendar days after a person learns that the person is the owner/possessor of an aggressive dog or receives notice of the aggressive dog determination:

(1) Removal from the city. Remove the dog from the territorial limits of the City of Jourdanton; or

(2) If maintaining the animal within the city limits:

a. Register the animal with animal control and pay applicable registration fee once a year;

b. Restrain the aggressive dog at all times either indoors or within a double secured enclosure outdoors, where each of the two (2) enclosures consists of a substantial fence or enclosure measuring at least one hundred (100) square feet secured by a lock to include a secure top and a concrete bottom, of sufficient strength and height to prevent the animal from escaping or reaching any part of its body over, under, or through the fence;

c. Obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars ($100,000) to cover damages resulting from an attack by the aggressive dog and provide proof of the required liability insurance coverage or financial responsibility to the animal control;

d. Present proof of current rabies vaccination of the aggressive dog annually;

e. Have the dog sterilized by a veterinarian if the animal is over six (6) months old, or sterilized by the thirtieth (30th) day after the animal becomes six (6) months old.

Exhibit “A”
f. Have the dog identified by a microchip device and provide proof to animal control; and

g. Pay any kennel fees accrued due to the seizure of the dog by the city.

(b) If the dog was not seized and the owner/possessor of the aggressive dog decides not to comply with subsection (a), the owner/possessor shall deliver the aggressive dog immediately to animal control, but not later than fifteen (15) calendar days after the owner/possessor learns that the animal is an aggressive dog.

§ 2.03.015. Violations.

A person who owns or keeps custody or control of an aggressive dog commits an offense if the person fails to comply with this division. An offense under this division is a Class C misdemeanor. If a person is found guilty of an offense under this division the court may order the aggressive dog destroyed by a licensed veterinarian or the animal shelter.

§ 2.03.016. Determination that dog is aggressive.

(a) Complaint. If a person believes a dog to be an aggressive dog as defined by this division, the person may file a sworn written complaint with animal control detailing the alleged incident, to include:

(1) Name, address, and telephone number of complainant(s) and other known witnesses;

(2) Date, time, and location of any incident involving the dog;

(3) Description of the dog;

(4) Name and address of the dog's owner/possessor, if known;

(5) Statement describing the facts upon which the complaint is based; and

(6) Statement describing any incidents where the dog has exhibited aggressive behavior indicating that it represents a potential danger, including a description of injuries, if any, and whether veterinary assistance was sought and the outcome if that treatment, if known.

(b) Investigation. After a sworn written complaint is filed with animal control or upon personal observation by an animal control officer or a peace officer, an animal control officer or peace officer shall enter into a fact-finding investigation to determine whether sufficient facts are present to support review for an aggressive dog determination.

(1) During the course of the investigation, if it is deemed that the dog may pose a potential threat to the health and safety of the public, an animal control officer or peace officer may prepare an affidavit for the order of immediate seizure to seize the dog and confine the dog in a humane manner at the animal shelter. If animal control or a peace officer seizes a dog while the investigation is ongoing, the dog will be impounded at the owner's expense pending the determination of whether the dog is an aggressive dog. The owner shall pay any cost and/or fees incurred related to the seizure and impoundment, in addition to any other expenses incurred for the dog.

(2) If, after searching with due diligence, animal control cannot immediately identify and locate the owner of the dog, animal control shall immediately impound the dog and confine
Exhibit “A”

the dog in a humane manner at the animal shelter. If the owner cannot be located, before
the fifteenth (15th) calendar day after the date after animal control seized and impounded
the dog, animal control may petition the court to classify the dog as abandoned. If the court
finds the dog was abandoned, the court may order the dog to be awarded to the City of
Jourdanton and humanely destroyed if the court decides that the public health and safety
would be served by doing so.

(c) Administrative determination.

(1) At the conclusion of the investigation, the findings will be reviewed by the animal control
manager, and:

a. If there is sufficient evidence that the dog does not meet the definition of an aggressive
dog as defined in this division, animal control shall notify the owner, and if the dog is
impounded, release the dog to its owner and waive any impoundment fees incurred; or

b. If sufficient evidence exists that the dog does meet the definition of an aggressive dog
as defined in this division, animal control shall notify the owner in writing of the
aggressive dog determination. If animal control determines that a dog is aggressive
under this division, that decision is final unless the dog owner files a written notice of
appeal with the municipal court, along with a copy of animal control’s notice of
aggressive dog, within fifteen (15) calendar days after receiving the notice that the dog
has been determined to be aggressive. If the owner does not appeal the aggressive dog
determination, the owner will be required to comply with the Jourdanton Code of
Ordinances, "Requirement for owner/possessor of an aggressive dog,” under this
division.

(2) The animal control manager or their designee shall have discretionary authority to refrain
from classifying a dog as aggressive, even if the dog has engaged in behaviors specified in
this article, if the animal control manager determines that the behavior was the result of the
victim animal taunting or tormenting the accused dog, the accused dog was restrained in a
manner permitted in this article, both victim dog and accused dog were in violation of the
restraint ordinance as defined in this article, or other mitigating or extenuating
circumstances were present.

§ 2.03.017. Notice of aggressive determination.

(a) The dog owner/possessor, if known, will be served with written notice of the dog's specified
behavior, the dog's classification as aggressive, and the restrictions applicable to that dog by
reason of its classification.

(b) The owner shall have fifteen (15) calendar days from receipt of the notice of determination
that the dog is aggressive to:

(1) Owner surrender. The owner may consent to relinquish ownership of the dog to the animal
control division. The owner shall pay any cost and/or fees assessed related to the seizure,
impoundment, or destruction of the dog, to include an owner surrender fee; or

(2) Removal from the city. The owner may remove the animal from the territorial limits of the
City of Jourdanton; or
Exhibit “A”

(3) Comply with section 2.03.014 of this division, the requirements for aggressive dog; or

(4) Appeal. The owner has a right to appeal the determination that the dog is an aggressive dog, provided such appeal is timely filed as set forth in this division.

   a. The notice to the owner of the aggressive dog determination shall contain a statement that the owner has a right, no later than the fifteenth (15th) calendar day after the owner receives such notice, to appeal such determination to the municipal court or as otherwise provided by law.

   b. Notwithstanding any other law or local regulation, the court may not order the destruction of the dog during the pendency of an appeal under V.T.C.A., Health and Safety Code, Section 822.0424, as amended.

(c) Non-compliance/no action by owner. The owner of an aggressive dog who does not comply with section 2.03.014 shall deliver the dog to animal control not later than the thirtieth (30th) day after the owner learns that the dog is an aggressive dog.

   (1) If, on application of any person, the municipal court finds, after notice and hearing, that the owner of an aggressive dog has failed to comply with section 2.03.014, the court shall order animal control to seize the dog and shall issue a warrant authorizing the seizure. Animal control shall seize the dog and shall provide for impoundment in secure and humane conditions.

   (2) The owner shall pay any cost and/or fee assessed by animal control related to the seizure and impoundment of the dog. The court shall order animal control to humanely destroy the dog if the owner has not complied with section 2.03.014 before the eleventh (11th) day after the date on which the dog is seized or delivered to animal control, except that, notwithstanding any other law or regulation, the court may not order the destruction of a dog during the pendency of an appeal.

   (3) The court shall order animal control to return the dog to the owner if the owner complies with section 2.03.014 before the eleventh (11th) calendar day after the date on which the dog is seized or delivered to animal control.

   (4) The court may order the humane destruction of a dog if the owner of the dog has not been located before the fifteenth (15th) day after seizure and impoundment of the dog.

§ 2.03.018. Appeal/hearing

(a) The owner may appeal animal control administrative aggressive dog determination to the municipal court.

(b) Upon appeal, the owner must immediately release the dog to animal control to keep such dog at the animal shelter or a veterinarian clinic, and provide proof to animal control of shelter at the veterinarian's clinic at the owner's/possessor's expense, until hearing is held by the municipal court for a final disposition. The owner shall pay all cost and/or fees pertaining to the dog’s impoundment while awaiting hearing. Each day the dog has not been surrendered to animal control shall constitute a separate offense.

Exhibit “A”
(c) Appeals to the municipal court shall be made by the owner filing a written notice with the city's municipal court not later than the fifteenth (15th) calendar day after the date the owner is notified that a dog owned by the owner is an aggressive dog. During pendency of the appeal, the determination of animal control is suspended, and the dog shall remain impounded at the owner's expense at the animal control facility or veterinary clinic.

(d) The municipal court, on receiving a written notice of appeal, shall set a time for a hearing to determine whether the dog is aggressive. The hearing must be held not later than the tenth (10th) calendar day after the date on which the notice of appeal was filed with the municipal court.

(e) The court shall give written notice of the time and place of the hearing to:

1. The owner of the dog or the person from whom the animal was seized;
2. The person who made the complaint; and
3. The animal control division.

(f) Any interested party, including the city attorney, is entitled to present evidence at the hearing.

(g) The municipal court has jurisdiction to hear an appeal filed under this division. The appeal is a civil proceeding for the purpose of affirming or reversing animal control’s determination of aggressiveness.

(h) The judge shall be the finder of fact and shall render a decision based on a substantial evidence. The municipal court may receive testimony at the hearing to determine if the dog deemed to be aggressive by animal control is an aggressive dog.

1. If the court determines that a dog is not an aggressive dog, the court shall order the return of the dog back to the owner;

2. If the court determines that a dog is aggressive the court may:

   a. Order the dog be permanently removed from the city within ten (10) calendar days from the date of the court's order, the dog to be removed immediately from the city upon release from animal control, and the owner must provide proof of compliance with the court's order to animal control within forty-eight (48) hours from the date the dog is released from animal control; or
   
   b. Order the owner to comply with the requirements for owners of aggressive dogs under section 2.03.014.

3. To order removal or compliance with the requirements for an owner of an aggressive dog, the court must find the following facts to be true:

   a. The dog is an aggressive dog as defined by this division; and
   
   b. The removal or compliance is necessary to preserve the public health, safety, and welfare of the community.
Exhibit “A”

(i) The court shall determine the estimated costs and/or fees to house and care for the impounded dog during the appeal process plus the current costs and/or fees incurred, and shall set the amount of the bond for an appeal, adequate to cover those costs and/or fees.

(j) An owner or person filing the action may appeal the decision of the municipal court in the manner described by the V.T.C.A., Health and Safety Code, Section 822.0424, as amended.

§ 2.03.019. Public notice of aggressive dog

The City of Jourdanton animal control may, after notification to the owner/possessor that a dog has been determined to be aggressive, require public notice of the determination.

(a) The notice may be required to include the animal's description, place of residence and any other public information the city deems relevant to maintain the public health, safety, and welfare.

(b) The city may provide notice of the aggressive dog by posting notices in the area where the aggressive dog resides and/or posting notice on the city's website.

§ 2.03.020. Search and seizure

(a) Animal service officers and Jourdanton Police Officers shall be authorized to obtain a search and seizure if there is reason to believe that:

(1) A dog determined to be aggressive by animal control presents a credible threat to the public health, safety, and welfare prior to a hearing;

(2) A dog ordered to be removed from the city for being dangerous or aggressive has not been so removed; or

(3) An owner/possessor has failed to comply with one or more of the requirements for owners/possessors of a dangerous or aggressive dog.

(b) A dangerous or aggressive seized and impounded under this article shall not be returned to the owner/possessor unless:

(1) The court order the dog to be returned after a hearing; or

The owner/possessor complies with all requirements for owners/possessors of a dangerous or aggressive dog.

ARTICLE 2.04. KENNELS

§ 2.04.001. Definitions.

Definitions used in this article are as follows:

Dog. Both the female and male canine animals.

Kennel. Any single premises on which eight (8) or more dogs above the age of six (6) months are kept by any person or persons.

Owner. Any person owning or operating a kennel.

§ 2.04.002. Fee.
It shall be unlawful for any person to operate or maintain any commercial business concerning animals, such as but not limited to, a kennel, pet store, riding school or stable, or other commercial animal service facility, whether operated separately or in connection with another enterprise, within the corporate limits of the city unless he shall first pay to the city secretary an annual fee as provided for in the fee schedule in appendix A of this code for the privilege of operating such kennel commercial animal service facility and a permit has first been obtained in compliance with this article, and with all other municipal ordinances.

§ 2.04.003. Standards.
No kennel may be operated by any person unless it shall comply with the following standards:

(1) The kennel structure must have a base or flooring of concrete, tile, brick, masonry or other like material, impervious to water.

(2) The kennel must have enclosures of wire or chain-link material capable of restraining any dog kept therein and of no less than six feet (6') in height as measured from the top of the base or flooring.

(3) No dog enclosure in a kennel may be smaller than three feet (3') by five feet (5').

(4) No more than one (1) dog may be kept in each enclosure of a kennel as described in subsection (3) above, except that pups that are not yet weaned may be kept with their mother.

(5) Each enclosure in a kennel in which a dog is kept for any twenty-four (24) hour day or any part thereof shall be cleaned of all fecal matter once during any such day and washed once each day in a manner sufficient to remove all traces of urine deposits.

§ 2.04.004. Permit required.

(a) Any person in the city conducting, managing, or maintaining a commercial animal service facility, shall obtain a permit to do so from animal control and pay an annual license fee as stated in the city fee schedule, regardless of the number of animals kept.

(b) The permit shall begin on January 1 of each year and expire on December 31 of that same year. Renewal applications for permits may be made thirty (30) days prior to, and are due at, the start of the new calendar year. Application for a permit to establish a new commercial animal establishment under the provisions of this section may be made at any time. The fees for a new establishment shall be prorated per months left in the calendar year.

(c) Permits are not transferable. If there is a change in ownership of a commercial animal establishment, the new owner must apply for a new permit.

(d) It is a violation of this section for a person, partnership, or corporation to open such facility before a permit is obtained.

(e) Animal control has the right to inspect the premises of any permit holder at any time to determine whether such permit should be issued or continued.

§ 2.04.005. Application for permit.
Any person desiring to obtain a permit shall make application on forms provided by the animal control manager and shall include information requested by the animal control manager for the implementation of this division, including the following information:

(a) The full name of the applicant, the street address where the business is to be located, and the residence address of each owner, manager, and operator of the business;

(b) Whether any owner or operator is an individual, partnership, corporation, or other legal entity, provided, however, that the type of business organization shall include only those organizations recognized by the Texas Business Organizations Code ("BOC") and authorized to engage in the type of business covered by this section, and if the organization is a foreign entity required to register under article 9 of the BOC, full and complete copies of the organization's current registration;

(c) If any owner or operator is a corporation, the names and addresses of all officers of the corporation, and if fewer than five (5) shareholders the names of the shareholders;

(d) If any owner or operator is a partnership, the type of partnership and names and address of all general partners, and for limited partnerships the names and addresses of all members;

(e) If any owner or operator is an unincorporated association, the name and address of all officers of the association;

(f) If any applicant does business under an assumed name, as that term is defined in V.T.C.A., Business and Commerce Code, Section 71.002, as amended, all assumed names used;

(g) A description of the type of services to be provided at the facility;

(h) A declaration that the minimum standards regarding maintenance, sanitation, and prevention of nuisances as set forth in the rules and regulations established by the animal control manager, and pursuant to this article have been met;

(i) A declaration that the animal control manager or his/her designee may enter and inspect the facility at any reasonable time to ensure compliance with this article;

(j) Any other information reasonably required by the animal control manager to ensure compliance with the requirements of this article; and

(k) Upon submission of an approved complete application and payment of the permit fee, an applicant shall be entitled to receive a permit. All permits issued pursuant to this division are made expressly subject to applicable zoning restrictions enforceable by the city and no permit shall be construed as authorizing any violation thereof.

§ 2.04.006. Issuance and display of permit; notification of changes.

(a) A permit issued under this division shall only be valid for the address of the facility provided in the application.

(b) The animal control manager or his/her designee shall issue a permit to the person paying for a commercial animal service facility permit. The permittee shall display the permit at all times in a prominent place in the commercial animal service facility.

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(c) A permittee shall notify the animal control manager by personal delivery or certified mail of any change in the name, address, management, and/or ownership as shown on the permit application of his/her business or operation within ten (10) calendar days of any such change.

§ 2.04.007. Suspension of permit.

(a) The animal control manager may suspend or revoke any commercial service facility permit if any of the following conditions occur:

(1) Any animal at the commercial animal service facility is being deprived of necessary food, water, care, and/or shelter;

(2) Any animal at the commercial animal service facility is otherwise being cruelly treated;

(3) Unsanitary conditions exist at the commercial animal service facility to such an extent that those conditions create a possible medium for the transmission of disease to any animal kept there, or to human beings; or

(4) The permittee or any agent or employee of the permittee responsible for the oversight or operation of the commercial animal service facility receives three (3) or more convictions for violations of this article in relation to the operation of the commercial animal service facility.

(b) Prior to suspension, written notice shall be given to the permittee, the person in charge of the commercial animal service facility, or any employee or agent of the permittee. The notice shall set forth the specific conditions existing at the commercial animal service facility that are grounds for suspension of the permit pursuant to this article.

(c) Whenever the reason for a suspension no longer exists, the permittee or person in charge of the commercial animal service facility shall notify the animal control manager that the conditions under which the permit was suspended have been corrected and that an inspection is requested. The animal control manager or his/her designee shall conduct the inspection as soon as possible after receiving the request and in no event, not later than five (5) business days after receipt of the request for an inspection. If the inspection shows that the conditions have been corrected, the animal control manager shall reinstate the permit unless the animal services manager has given notice that he/she is seeking revocation of the permit.

(d) If the permit is suspended, no one shall accept or place any animal in the commercial animal service facility, and all animals at the commercial animal service facility, on the date the permit is suspended, shall be removed by the permittee as soon as possible, but in no case later than ten (10) calendar days after receipt by the permittee, his/her agent, and/or his/her employee of the written notice of suspension, unless the permit has been reinstated prior to that time.

§ 2.04.008. Revocation of permit.

(a) The animal control manager may revoke a permit to operate a commercial animal service facility if any of the following conditions occur:

(1) The commercial animal service facility permit has been suspended three (3) or more times;

(2) The permittee is shown to have committed any offense involving cruelty to animals; or
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(3) The permittee has knowingly employed any person at the commercial animal service facility or allowed any person to work at the commercial service facility, who has been convicted of any offense involving cruelty to animals.

(b) Prior to revocation, written notice shall be given to the permittee, the person in charge of the commercial animal facility, and/or any employee or agent of the permittee. The notice shall set forth the specific conditions existing at the commercial animal service facility that are grounds for revocation of the permit pursuant to this section.

(c) If the permit if revoked, no one shall accept or place any animal in the commercial animal service facility, and all animals at the commercial service facility on the date the permit is revoked, shall be removed by the permittee as soon as possible, but in no case later than ten (10) calendar days after receipt by the permittee, his/her agent, and/or his/her employee of the written notice of revocation.

(d) In the event a permit is revoked, the city shall not be liable to the permittee for any refund of any part of the permit fee.

§ 2.04.009. Reinstatement of a permit that has been revoked.

(a) A permit that has been revoked may be reinstated provided that the following requirements are met:

(1) An application has been completed as if it were an initial application;

(2) No permit shall be issued if the permittee or any person or corporation listed on the application has been convicted of any offense involving cruelty to animals;

(3) No permit shall be issued to the same permittee or any person or corporation listed on the application, who, within one (1) year of the date of the new application, has had a permit issued under this section revoked; and

(4) No permit shall be issued for the same location unless it is shown that adequate precautions have been taken so that the conditions under which the permit was revoked shall not reoccur.

(b) If there is a dispute between the animal control manager or his/her designee and a person applying for a permit for a location for which a permit was revoked, as to whether adequate precautions have been taken so that the conditions under which the permit was revoked will not reoccur, the applicant may request a hearing before the city manager or his/her designee. The requested hearing shall be conducted under the same procedures as a hearing for a revocation or a permit; however, the burden shall be on the applicant to show that adequate precautions have been taken so that the conditions under which the permit was revoked will not reoccur.

§ 2.04.010. Appeal; hearing for suspension or revocation of permit.

(a) An applicant or permit holder may appeal the denial, suspension, or revocation of a commercial animal service facility. The denial, suspension, or revocation of a permit shall be final unless the permittee:
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(1) Files a written appeal of denial, suspension, or revocation of the permit with the city manager;

(2) The written appeal clearly sets out the basis of such appeal and may include relevant facts and legal arguments regarding the denial, suspension, or revocation;

(3) A copy of the animal control manager's written denial, suspension, or revocation is attached to the appeal; and

(4) Permitee serves a copy of the written appeal on the animal control manager in person or by certified mail.

(b) Appeals shall be considered by the city manager or his/her designee.

(c) Upon considering all relevant evidence, the city manager or his/her designee shall make a determination as to whether grounds exist for the denial, suspension, or revocation of the permit and issue a written decision within thirty (30) calendar days of the appeal.

(1) If the city manager or his/her designee finds that no grounds exist for denial, suspension, or revocation of the permit, the city manager or his/her designee may order the issuance of the permit, lift the suspension, or reinstate the permit;

(2) If the city manager or his/her designee finds that grounds do exist for the denial, suspension, or revocation of the permit, he/she shall order the denial, suspension, or revocation of the permit, provided however, if the city manager or his/her designee finds that the needs of the animals and the public interest will be adequately protected by a warning, he may issue a warning or issue the permit, lift the suspension, or reinstate the permit for a commercial animal service facility.

(d) A copy of the determination and order of the city manager or his/her designee shall be served on the permittee, the person in charge of the commercial animal service facility, or on any employee or agent of the permittee.

(e) The determination of the city manager or his/her designee is final and may not be appealed.

§ 2.04.011. Animal vendor premises regulations.

It shall be unlawful for any person to sell, trade, lease, rent, or give away any live animal on any roadside, public right-of-way, commercial or private parking lot, or flea market with the city limits.

ARTICLE 2.05. RABIES CONTROL

Division 1. Generally

§ 2.05.001. through § 2.05.030. (Reserved)

Division 2. Vaccinations

§ 2.05.031. Required.

Every owner of a dog or cat shall have their dog or cat vaccinated as required by state law. Any person moving into the city shall comply with this requirement within 10 days after having moved into this city. If the dog or cat has inflicted a bite on any person or other animal within...
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the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian
who is going to administer such rabies vaccine and such rabies vaccine shall then not be
administered until after a ten-day observation period.

(a) All dog, cats, and ferrets shall be vaccinated by the age of for (4) months and at regular intervals
as prescribed by a veterinarian certified to practice in the State of Texas. It shall be unlawful
to keep or maintain a dog, cat, of ferret over the age of four (4) month that does not have a
current rabies vaccination.

(b) A veterinarian who vaccinates a dog, cat, or ferret against rabies shall issue the current owner
a vaccination certificate and a metal tag. The owner shall retain the rabies vaccination
certificate and make such certificate available for inspection upon request by a city
enforcement agent. The current rabies metal tag shall be affixed to a properly fitted collar or
harness at all times and shall be worn by the animal when outdoors.

(c) A valid rabies vaccination certificate shall be considered legal proof of rabies vaccination for
an animal.

(d) A person commits an offense if:

1. He/She is the owner of an animal and fails to have the animal vaccinated as required by the
Texas State Rabies Control Act and local ordinance;

2. He/She attaches a rabies tag to an animal's collar or harness other than the animal for which
the tag was issues;

3. He/She is the owner of an animal and fails to display the rabies tag as required by this
section; or

4. He/She is the owner of an animal and fails to provide proof of rabies vaccination upon
request from a city enforcement agent.

§ 2.05.032. Issuance of certificate and tag.

(a) Rabies vaccinations shall only be given by a duly licensed and practicing veterinarian, and
upon vaccination the veterinarian shall execute and furnish to the owner of the dog or cat, as
evidence of such vaccination, a certificate and metal tag. Such certificate shall at least contain
the following information:

1. The owner’s name, address, and telephone number;

2. The date of vaccination;

3. The type of rabies vaccine used, producer, expiration date, and serial number;

4. The year and number of the rabies tag; and

5. A description of the dog or cat.

(b) Concurrent with the issuance and delivery of the certificate of vaccination, the veterinarian
shall also 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 his
address. The owner of such dog or cat shall cause the metal vaccination tag to be attached to a collar to be worn by his dog or cat at all times.

§ 2.05.033. Lost or destroyed certificate or tag.
In the event of loss or destruction of the original tag or certificate, the owner shall obtain a duplicate tag or certificate from the veterinarian.

§ 2.05.034. Taking tag from animal of another.
It shall be unlawful for any person to willfully take from any animal, not his own, any collar or metal vaccination tag.

§ 2.05.035. through § 2.05.060. (Reserved)

Division 3. Rabies Reports and Quarantine

§ 2.05.061. Reporting of suspected rabies.
(a) Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies or having knowledge of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies must immediately report such knowledge or incident to the police or city health officer, and in no case longer than twenty-four (24) hours from the time of the incident.

(b) The animal control division shall investigate each bit or scratch incident.

(c) The owner of an animal that has been involved in a bite or scratch who learns of such incident shall immediately:

(1) Victim. Give his/her name and address, the animal's registered microchip information, and the date of the last rabies vaccination to the person bitten or injured, or to the parent or guardian of the person bitten or injured who is under eighteen (18) years of age;

(2) Animal control. Give his/her name and address, the description of the animal involved in the incident, the animal's name and registered microchip information, date of the last rabies vaccination to include the veterinarian who administered the vaccination, the name of the injured person, and any other information requested relating to the animal and/or injured party to animal control.

§ 2.05.062. Authority to order quarantine.
The animal control officer, any police officer, or the city health authority shall have the authority to order the quarantine of animals responsible for bite incidents or suspected of having any zoonotic disease considered to be a hazard to the human population or other animals.

§ 2.05.063. Animals biting or scratching human or attacking other animal.
(a) When a dog or cat which has bitten or scratched a human or attacks another animal has been identified, the owner will be required to produce the animal for ten (10) days’ confinement to determine whether such dog or cat has been exposed to rabies. Any unclaimed animal may be destroyed for rabies diagnosis prior to the end of this observation period. The dog or cat may be released from quarantine if a veterinarian determines that the animal does not show the
clinical signs of rabies, provided the owner has paid all reasonable cost associated with the quarantining. Refusal to produce such animal constitutes a violation, and each day of such refusal constitutes a separate and individual violation.

(b) No animal which has a high probability of transmitting rabies, including skunks, bats, foxes and raccoons, will be placed in quarantine for observation. All such animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a laboratory certified by the department of state health services for rabies diagnosis.

(c) The city health authority may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to the face, head, or neck of a person to be humanely killed and the brain tested for rabies.

§ 2.05.064. Disposition of animals exposed to rabies; quarantine facilities.

(a) Domestic animals.

(1) Vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal should be humanely destroyed, or, if sufficient justification for preserving the animal exists, the exposed vaccinated animal should be immediately given a booster rabies vaccination and placed in strict isolation for forty-five (45) days. Unvaccinated animals shall be immediately given a rabies vaccination and placed in strict isolation for ninety (90) days and given booster vaccinations during the 3rd and 8th weeks of isolation. If the unvaccinated animal is under three (3) months of age at the time of the second vaccination, an additional booster should be given when the animal reaches three (3) months of age.

(2) If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, it may be released to the owner prior to or upon expiration of the quarantine period, provided the owner has paid all of the reasonable costs of such quarantine and any veterinarian bills. However, if the quarantined animal shows the clinical signs of the disease of rabies, the animal shall be humanely destroyed and its head or brain submitted to the nearest laboratory certified by the department of state health services for rabies diagnosis for testing.

(b) Wild or exotic animals. No wild or exotic animal will be placed in quarantine. All wild or exotic animals will be humanely destroyed in such a manner that the brain is not mutilated. The brain will then be submitted to a laboratory certified for rabies diagnosis in order to be tested.

(c) Quarantine facilities. Any animal to be placed in quarantine must be placed in an animal control facility approved by the department of state health services as directed by the city health authority. However, the owner of the animal may request permission for home quarantine if the following criteria can be met:

(1) Secure facilities must be available at the home of the animal’s owner, and must be approved by a licensed veterinarian.

(2) The animal is currently vaccinated against rabies.

(3) A licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the city and veterinarian must be notified by the person having possession of the animal. At the end of the observation period the release from quarantine must be provided in writing by the attending veterinarian and approved by the city.
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(4) The animal was not a stray or at large at the time of the bite incident. If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a laboratory certified by the department of state health services for rabies diagnosis.

§ 2.05.063. Quarantine of biting animals

(a) Any animal that a city enforcement agent has probable cause to believe was exposed to or is infected with rabies, or that the agent has probable cause to believe has been involved in a local rabies control incident, shall be placed under quarantine. Animals shall be quarantined according to local and state laws and rules.

(b) Should any dog, cat, or ferret bite or scratch any person, such animal shall be quarantined for an observation period of not less than two hundred forty (240) hours. Any animal under this division not currently vaccinated against rabies shall not be vaccinated against the rabies virus during the observation period. The animal shall be required to be vaccinated against the rabies virus at the end of the observation period. The two hundred forty (240) hours observation period will begin on the day of the incident.

1. Identified owner. When the owner of such animal has been identified, the owner or caregiver or any animal within the city which has bitten or scratched a person so as to have broken the skin, shall, on demand of an animal control officer or peace officer, immediately surrender such animal to an animal control or other approved rabies quarantine facility for a period not lasting more than two hundred forty (240) hours/ten (10) calendar days, after the date of the incident. Failure of the owner or caregiver of said animal to act as herein described shall constitute an offense, and each hour of failure to comply with these provisions after receipt of knowledge of the incident shall constitute a separate offense.

2. Unidentified owner. When the owner of any animal within the city has bitten or scratched a person so as to have broken the skin is identified, said animal shall be impounded by an animal control officer and placed in quarantine at the city-designated animal shelter.

a. If said animal remains unclaimed after seventy-two (72) hours, said animal may be euthanized by the local rabies control authority and the specimen shall be submitted to the Texas Department of Health for rabies testing, or shall remain in quarantine for the remainder of the quarantine period.

b. Should a person appear to claim such animal within seventy-two (72) hours, that person shall be considered the owner and shall be required to comply with all requirements of this division.

(b) If the biting or scratching animal is a high-risk animal, it shall be euthanized by the local rabies control authority or a licensed veterinarian and the specimen shall be submitted to the Texas Department of Health for rabies testing.

(c) If the biting or scratching animal is a low-risk animal, neither quarantine nor rabies testing will be required unless the local rabies control authority has cause to believe that the biting or scratching animal is rabid, in which case the animal shall be euthanized and the specimen submitted to the Texas Department of Health for rabies testing.
(d) The local rabies control authority may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to the face, head, and/or neck of a person to be euthanized and the specimen submitted to the Texas Department of Health for rabies testing.

(e) If the biting or scratching animal is not included in subsections (a), (b), (c), or (d) of this section, the animal shall be euthanized and the specimen submitted to the Texas Department of Health for rabies testing or the local rabies control authority may require the animal to be confined for a thirty (30) day observation period as an alternate method.

§ 2.05.064 Reserved

§ 2.05.065. Time limit for quarantine compliance.

Quarantine arrangements for a dog, cat, or ferret or other animal required by this division shall be made by the owner or caregiver of such animal within twenty-four (24) hours of the bite or scratch. Failure to make quarantine arrangements and so advise the animal control division may result in the animal control division making application to the judge of the municipal court of the city for a warrant to seize the animal. The animal shall be quarantined at the city-designated animal shelter and the owner will be responsible for all fees incurred.

§ 2.05.066. Method of quarantine.

Quarantine of a dog, cat, or ferret or other animal under this division shall be accomplished of one (1) of the following methods:

(a) Animal shelter designated by city. The animal may be quarantined at an animal shelter designated by the city. A fee shall be charged and be payable by the owner of such animal for each day and/or part of a day that an animal is quarantined at the animal shelter. Such fee is to be paid prior to the release of the animal from quarantine;

(b) State approved rabies quarantine facility, veterinary hospital, or veterinary clinic. The animal may be quarantined at a state approved rabies quarantine facility or a licensed animal hospital or veterinary clinic, located within Atascosa County, Texas. All fees are the responsibility of the animal owner;

(c) Euthanized. The animal owner may request the animal be euthanized by a licensed veterinarian and the specimen submitted to the Texas Department of Health for rabies testing. All fees are the responsibility of the animal owner;

(d) Home quarantine. The owner may request permission from the animal control manager to home quarantine the animal, and may be allowed if the animal control manager determines all state and local requirements are met, and the owner complies with all the following requirements:

(1) The animal is currently vaccinated against rabies;
(2) The animal was not at large at the time the incident occurred;
(3) Secure facilities must be available at the home of the animal's owner, and must be approved by the local rabies control authority;

Exhibit “A”
§ 2.05.067. Concealment of sale of the animal during quarantine.

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(4) The owner agrees to make the animal available for observation to either an animal control officer or a licensed veterinarian at least on the first and last days of the observation period;

(5) If the owner's request is granted, the owner must further agree that:

   a. The animal will be kept in a secure building;

   b. The owner will isolate the animal from people and animals other than those that lived with the animal at the quarantining residence immediately prior to the local rabies control incident;

   c. The owner will confine the animal inside a secure building at all times other than times for evacuation of waste material, and then the animal is immediately placed back inside the secure building. At all times during evacuation, the animal shall be kept on a tether or leash not more than six (6) feet in length and must remain under the direct physical control of an adult who is capable of controlling the animal;

   d. The owner agrees to allow animal control to inspect the animal and the secure quarantine location/building during the quarantine period;

   e. The owner agrees to contact animal control immediately if the animal escapes from the secure building, dies, attacks any other person or animal, exhibits any change in behavior, and/or exhibits any sign of illness;

   f. The owner agrees to keep the animal at the approved secure quarantine location/building throughout the quarantine period and will not remove the animal from the known quarantine location without prior written permission and approval of the local rabies control authority;

   g. The owner agrees to keep the animal under quarantine until the animal is cleared by a local rabies control authority;

   h. The owner agrees to immediately turn the animal over to animal control or a state approved rabies quarantine facility for the duration of the quarantine period as ordered by the local rabies control authority if any section of this article is violated.

(e) Any animal required to be quarantined under this division which cannot be maintained in a secure quarantine location/building, shall be euthanized and the specimen submitted to the Texas Department of Health for rabies testing.

(f) Regardless of the place of quarantine, a licensed veterinarian or the local rabies control authority shall examine the animal on the first day of the two hundred forty (240) hour quarantine period and on the last day of the same.

(g) A person commits an offense if the person fails or refuses to immediately comply with the local rabies control authority's order to quarantine at animal control, a state approved rabies quarantine facility, a licensed animal hospital, licensed veterinary clinic, or the owner's approved residence located within Atascosa County, Texas, any animal that the local rabies control authority has probable cause to believe has been involved in a local rabies control incident.

§ 2.05.067. Concealment of sale of the animal during quarantine.
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It shall be unlawful for any owner within the city limits to conceal, sell, give away, or otherwise dispose of an animal during the required quarantine observation period.

§ 2.05.068. Bitten or directly exposed animals.

Should an animal be bitten or directly exposed by physical contact with a rabid animal or its fresh tissues, it shall be handled in one (1) of the following methods:

(a) Not currently vaccinated. If not currently vaccinated, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for ninety (90) calendar days, and given booster vaccinations during the third (3rd) and eighth (8th) weeks of isolation. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two (2) vaccinations at or after the age prescribed by the United States Department of Agriculture for the vaccine administered. All fees incurred are the responsibility of the animal's owner.

(b) Currently vaccinated. If currently vaccinated, the exposed animal shall be given a booster rabies vaccination immediately and placed in strict isolation for forty-five (45) calendar days. All fees incurred are the responsibility of the animal's owner.

(c) Euthanasia. All fees incurred are the responsibility of the animal's owner.

The above provisions apply only to domestic animal for which an approved rabies vaccine is available.

§ 2.05.069. Destruction.

(a) If an animal which is being quarantined becomes ill, it may be humanely destroyed in such a manner that the head is not mutilated. The head shall then be submitted to a laboratory certified by the Texas Department of Health for rabies diagnosis. The head of each animal which dies while in quarantine shall also be submitted in the same manner for rabies diagnosis.

(b) If the animal that bit or scratched a person is a wild animal, the animal shall be humanely destroyed in such a manner that the brain is not mutilated. The head shall then be submitted to a laboratory certified by the Texas Department of Health for rabies diagnosis.

(c) Any animal suspected of being infected with the rabies virus shall be euthanized immediately upon recommendation by a licensed veterinarian and the specimen submitted to the Texas Department of Health.

§ 2.05.070. Declaration of nuisance.

Any animal kept, harbored, or maintained within the city which has bitten, scratched, or otherwise attacked any person, while running at large, and is not currently vaccinated against the rabies virus, is hereby declared a nuisance.

§ 2.05.071. Court proceeding against nuisance.

(a) Upon sworn written complaint, wherein any animal is declared to be a nuisance as defined by this division, the municipal court shall have the authority to order and hold a hearing to determine whether the animal is a nuisance.
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(b) Prior to the hearing by and before the municipal court, the animal shall be impounded at the owner's expense at the animal control facility pending the outcome of the hearing. If the animal that is the subject of the hearing was already impounded for being an animal at large, was seized pursuant to this article, or was abandoned at the animal control facility, the animal shall remain impounded until the final disposition.

(c) Notice of hearing, detailing the time, place, and purpose, shall be provided by animal control’s designee to the owner of the animal, and to all complainants who provided a sworn written complaint by personal service, posting the property, or certified mail, return receipt requested, not less than ten (10) calendars days prior to the date of such hearing, and shall be deemed sufficient and proper notice.

(d) At the hearing before the municipal court, any interested party, including the city attorney or his/her designee, shall be given an opportunity to present evidence on the issue of whether the animal is a nuisance.

(e) Upon conclusion of the hearing to determine if the animal is a nuisance:

1. If the court determines the animal is not a nuisance as defined in this division of this article, the court may order that:
   a. The animal be promptly returned to its owner's custody after all impoundment and boarding fees have been paid. The court shall have the authority to reduce or waive any fees incurred to the owner;
   b. The animal be vaccinated against rabies and the owner submit a valid rabies vaccination certificate to the animal control division within seven (7) calendar days from the date of the court's order;
   c. The animal, if not already identifiable by microchip, shall be microchipped before being released to the owner. The cost of the microchip shall be added to the impoundment fees.

2. If the court determines the animal meets the definition of a nuisance as defined in this division of this article, and that registration, removal, or destruction of the animal is necessary to preserve the public health, safety, or welfare, then the court may order that:
   a. The animal be kept muzzled;
   b. The animal be kept within a sufficient enclosure;
   c. The animal be removed from the city limits.

3. Prior to the release of the animal from animal control to the owner, if the animal is not already identified by microchip, the animal shall be microchipped and the owner will provide, to the animal control manager, in writing, the destined address of where the animal is to reside and the name of the person who will have care, custody, and control of the animal at the destination address.
   a. The animal be humanely euthanized by the animal control division;
   b. A fine be assessed against the owner; or
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c. Any of the foregoing.

(4) If it appears upon trial, that any person attacked, scratched, or bitten, was trespassing upon the property of the owner or person having control of such animal, or if any person attacked, scratched, or bitten, was provoking or teasing the animal, such conduct shall be a complete defense to any complaint brought hereunder.

ARTICLE 2.06. IMPOUNDMENT

§ 2.06.001. Generally.

(a) Any animal found in violation of any provision of this article or any animal that is treated in a cruel or inhumane manner may be impounded by the city and placed in an animal shelter or veterinary hospital. Any such animal shall be held for at least three (3) days, unless sooner claimed by the owner or the owner's agent, before any measure of disposition of such animal shall be taken. In calculating the length of time, the first day after impoundment shall be counted as day one (1). Any impounded animal, vicious, aggressive, dangerous or wild, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate and permitted under state law.

(b) A reasonable effort will be made by the animal control officer to contact the owner by telephone, in person, or by written notice on the door of the owner's residence of any impounded animal which is wearing a registration tag or has a microchip; however, the ultimate responsibility for location of an impounded animal is that of the owner.

(c) In addition to or in lieu of impounding an animal found running at large, the animal control officer or peace officer may issue, to the owner/caregiver so such animal, a citation for said violation.

§ 2.06.002. Reclaiming of animal by owner; fees.

(a) Livestock. Any such livestock taken up within the corporate limits of the city shall be placed in the public pound pen and an impoundment fee [shall be paid] as provided for in the fee schedule in appendix A of this code for each twenty-four (24) hours, or part thereof, such animals remain in the pound. The feeding expense will be added and all such expense shall be paid by the owner when redeeming such animals.

(b) Dogs and cats. The owner can resume possession of any impounded dog or cat upon payment of an impoundment fee as provided for in the fee schedule in appendix A of this code for each day the dog or cat is kept. Such impoundment fee shall be charged for the capture, care and feeding of said animal. However, if any dog or cat has not been currently vaccinated or if the dog has no valid registration license tag, the owner must first secure either of them or both, at his or her expense, before the dog or cat may be redeemed.

(c) Exception. However, the disposition of any animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.

(d) Penalty. A penalty no less than $15.00 and no more than $500.00 shall be assessed for failure to provide proof of rabies vaccine. A violation of this article shall be a class C misdemeanor.

§ 2.06.003. Disposition of unclaimed animals.
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(a) Any animal, except vicious, aggressive, dangerous and wild animals, not reclaimed by the owner may be humanely euthanized, as deemed necessary by the lead animal control officer, after being impounded for three (3) days. However, any impounded animal may be given up for adoption or given to a nonprofit humane organization after the three (3) day impoundment period. Authorization to place an animal for adoption shall not constitute a warranty of the health, temperament or age of the animal. Any person desiring to adopt an impounded animal shall pay the daily impoundment fee and licensing and rabies vaccination fees, if required, prior to the release of the animal.

(b) Wild animals may be taken to some point which is a substantial distance from the city and released into the wild or may be humanely euthanized at the discretion of the animal control officer.

§ 2.06.004. Immediate destruction of at large animals.

(a) When the animal displays fierce, dangerous, or aggressive propensities, or has bitten, scratched, or otherwise attacked any person, and such animal is at large and is unable to be caught and impounded, such animal may be destroyed by an animal control officer or a peace officer without notice to the owner.

(b) When any animal which is found to be injured to the extent that it is past recovery, in the opinion of an animal control officer or a peace officer, the animal may be destroyed by such official if the owner thereof is unable to be determined, or if the owner cannot be located after reasonable inquiry in the neighborhood where the animal is located.

(c) When any animal, in the medical opinion of a licensed veterinarian, should be euthanized for humane reasons, the animal may be destroyed by the animal control division.

§ 2.06.005. Redemption of impounded animals.

(a) Proof of ownership. The person entitled to the possession of any impounded animal shall be entitled to reclaim the animal upon presentation of satisfactory evidence of ownership, as evidenced by the following:

(1) A microchip indicating ownership of the animal;

(2) Receipt for purchase or adoption of the animal;

(3) Records from a veterinarian showing vaccinations administered within the previous twelve (12) months;

(4) Photographic or video graphic records showing the animal and individual, asserting ownership, at home or in other environments.

(b) Conditions for redemption of animals. The animal shelter may not release an animal for redemption unless the animal:

(1) Has a valid current rabies vaccination as required by state law and this article. For the purposes of this subsection, sufficient proof of an animal's current rabies vaccination shall be either a rabies vaccination certificate issued by a licensed veterinarian written confirmation of their representative who administered the vaccination. If the owner cannot provide written proof that the animal has a current valid rabies vaccination, the owner shall
provide written proof of obtaining a current rabies vaccination being administered by a licensed veterinarian, to animal control within seven (7) calendar days. If in the opinion of a licensed veterinarian, the rabies vaccination should not be given within the seven (7) calendar days, the owner must submit a signed written statement from a licensed veterinarian stating why the vaccine should be temporarily delayed, and when the vaccine may be given. The owner shall provide written proof of obtaining a current rabies vaccination within forty-eight (48) hours of the date given in the veterinarian's statement.

(2) Has been sterilized. The owner shall submit written proof of having the animal sterilized within thirty (30) calendar days of the animal's release from the animal shelter. The sterilization requirement will not apply if the owner provides proof that the animal has a current breeder's permit with animal control and this is the animal's first impoundment, the animal is less than six (6) months of age, a licensed veterinarian certifies that the animal should not be sterilized for health reasons, or is permanently non-fertile, or the animal is a professionally trained service animal.

(3) Has been microchipped. If the animal is not identifiable by microchip, the animal shall be microchipped before being released to an owner claiming the animal. The cost of the microchip shall be added to the impoundment fees.

(c) A person commits an offense if he/she:

(1) Fails to provide proof of rabies vaccination as required in this section.

(2) Fails to provide proof of sterilization as required by this subsection.

(d) The owner of any impounded animal shall be required to redeem the animal as provided for in this subsection and shall not be permitted to adopt the dog in lieu of paying redemption fees.

(e) Payment of fees.

(1) The owner must pay all applicable fees before the animal is released, including but not limited to, all impoundment, boarding, microchip, and/or veterinary care fees accrued by the animal.

(2) The owner commits an offense if he/she fails to pay the impoundment fees as required by this article. The fees shall be due regardless whether the owner chooses to reclaim the animal.

(f) Wild animals. Impounded wild animals kept in violation of this article may not be redeemed and may be placed immediately with a wildlife rehabilitator, a wildlife educational center, or euthanized at the animal control manager's discretion.

(g) Impounded kitten litters, puppy litters, and mothers nursing litters may not be redeemed and immediately become the sole property of the city and are subject to disposition as the animal control manager deems appropriate.

(h) This section does not apply if the animal was impounded:

(1) For being inhumanely treated as defined in this article and a hearing is pending, or shall be pending, to determine the disposition of the animal.
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(2) As a dangerous animal as defined in this article and a hearing is pending, or shall be pending, to determine the disposition of the animal.

(3) For the investigation of rabies and the quarantine period has not expired.

§ 2.06.006. Voluntary release of animal ownership.

(a) Animal control is authorized to take possession of any animal owned by residents of the City of Jourdanton, upon completion of an owner surrender form, payment of the owner surrender fee, and proof of residency. Proof of residency is required and the residency requirements shall be established by the owner by presenting a current utility bill to the animal shelter at the time the animal is surrendered. Regardless of the foregoing, animal control is not required to accept any owner surrendered animal if suitable shelter is not available, based on the type of animal, or current occupancy of the animal shelter.

(b) Upon acceptance of an animal under this section, the animal immediately becomes the property of the City of Jourdanton. If an owner desires to reclaim a previously released animal and the animal is still in the possession of animal control and is not in the process of being adopted, the animal control manager may return the animal to the owner unless the animal control manager determines that the return of the animal could pose a danger to the animal or a danger to the public. All impoundment fees, boarding fees, and medical costs incurred by the city for the care of the animal must be paid prior to the return of the animal. The redemption fee shall be as currently established or as hereafter adopted by resolution of the city council.

§ 2.06.007. Adoption

(a) The animal control division shall be authorized to place up for adoption any domestic animal impounded at the animal shelter. However, authorization to place a domestic animal for adoption shall not constitute a warranty of health, temperament, or age of the animal.

(b) Animal control shall be authorized to place for adoption any domestic animal under the following conditions:

(1) Adoption fee. The city shall charge an adoption fee and said adoption fee shall be paid by the person adopting the animal from the city's animal shelter at the time the animal is adopted, unless waived by the animal control manager. The fee will include the cost of implantation of a microchip if the animal is not already identifiable by microchip.

(2) Microchip. All animals adopted from the animal shelter shall be implanted with a microchip prior to being released.

(3) Adoption agreement. Animal control shall not release an animal for adoption until the new adoption owner signs an adoption agreement to obtain a current rabies vaccination and have the spay/neuter procedure performed within a designated period, in accordance with this article and state laws.

a. Rabies. The new owner shall obtain a rabies vaccination for the animal and deliver written proof of such vaccination to the animal control division within thirty (30) calendar days of the adoption, or prior to the animal reaching the age of four (4) months, whichever is later.
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b. Sterilization. The new owner shall sterilize the animal pursuant to the adoption agreement, this article, and as required by state law. Sterilization of an animal adopted from the animal shelter shall be the responsibility of the new owner and performed by a licensed veterinarian within the required time specified in the adoption agreement, and as required by this article and state law.

1. The new owner shall have sterilization of the animal completed and deliver written proof signed by the veterinarian performing the surgery as follows:

a. By the thirtieth (30th) calendar day after the adoption of an adult animal; or

b. By the thirtieth (30th) calendar day after an adopted infant animal becomes six (6) months old.

2. Animal dies, is lost, or stolen. If an adopted animal dies, is lost, or stolen before the sterilization completion date in the adoption agreement, the new owner shall deliver a sworn or notarized written statement to animal control within seven (7) calendar days from the date that:

a. Dies. The animal died. The written statement must state the animal is dead, the cause of death, if known, the date of death, location of death, and how the owner disposed of the deceased animal, in accordance with local and state law; or

b. Lost or stolen. The animal is lost or stolen. The written statement must state the animal was lost or stolen, the circumstances surrounding the disappearance, the approximate date of the disappearance, and the location from where the animal was lost or stolen.

(c) If before the adoption agreement is completed, the new owner wishes to transfer ownership of the animal to another person, both parties must meet at the animal shelter to complete in writing an agreement transferring ownership and responsibility to obtain a rabies vaccination and have the sterilized, in accordance with this article and state laws.

§ 2.06.008. Microchip requirement

(a) All dogs and cats kept within the corporate city limits must be microchipped. The owner of any dog or cat must have the animal implanted with a registered microchip before the animal attains four (4) months of age. A dog or cat is exempt from this requirement if the dog or cat is determined to be medically unsuitable for microchipping by a licensed veterinarian and in writing. It is a defense to prosecution under this section that the animal owner has been a resident of the city fewer than thirty (30) calendar days.

(b) The owner of the dog or cat must keep the microchip link information current with the microchip registration company to ensure the animal owner can be contacted in the event of emergency.

(1) If the owner's contact information changes for the registered microchipped dog or cat, the owner shall update the contact information, including address and telephone number, with the microchip registration company within thirty (30) days after the change in the contact information.

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Exhibit “A”

(2) If the ownership of the registered microchipped dog or cat changes, the initial owner shall be responsible for ensuring the microchip is no longer registered in the initial owner's name within thirty (30) calendar days after the change in ownership. The new owner shall be responsible for re-registering the microchip in the new owner's name, to include the new address and telephone number, within thirty (30) days after the change in ownership.

(c) All dogs or cats that are processed through or held in the animal shelter shall be microchipped prior to being released to an adopted owner or released to the prior owner. Microchips will be inserted between the shoulder blades. The cost of the microchip will be added to the adoption fees or impoundment fees.

(d) The microchip fee is not refundable and may be used only for the dog or cat for which it was issued.

§ 2.06.009. Spayed or neutered requirement

(a) All dogs and cats kept in the city limits must be spayed/neutered. The owner of such animal must retain documentation of the spay/neuter of their animal.

(b) The following animals are exempt from compliance with subsection (a):

(1) An animal under six (6) months of age;

(2) An animal where a licensed veterinarian certifies that the animal should not be spayed/neutered for health reasons or is permanently non-fertile;

(3) A trained animal used by or under the authority of a governmental agency for police or rescue work;

(4) An animal transferred to another animal shelter or animal rescue, that has a signed written agreement with animal control, that the animal shall be sterilized prior to adoption; or

(5) Breeder permit/competition animal first offense. An animal impounded for the first time, belonging to a resident of the city that has a current valid breeding permit issued by animal control, or who can provide proof to animal control that the animal actively competes, or is preparing to compete, in a conformation dog show and has:

a. Proof that the animal has been microchipped in compliance with this article;

b. Proof that the animal has a current rabies vaccination in compliance with state law and this article;

c. Paid the fees associated with the impoundment of the animal; and

d. Provides appropriate documentation to establish exemption.

(6) Breeder's permit/competition animal second offense. If an animal with a valid exemption is impounded for an at-large violation a second time, the exemption shall be revoked and the owner must agree to remove the animal from the city limits within ten (10) calendar days of redemption, and provide written proof of the animal's new location to animal control. Alternately, the owner must enter into a contract to have the spay/neuter procedure performed at the owner's cost, within a designated period not to exceed thirty (30) calendar days, or face a penalty and potential seizure of the animal.
ARTICLE 2.07. PUBLIC NUISANCES

§ 2.07.001. Generally.

§ 2.07.002. Nuisances and abatements.

(a) No owner shall fail to exercise the proper care and control of his/her animals to prevent them from becoming a public nuisance. The owner of any animal in the city is responsible for the behavior and conduct of that animal at all times including the cases of public nuisance. A person commits an offense if the person is an owner, caregiver, or keeper of an animal and the person permits, or by insufficient control, allows of the following to occur:

(1) An animal to harass or make physical contact with a passing vehicle or cyclist in an aggressive manner;

(2) An animal to trespass on school grounds;

(3) An animal to repeatedly run at large as defined by this article;

(4) An animal to create a noise disturbance in such a manner as to annoy, distress, or disturb others within the vicinity thereof. For the purposes of this section, an animal noise nuisance shall be defined as a minimum of two (2) separate, recorded noise events over a period of twenty-four (24) hours such that an animal can be heard for a twenty (20) minute period of time one hundred (100) yards away, or behind the wall of a livable structure;

(5) An animal to cause an accumulation of animal waste which causes frequent and continued offensive odors to a person of ordinary sensibilities, which causes unsanitary conditions, or the breeding of flies and other insects. An animal owner shall remove all animal excreta from his/her premises, as necessary to prevent odor, unsanitary conditions, or the breeding of flies or other insects.

(6) An animal to create a condition conducive to the breeding of flies, mosquitoes, ticks, fleas, or other pests; or

(7) An animal to defecate without the owner's immediate removal and proper disposal of excreta produced and deposited by his/her animal on public property, recreational areas, or private property not belonging to the owner and not used as the owner's primary residence.

(b) It is an affirmative defense to prosecution under subsection (a)(7) of this section if the owner proves by a preponderance of evidence that:

(1) The property where the animal defecated was owned, leased, or controlled by the owner of the animal at the time it defecated;

(2) The owner of the property or person in control of the property had given prior consent for the animal to defecate on the property;

(3) The animal is a police service animal being used in official law enforcement activities; or

(4) The animal is under the direction and control of a non-profit search and rescue organization participating in an authorized search and rescue activity.
Exhibit “A”

(c) If any animal becomes a public nuisance as defined herein, and an animal control officer or a peace officer observes the nuisance behavior, an animal control officer or a peace officer may issue a citation, file a complaint of maintaining a nuisance with the municipal court, or impound the animal as authorized in this article.

(d) Punishment for continuing public nuisance is as follows:

(1) If it is shown that a person has been previously "convicted" at least twice or more of an offense under this section, a city enforcement agent may petition the city municipal court for a hearing to determine is such animal is a continuing nuisance. For the purposes of this section:

a. An adjudication is considered a conviction of an offense under this section; and

b. An order of deferred disposition for an offense alleged under this section is considered a conviction of an offense under this section.

(2) If the court finds that an animal is a continuing nuisance, the municipal court judge may order:

a. The removal and exclusion of the animal from the territorial limits of the city. If the municipal court judge orders that the animal is to be removed from the territorial limits of the city, within forty-eight (48) hours of the signing of the order, the owner shall provide to animal control, in writing, the address of the new location in which the animal will be kept; or

b. The return of the animal to the owner.

(e) After an order under this subsection is issued by the court, if no time limitation for compliance is specified in the order, the owner shall comply within forty-eight (48) hours after the order is signed by the judge.

§ 2.07.003. Court proceeding against nuisance.

(a) Upon a sworn written complaint, wherein any animal, including a dog, is alleged to be a nuisance as defined in this article, the municipal court shall have the authority to order and hold a hearing to determine whether the animal is a nuisance.

(b) Prior to the hearing by and before the municipal court, the animal shall be impounded at the owner's expense at the animal control facility pending the outcome of the hearing. If the animal that is the subject of the hearing was already impounded for being an animal at large, was seized pursuant to this article, or was abandoned at the animal control facility, the animal shall remain impounded until the final disposition.

(c) Notice of the hearing, detailing the time, date, place, and purpose, shall be provided by an animal control’s designee to the owner of the animal, and to all complainants who provided a sworn written complaint by personal service, posting the property, or certified mail, return receipt requested, not less than ten (10) calendar days prior to the date of such hearing, and shall be deemed sufficient and proper notice.
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(d) At the hearing before the municipal court, any interested party, including the city attorney or his or her designee, shall be given an opportunity to present evidence on the issue of whether the animal is a nuisance.

(e) Upon the conclusion of the hearing to determine if the animal is a nuisance:

(1) If the court determines the animal is not a nuisance as defined in this division of this article, the court may order that:

   a. The animal be promptly returned to its owner's custody after all impoundment and boarding fees have been paid. The court shall have the authority to reduce or waive any fees incurred to the owner;

   b. The animal be vaccinated against rabies virus and the owner submit a valid rabies vaccination certificate to the animal control division within seven (7) calendar days from the date of the court's order;

   c. The animal, if not already identifiable by microchip, shall be microchipped before being released to the owner. The cost of the microchip shall be added to the impoundment fees.

(2) If the court determines the animal meets the definition of a nuisance as defined in this division of this article, and that the registration, removal, or destruction of the animal is necessary to preserve the public health, safety, or welfare, then the court may order that:

   a. The animal be kept muzzled;

   b. The animal be kept within a sufficient enclosure;

   c. The animal be removed from within the city limits;

   d. The animal be humanely euthanized by the animal control division;

   e. A fine be assessed against the owner; or

   f. Any of the foregoing.

(3) If it appears upon trial thereof, that any person attacked, scratched, or bitten, was trespassing upon the property of the owner or person having control of such animal, or if any person attacked, scratched, or bitten, was provoking or teasing the animal, such conduct shall be a complete defense to any complaint brought hereunder.

ARTICLE 2.08. TRAPPING

§ 2.08.001. Traps prohibited.

(a) No person shall set up, allow to be set up, use, or place in use, on his/her property, any steel jaw trap, mechanical jaw trap, leg hold trap and/or bar device trap, spring trap with teeth or perforated edges on the holding mechanism, snare, or any type of trap with holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing, or otherwise traumatizing of the entrapped prey, for the purpose of ensnaring domestic and/or wild animals with the city limits, unless the use of such trap is specifically deemed necessary by the animal control manager or his/her designee or for the control of communicable disease. This section
is not to be construed to include those traps designed to kill common rodents, i.e., rats, mice, gophers, and groundhogs, except that the owner is responsible for taking care that any of the above said "rodent" traps are not placed or used on or about his/her property in such a manner as to reasonably ensure the trapping of any domesticated and/or wild animals, or a human.

(b) It shall be a prima facie violation of this section that the traps prescribed in this section were, in fact, set up by the person in question, or were allowed to be set up by the person in question; no intent or further culpable mental state shall be required to prove such a prima facie violation.

(c) It is an exception to this section for governmental agencies and entities to use such traps and equipment as necessary and as permitted by state law or regulation and with permission and approval by the City of Jourdanton.

§ 2.08.002. Placement and baiting of humane animal traps.

(a) A person may set up on his own property, humane traps used to capture feral dogs and cats.

(b) The person who places the trap, or who requests its placement, shall be responsible for checking the trap, the care of the animal while it is in the trap, and the notification to animal control regarding any animal caught in a humane trap.

(c) Traps must be sheltered and shall be checked at least once every two (2) hours and/or every eight (8) hours if left overnight, by the individual setting the trap.

(d) Humane care shall be provided for any trapped animal including the provision of food, water, and protection from extremes of the environment including heat, cold, and precipitation. Trapped dogs or cats bearing identification shall be turned over to animal control or the animal's owner.

(e) Any captured domesticated animals shall be turned over to animal control or the animal's owner.

(f) All captured wild animals that are in apparent good health shall be immediately released from the humane trap at the location where the trap was located. Animal control will not remove healthy indigenous wildlife.

(g) The following acts and/or omissions shall be a violation of this section:

1. Placing or allowing the placing of any substance, article, and/or bait that has in any manner been treated with any poisonous and/or toxic chemical or substance, including but not limited to, antifreeze, in a manner not compliant with this article or state law;

2. Failing to check a trap a person has placed, placed and baited, or allowed to be placed and/or placed and baited as described in this section;

3. Placing, placing and baiting, and/or allowing the placing or placing and baiting of any trap when the overnight temperature is expected to be below forty (40) degrees Fahrenheit, without first obtaining written permission from animal control;

4. Placing, placing and baiting, and/or allowing the placing or placing and baiting of any trap under conditions which may endanger the health of the animal due to exposure to rain, snow, extreme temperatures, lack of food and/or water, and/or under other circumstances
that may cause bodily injury, serious bodily injury or death of the animal, whether or not such injury occurs;

(5) Placing, placing and baiting, and/or allowing the placing or placing and baiting of any trap designed for trapping animals in any highway, street, alley, or other public place within the incorporated limits of the city unless specific written permission by animal control or an agency working in compliance with written permission from the department for placing the trap on public property;

(6) Removing, altering, damaging, and/or otherwise tampering with a trap or equipment belonging to or placed at the request of animal control,

(h) Any trap found to be set in violation of this article may be confiscated by a city enforcement agent and held as evidence in the case for the offense.

(i) This section shall not be interpreted to restrict the extermination of rats, mice, or insects, through the use of traps, poisons, or other commercially available means, when used in that person's residence, property, accessory structure, or commercial establishment, and in accordance with the manufacturer's directions, as long as reasonable precautions are taken to ensure that no human, domesticated animal, or wild animal, other than the targeted species, comes in contact with the traps, poisons, or other means, and that does not violate any other section of this article or state law.

ARTICLE 2.09. EXHIBITING, BREEDING AND SELLING

Division 1. Performing Animal Exhibitions

§ 2.09.001. Animal exhibition permit

(a) The presenter or owner of an animal exhibition, or the property owner where the exhibit is to take place, must apply for an animal exhibition permit at least thirty (30) calendar days before the performance or display, and provide exact dates, times, locations, transportation, housing arrangements, and animals involved in each performance or display.

(b) Permits shall only be issued to animal exhibitions that are in possession of all state and federal permits required to present such exhibitions. All performing animal exhibitions that require federal or state license shall provide a copy of said license and a USDA Class C exhibitor's permit number at the time the application for a city permit is submitted.

(c) A permit shall be issued and remain valid for an exhibition period of not more than seven (7) calendar days, if the animal exhibition pays the required fee and complies with the following requirements:

(1) All animals required by state law to have a rabies vaccination are currently vaccinated against rabies ad the presenter/owner/permittee must have the appropriate documentation showing that this requirement is met;

(2) The presenter/owner/permittee has written procedures in place to notify the Jourdanton animal control of any local rabies control incident as required by this article;

(3) All veterinarian's orders must be in writing and kept on record and available for inspection during the animal exhibition's regular business hours;
(4) No 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;

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

(6) Animals being used to give rides or doing other work are in good physical condition, including their hooves or feet, and given not less than a thirty (30) minute break for each three (3) hours worked;

(7) Each cage and/or enclosure is of sufficient strength to contain the animal being housed within it. Each cage and/or enclosure is locked or otherwise secured to prevent the escape of any animal being kept;

(8) All animal exhibitions that permit contact between any animal and a person shall provide adequate means for hand sterilization following contact with an animal, without a fee or charge;

(9) Animal areas must provide adequate ventilation for both animals and people at all times;

(10) If the animals are kept indoors, the ambient temperature in the animal housing areas is maintained between sixty (60) to seventy-nine (79) degrees Fahrenheit at all times. The temperature in individual cages is maintained at a level that is healthful for the species of animals being housed. If the animals are kept outdoors, the exhibition must immediately be halted, if at any time, the heat index exceeds ninety-five (95) degrees Fahrenheit;

(11) Visitors may not be allowed to access animal food or water sources;

(12) Fresh, potable water is available to all animals at all times. Containers for food and water are cleaned and disinfected each day. All water containers shall be removable for cleaning and mounted, placed, or weighted so the animal cannot turn them over;

(13) Daily feeding records are maintained to ensure that all animals are fed a proper and nutritious diet specific to the species’ needs. The daily feeding records shall be maintained or posted in a readily accessible location. In general, all animals under six (6) months of age are to be fed at least two (2) times per twenty-four (24) hour period, or as advised by a veterinarian, and all other animals must be fed at least one (1) time per twenty-four (24) hour period, or as advised by a veterinarian. Food for each animal shall be served in a clean dish so constructed or mounted that the animal cannot readily tip it over, and be of the type that is removable for cleaning. Disposable feeding dishes are acceptable for one-time use only. Animals that do not require daily feedings are exempt from the daily feeding requirement; however, feeding records shall be maintained and the animal shall be kept in a healthful body condition;

(14) All animals are fed and watered, and all cages are cleaned and disinfected every day during the exhibition, including Sundays and holidays;

(15) All cages or other animal enclosures are kept clean and free of wastes; each cage and/or enclosure is thoroughly cleaned and disinfected each day. All cages and/or enclosures are constructed of a nonporous material for easy cleaning.
(16) There is sufficient clean, dry bedding to meet the needs of each individual animal. All manure and soiled bedding shall be removed immediately and all animal wastes, and specific tools for its removal, shall be stored in designated areas restricted from public access;

(17) All areas used by the exhibitor are thoroughly cleaned and all wastes are properly disposed of at the conclusion of the exhibition;

(18) Each cage and/or enclosure is of sufficient size, that at a minimum, the animal will have room to stand, turn, and lie down in a natural position;

(19) Each bird must have sufficient room to stand upright without touching the top of its housing area, and to spread it wings fully without touching a side of its housing area. Each bird shall have access to a perch that is placed horizontal to other perches in the same cage and is of adequate size for the species being housed. The housing area must be sufficiently ventilated. The housing area must be cleaned every day and disinfected when birds are sold or otherwise transferred. Large birds shall have separate cages from smaller birds. There shall be clean water and suitable food available to the birds at all times and all troughs or other receptacles must be easily accessible to the birds and placed so that the birds cannot turn them over or defile their contents. Injured, diseased, or dead birds shall be immediately removed from housing areas holding healthy birds;

(20) No pregnant animal may be exhibited at any time;

(21) Toys, pacifiers, baby bottles, strollers, food, beverages, or tobacco products may not be present in the animal area at any time.

§ 2.09.002. Violations.

(a) A person commits an offense if he/she owns, manages, operates, represents, or hires an animal exhibit without a valid permit. Each animal or condition found in violation of this article during an animal exhibition that does not possess a valid permit shall constitute a separate offense.

(b) A person commits an offense if he/she owns, operates, manages, represents, or hires an animal exhibition under this article and fails to maintain any condition in this article. Each animal or condition in violation of this article shall constitute a separate offense.

(c) A person commits an offense if he/she owns, manages, or represents an animal exhibition that requires a permit and denies or refuses to make available for inspection, upon request by animal services during business hours of the animal exhibition, the animals, that portion of the premises used to house or serve the animals, the facilities for the animal exhibition, equipment for the animal exhibition, including any equipment used to transport the animals, or any necessary registrations, records, feeding logs, or permits, and to ensure the animals are being provided adequate food, water, shelter, humane care and treatment.

Division 2. Permitting

§ 2.09.003. Breeding permit.

(a) A person who owns an intact animal intended for breeding, or otherwise, must obtain a breeding permit for each intact animal. The permit must be renewed annually, and obtained prior to any breeding. One (1) permit only may be obtained per year, per animal.
(b) To obtain a breeding permit, a person must submit an application to animal control, using a form provided by animal control for that purpose, and pay an annual breeding permit fee in accordance with the city fee schedule. The breeding permit application must include:

1. The name, address, and telephone number of the applicant;
2. The location where the animal is harbored, resides, kept, or bred;
3. A description of the animal, including but not limited to, a photograph of the animal;
4. Proof that the animal is qualified for a breeding permit under this division;
5. A declaration that the animal control manager or his/her designee may enter and inspect the location where the animal is kept/resides, and the breeding location/facility at any reasonable time, to ensure compliance with this article; and
6. Any other information determined necessary by the animal control manager for the enforcement and administration of this article.

(c) A breeding permit may only be issued for a dog or cat that is:

1. In compliance with the vaccination requirements of this article;
2. In compliance with the microchipping requirements of this article;
3. Approved by a licensed veterinarian to breed, and the veterinarian issued a health statement that includes that animal's microchipped number, not more than ninety (90) calendar days before applying for the breeding permit; and
4. The owner of the animal must:
   a. Be a current registered member of a purebred dog or cat breed club that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life-threatening health problems common to the breed, AND the club is approved by the animal control manager; or
   b. Have a valid license for breeding as required by the Texas Occupation Code for each facility owned or operated in the state.

(d) Each permit issued under this division shall expire on December 31 of each year and a new application, as provided for in this division, shall be required for renewal. Applications for renewal of a breeding permit received after January 15 of each new year will incur a late fee in accordance with the city fee schedule. Failure to renew a breeding permit by February 15 of the new year may result in denial of a breeding permit renewal.

(e) A breeding permit is not transferable.

(f) Upon request of a permittee, the animal control manager may, in writing, authorize the permittee to allow a permitted dog or cat to have two (2) litters during the permit term if the permittee establishes, according to regulations adopted by the director, that having two (2) litters during the permit term is required to protect the health of the female dog or cat.

§ 2.09.004. Denial or revocation of permit.
Exhibit “A”

(a) The animal control manager shall deny or revoke a breeding permit if animal control determines that the applicant or permittee:

1. Fails to comply of has a history of failure to comply with any provision of this article or any state law governing the protection and keeping of animals;

2. Refuses or denies the animal control manager or his/her designee to enter and inspect the area in which the permitted animal or animals is/are harbored, kept, and bred at any reasonable time, to ensure compliance with this article;

3. Intentionally withheld or falsified any information on the application;

4. Has bred or allowed to breed any animal in the city prior to application for a permit; or

5. Has received a conviction for any offense involving cruelty to animals.

(b) If the animal control manager denies or revokes a breeding permit, the animal control manager shall notify the applicant or permittee in writing of the action. The notice shall set forth the specific conditions existing that are grounds for the denial or revocation pursuant to subsection (a) of this section.

(c) Denial or revocation by the animal control manager of a breeding permit is final and not appealable.

§ 2.09.005. Violations.

A person commits an offense if:

(a) A person breeds or allows the breeding of a dog or cat without a valid breeding permit for the dog or cat. A separate permit is required for each dog or cat that the person keeps intact for breeding purposes or otherwise;

(b) A person allows a permitted female dog or cat to have more than one (1) litter during the permit term;

(c) It is a defense to prosecution that the person:

1. Received written authorization from the animal control manager to allow the female dog or cat to have two (2) litters during the permit term; and

2. Did not permit the female dog or cat to have more than the number of litters authorized by the animal control manager for the permit term.

(d) A person allows the offspring of a female dog or cat for which the person holds a breeding permit, to be sold, adopted, or otherwise transferred, regardless of compensation, before the offspring have reached at least eight (8) weeks of an age and have been vaccinated against common diseases;

(e) A person fails to keep a permitted dog or cat restrained pursuant to this article;

(f) A person fails to prominently display the breeding permit number on any advertisement by the permittee for the sale, adoption, or other transfer of any dog or cat, regardless of compensation;
(g) A person sells, adopts, or otherwise transfers any dog or cat, regardless of compensation and fails to:

1. Include a statement signed by the permittee attesting to knowledge of the animal's health and immunization history;
2. Prominently display the breeding permit number on any sales receipt or transfer document;
3. Provide the breeding permit number to any person who purchases, adopts, or receives any dog or cat from the permittee;
4. Provide written information regarding vaccination, microchipping, and sterilization requirements of this article applicable to the dog or cat; or
5. Provide to animal control (on a form provided by the department for that purpose), the name, address, and telephone number of the dog's or cat's new owner within five (5) calendar days after the date of the sale, adoption, or transfer of the animal.

Division 3. Selling
§ 2.09.006. Commerce in live animals; permit required.

(a) Any person who shall engage in the business of advertising, selling, trading, bartering, giving away, displaying, transferring ownership, or offering to transfer ownership of any animal for commercial purposes within the city limits shall be required to have a valid permit issued by the City of Jourdanton to do so. Such a permit issued under this division is nontransferable.

1. Commercial vendor permit. A commercial vendor permit fee as provided in the adopted fee schedule will apply to all commercial vendor permits.
2. A non-commercial vendor permit. Any person who sells their own animal from their residence shall obtain a non-commercial sale of animal permit for a fee as provided in the adopted fee schedule.

Two permits per year, per household, may be issued under this section. Multiple animals may be listed on one permit; however, only the specific animal(s) declared in the permit application will be covered by the permit.

(b) No person shall advertise, sell, trade, barter, give away, display, transfer ownership or offer to transfer ownership of any live animal on a roadside, public right-of-way, sidewalk, street, any public property, or any property dedicated to a public use, a commercial or private parking lot, garage sale, flea market, swap meet, festival, community center, an outdoor special sale, parking lot sale, or similar event.

(c) A person shall implant an identification microchip in the dog or cat before any exchange of the animal. Registration information regarding the microchip shall be provided to the new owner.

(d) This section does not apply to:

1. The County of Atascosa Animal shelter; or
(2) A not for profit 501(c)(3) animal welfare organization for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals, that is registered with the city and has an active rescue permit.

§ 2.09.007. Compliance.

Each person applying for a permit under this division shall comply with the standards set forth in this article.

§ 2.09.008. Application.

All applications for a permit required by this division must be filed with the City of Jourdanton and shall be made in writing on a printed form provided by the city for such purposes.

§ 2.09.009. Inspection of premises.

Upon request for a permit to sell animals within the city, the animal control manager or his/her designee shall inspect the premises for which the permit is requested to determine whether or not the premises meet the criteria of this article and all applicable city codes.

§ 2.09.010. Issuance fee.

All applicants shall pay a permit fee in accordance with the city fee schedule.

§ 2.09.011. Expiration.

Each permit issued under this division shall expire on December 31 of each year and a new application as provided in this division, shall be required for renewal.

§ 2.09.012. Periodic inspection on permit; revocation of permit.

(a) The animal control manager or his/her designee may make unannounced periodic inspections during normal business hours on each permittee to see if they continue to comply with the health standards imposed under state and local laws.

(b) The animal control manager or his/her designee shall have the power and authority to revoke a permit issued under this division at any time for good cause, but only after notice has been given to the owner or manager of the business, of a hearing to be held not less than ten (10) calendar days after the service of such notice by registered or certified United States mail.

§ 2.09.013. Condition of sale or transfer.

(a) All animals sold or transferred shall be a minimum of eight (8) weeks of age, unless sold with the mother.

(b) If the animal is kept in a cage or pen:

(1) The cage or pen must be large enough for the animal to stand on all of its legs and hold its head in a natural position and not be in a crouched position. The cage or pen must also have enough room for the animal to turn around and move naturally without stepping on another animal, animal feces, food, or water provided for the animal;

(2) The cage or pen must have water and food contained therein, or have water and food situated so that the animal has access to it through the cage or pen;
Exhibit “A”

(3) The cage or pen must be situated so that air may circulate through it, so that any animal kept therein is not exposed to extreme heat. During cold or inclement weather, cages or pens shall be situated so that the animals contained therein shall stay warm and dry; and

(4) The flooring of the cage or pen must be made of a solid, non-permeable material.

(c) Requirements of disclosure of information by owner to a recipient of a dog or cat are as follows:

(1) The owner of the animal shall deliver to the recipient of the animal at the time of the exchange, the following information on a form prescribed by the animal control manager or his/her designee:
   a. The name and address of the owner, the permit information, the name and address of the recipient;
   b. The date of the animal's birth
   c. The breed, sex, color, and identifying marks, if any, at the time of the exchange;
   d. The record of veterinarian treatment or medication received by the animal while in the possession of the owner, including any other documentation from a licensed veterinarian documenting the animal was spayed or neutered, if the animal was spayed or neutered, and the date of administration and type of vaccine or worming treatment, if any.

(2) The owner shall sign the completed form to certify the accuracy of the information, and the recipient of the animal shall sign the completed form to acknowledge receipt of the information;

(3) The owner shall:
   a. Provide a completed and signed form to the recipient;
   b. Retain a copy of each completed and signed form for a period of not less than two (2) years after the exchange of the dog or cat; and
   c. Provide a completed and signed form to animal control/Code Compliance within fourteen (14) calendar days after the exchange.

§ 2.09.014. Sale of turtles.

No person or retailer shall sell or give away any turtle with a carapace length of four (4) inches or less. "Carapace" shall mean the length of the shell measured from anterior to posterior.

§ 2.09.015. Sale of dogs, cats, ferrets, and other animals.

No person shall, either through his/her action or omission, transfer ownership or otherwise physically remove from its mother, any dog, cate, ferret, or rabbit, less than eight (8) weeks old, or any other animal that is not yet weaned, except as advised by a licensed veterinarian.

§ 2.09.016. Sale of baby chicks, ducklings, and/or other fowl; coloring of fowl or rabbits.
(a) No person shall advertise, sell, exchange, barter, give away, transfer, or offer baby chicks, ducklings, or other fowl younger than five (5) weeks of age.

(b) No person shall color, dye, stain, or otherwise change the natural color of any baby chicks, ducklings, or other fowl, or rabbits, or to possess for the purpose of sale, any baby chicks, ducklings, or other fowl or rabbits which have been so colored.

§ 2.09.017. Animals as prizes, promotions, and novelties

No person shall give away any live animal, fish, reptile, or bird, as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement, or offer such animal, fish, reptile, or bird, as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

§ 2.09.018. Violations.

(a) A person commits an offense if the person advertises, sells, trades, barters, gives away, displays, transfers ownership, or offers to transfer ownership of any live animal to another person without first obtaining a permit, unless the person is a governmental agency acting in an official capacity or an animal rescue acting in accordance with all provision of this article.

(b) A person commits an offense if the person advertises, sells, trades, exchanges, barters, gives away, displays, transfers ownership, or offers to transfer ownership of any live animal on any roadside, public right-of-way, commercial for private parking lot, garage sale, flea market, festival, park, community center, or outdoor public place within the city limits.

(c) It shall be unlawful for any person to sell, trade, exchange, barter, give away, transfer, or advertises for sale, trade, exchange, barter, give away, or transfer, a dog or cat four (4) months of age or older unless the person first obtains a permit to do so and the dog or cat is microchipped and has a vet-issued health statement prior to the sale or transfer.

ARTICLE 2.10. ANIMAL RESCUES

§ 2.10.001. Operation of animal rescues.

(a) No person or group of persons shall operate an animal rescue as defined in this article unless a permit has first been obtained in compliance with this section.

(b) No animal rescue shall be approved for operation that does not microchip, sterilize, and vaccinate all animals in accordance with this article prior to adoption.

(1) If, in the opinion of a licensed veterinarian, the animal cannot be sterilized prior to adoption for medical reasons, or is permanently infertile, or that the animal cannot receive a rabies vaccination prior to adoption, the animal rescue shall provide the adopter with a signed statement from the veterinarian stating why these procedures should be temporarily delayed or cannot be done. If only temporarily delayed, the animal rescue must inform the adopter of when the procedures may be completed, and of the adopter's requirement to complete the procedures. The animal rescue must require the adopter to provide written proof of the animal being sterilized and of obtaining a current rabies vaccination within forty-eight (48) hours of the date given in the veterinarian's statement.

(2) Birds, livestock, and reptiles are exempt from the microchip and sterilization requirement.
§ 2.10.002. Permit required.

Any person in the city conducting, managing, or maintaining an animal rescue shall obtain a permit to do so from animal control.

(a) The permit shall begin on January 1 or each year and expire on December 31 of that same year. Renewal applications for permits may be made thirty (30) calendar days prior to, and are due at, the start of the new calendar year. Application for a permit to establish a new commercial animal establishment under the provisions of this article may be made at any time prior to conducting business.

(b) Permits are not transferable. If there is a change of ownership of an animal rescue, the new owner must apply for a new permit.

(c) It is a violation of this section for a person, partnership, or corporation to open an animal rescue before a permit is obtained.

§ 2.10.003. Application for permit.

All applications for permit required by this division must be filed with the City of Jourdanton, Code Compliance, and shall be in writing on a printed form provided by that office for such purpose and shall include information requested by that office, including the following information:

(a) The full name of the applicant, the street address where the animal rescue if to be based, and the residence address of each foster care provider and foster home located in the city, that will participate in the animal rescue operation;

(b) Whether any owner or operator is an individual, partnership, corporation, or other legal entity, provided however, that the type of business organization shall include only those organizations recognized by the Texas Business Organization Code ("BOC"), and authorized to engage in the type of business covered by this division, and if the organization is a foreign entity required to register under article 9 of the BOC, full and complete copies of the organization’s current registration;

(c) If any owner or operator is a corporation, the names and addresses of all officers of the corporation, and if there are fewer than five (5) shareholders, the names of all shareholders;

(d) If any owner or operator is a partnership, the type of partnership and names and address of all general partners, and for limited partnerships, the names and addresses of all members;

(e) If any owner or operator is an unincorporated association, the names and address of all officers of the association;

(f) If any applicant does business under an assumed name as that term is defined in V.T.C.A., Business and Commerce Code, Section 71.002, all assumed names used;

(g) A description of the types of services to be provided through the animal rescue;

(h) A declaration that the minimum standards regarding veterinary care, adoption policies, and prevention of nuisances as set forth in the rules and regulations of this article have been met;
Exhibit “A”

(i) A declaration that the animal control manager or his/her designee may enter and inspect the animal rescue base facility or location, foster care provider location, and/or foster home locations, at any reasonable time to ensure compliance with this division; and

(j) Any other information reasonably required by the animal control manager or his/her designee to ensure compliance with the requirements of this division.

§ 2.10.004. Issuance and display of permit; notification of changes.

(a) The animal control manager or his/her designee, upon approval, shall issue a certificate and animal rescue registration number to the primary person named on the animal rescue application. The permittee shall prominently display the certificate during all public events, and shall cause the animal rescue registration number to be listed I all animal adoption advertisements.

(b) The permittee of their designee shall notify Code Compliance in writing by personal delivery, of any change in the animal rescue name, address, and management, and of any changes or additions in foster care providers and foster homes located within the city limits, that are utilized by the animal rescue.

§ 2.10.005. Suspension of permit.

(a) The animal control manager or his/her designee may suspend any animal rescue permit if any of the following conditions occur:

1. The animal control manager or his/her designee finds that the animal rescue is not providing the required veterinary care for all animals prior to adoption;

2. Unsanitary conditions exist at the animal rescue base location, foster care provider location, or any foster home location located within the city limits and participating in the animal rescue operation, to such an extent that those conditions create a possible medium for the transmission of disease to the animals kept there or to human beings; or

3. The permittee or any foster care provider receives three (3) or more convictions for violations of this article in a twelve (12) month period.

(b) Prior to suspension, written notice shall be given to the permittee for the animal rescue. The notice shall set forth the specific conditions that are grounds for suspension of the permit pursuant to this article.

(c) Whenever the reason for a suspension no longer exists, the permittee or their designee shall notify the animal control manager or his/her designee that the conditions under which the permit was suspended, have been corrected and that an inspection is requested. The animal control manager or his/her designee shall conduct the inspection as soon as possible after receiving the request for an inspection. If an inspection show that the conditions have been corrected, the animal control manager or his/her designee shall reinstate the permit unless the animal control manager or his/her designee has given notice that he/she is seeking revocation of the permit.

(d) If the permit is suspended, no one shall accept or place any animal in the care of the animal rescue until such time that the permit has been reinstated.

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§ 2.10.006. Revocation of permit.

(a) The animal control manager or his/her designee may revoke an animal rescue permit if any of the following conditions occur:

(1) The animal rescue permit has been suspended three (3) or more times; or

(2) The permittee or any foster care provider is shown to have committed any offense involving cruelty to animals.

(b) Prior to revocation, written notice shall be given to the permittee for the animal rescue. The notice shall set forth the specific conditions that are the grounds for revocation of the permit pursuant to subsection (a) of this section.

(c) If the permit is revoked, no one shall accept or place any animal in the care of the animal rescue and all animals in the care of the animal rescue on the date the license is revoked shall be removed by the permittee as soon as possible, but in no case later than ten (10) calendar days after receipt by the permittee of the written notice of revocation.

(d) The decision of the animal control manager or his/her designee shall be final.

(e) The permittee or applicant may reapply for a new permit under this article at any time.

(f) The revocation shall be a remedy in addition to, and not in lieu of, any penalty authorized by this article, and shall not limit any other rights of Code Compliance to pursue other enforcement actions or remedies to address any violation of the provisions of this article.

(g) In the event a permit is revoked, the city shall not be liable to the permittee for any refund of any part of the permit fee.

§ 2.10.007. Reinstatement of a permit that has been revoked.

Reinstatement of a permit that has been revoked shall require application and payment of a permit fee as if it were an initial application.

(a) No permit shall be issued if the permittee or any person or corporation listed on the application has been convicted of any offense involving cruelty to animals;

(b) No permit shall be issued to the same permittee or any person or corporation listed on the application who, within one (1) year of the date of the new application, has had a permit issued under this section revoked; and

(c) No permit shall be issued for the same location unless it is shown that adequate precautions have been taken so that the conditions under which the permit was revoked shall not reoccur.