CITY OF MOULTON, TEXAS

ORDINANCE NO. 05142019-02

ARTICLE 2.01 GENERAL PROVISIONS

Sec. 2.01.001 **Purpose**

It is the intent and purpose of this chapter to provide a safe and healthy environment within the city for both animals and people. While a person may own and keep animals within the city, the conduct of those animals and the conditions that the animals are kept in should be safe and healthy and should not infringe on the surrounding homes and their inhabitants.

Sec. 2.01.002 **Definitions**

When used in this chapter, the following words or terms, unless the context indicates otherwise, shall be interpreted as meaning:

Administrator- The City Administrator of the City of Moulton, Texas, or if that position is vacant, the City Secretary of the City of Moulton, Texas.

Animal- Any vertebrate creature, domesticated or wild, excluding humans.

Animal at Large- (1) Off premises. Any animal not under the control of its owner by either a leash, chain or suitable material of sufficient strength and not more than six (6) feet in length attached to a collar or harness to control the actions of such animal while off the owner's property; or (2) On premises. Any animal not confined on the premises of the owner by a substantial fence of sufficient strength and height to prevent the animal from attacking persons and animals outside the fenced enclosure and from escaping therefrom, or secured on the premises by a metal chain or leash of sufficient strength to prevent the animal from escaping from the premises and so arranged that the animal will remain on the premises and not come any closer than six (6) feet to a public walkway or sidewalk when the restraint leash is stretched to its full length.

Animal Control Officer- A person designated by the city as the primary enforcement officer regulating animals and owners of animals and for the enforcement of state laws and regulations pertaining to the care and control of animals or an officer of the Moulton Police Department acting in his/her capacity as an animal control officer.

Animal Exhibition- A circus, carnival, or event owning or maintaining animals for purposes of displaying or performing in exhibitions of temporary duration not to exceed thirty (30) days, where attendance of the general public is solicited, operating under a contract, lease, or special event permit, or otherwise approved by the city.

Animal Shelter- The facility designated by the city for the purpose of impounding and caring for stray, homeless, abandoned or unwanted animals, or any other animals held under authority of this chapter.

At Large- Running free or otherwise without physical or other restraint, whether on or off the premises of its owner.

Bite- Any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by an animal.

Cat- A domestic feline of either sex, including one neutered or sterilized (any Felis Catus according to Texas Administrative Code §169.22 and its successors).

Circus or Carnival- A commercial variety show featuring animal acts for public entertainment that is licensed under the Federal Animal Welfare Act or licensed by the state board of health according to provisions of Section 822 of the Texas Health and Safety Code and its successors.

Dangerous Wild Animals or Reptiles- An animal not normally considered domesticated, that is wild by nature. Dangerous wild animals or reptiles shall include but are not limited to the following: Alligators, Bats, Bears, Bobcats, Camels, Cheetahs, Coyotes, Crocodiles, Foxes, Hyenas, Jackals, Jaguars, Leopards, Lions, Lynx, Monkeys and non-human primates, Mountain lions, Ocelots, Panthers, Raccoons, Skunks, Tigers, Venomous snakes, Wildcats, Wolves, and hybrids of the above-listed animals.

Dog- A domesticated animal that is a member of the canine family (Canis Familiaris).

Domestic Animal- Any animal normally adapted to live in intimate association with humans or for the advantage of humans. 25 Tex. Admin. Code ' 169.22(9) (2015)

Domestic Fowl- Any fowl normally adapted to live in intimate association with humans or for the advantage of humans.

Fowl- Any heavy-bodied terrestrial bird of the order Galliformes, including but not limited to chickens, ducks, geese, pheasants, turkeys, grouse, guineas, or other common domestic fowl, but not including caged birds kept inside a building.

Harboring- The act of keeping or caring for an animal, including, but not limited to, the providing of food, shelter, or medical attention for the animal.

High-Risk Animal- Those animals which have a high risk of transmitting rabies; this includes skunks, raccoons, coyotes, bats and species of foxes indigenous to North America.

Kennel- An establishment designed or used for the commercial boarding, selling, breeding, or training of animals; occasional sales of registered animals kept primarily as pets or show animals and not primarily for breeding purposes shall not constitute commercial activity for purposes of this definition.

Livestock- Any horse, swine, cattle, sheep, goat, mule, jack, emu, ostrich or rhea.

Low-Risk Animal- Those with a low probability of transmitting rabies; they include all animals of the orders Marsupialia (opossums, etc.), Insectivora (shrews, moles, etc.), Rodentia (mice,

rats, hamsters, guinea pigs, etc.), Lagomorpha (rabbits, hares, etc.), and Xenarthra (armadillos, anteaters, etc.).

Owner- Any person, corporation, partnership, trust or association or other entity owning, keeping, or harboring an animal or who has possession or control or who has the responsibility to control an animal, other than a person who temporarily restrains an animal pursuant to this chapter. Any person that feeds a stray animal more than two (2) times or allows a stray animal to remain about his premises for a period of three (3) days.

Pet Animal- Dogs, cats, rabbits, rodents, birds, nonpoisonous reptiles and any other species of animal which is sold or retained as a household pet, but shall not include any species of wild, exotic or carnivorous animal that may be prohibited elsewhere in this chapter.

Pet Shop- An establishment where pet animals are kept for either retail or wholesale sale or trade by any person.

Poultry- All domesticated fowl that are kept in captivity.

Public Nuisance- Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that: Is repeatedly found at-large; damages the property of anyone other than its owner; molests or intimidates pedestrians or passersby; chases vehicles; excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained; attacks other domestic animals; or has been found by the animal control officer, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare or safety.

Public Property- Any real property owned or under the control or care of a government entity.

Quarantine- Strict confinement under restraint by closed cage or on the premises of the owner in any other manner approved by the local rabies control authority or designee or at a facility approved by the local rabies control authority or designee.

Rabies- A preventable, acute viral disease of humans and animals that affects the central nervous system causing encephalopathy and ultimately death, usually transmitted by the bite of an infected animal.

Rabies Vaccination- The vaccination of a dog, cat, or other domestic animal with a rabies vaccine approved by the United States Department of Agriculture and administered by a

veterinarian licensed by the state.

Restraint- Controlled by a leash, at Aheel@ beside a competent person and obedient to that person=s commands, on or within a vehicle being driven or parked on the street, or in an enclosure on the premises of the owner or harborer.

Shelter- Protection from the elements, including heat, cold, rain, ice or snow, by means of walls and a solid overhead covering such as a doghouse or shed. A tree does not constitute proper shelter.

Stray Animal- Roaming or at large with no physical restraint.

Wild Animal- Any reptile or mammal native to North America except the domestic species (dog, cat, horse, cow, sheep, goat).

Wildlife- Any animal that occurs naturally in a wild state. This includes wildlife hybrids.

Sec. 2.01.003 **Penalty**

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this chapter, shall be fined not less than one dollar ($1.00) nor more than five hundred dollars ($500.00) for each offense except when a particular section provides a different penalty. Each violation of this chapter shall be deemed a separate offense and each day that a violation exists shall constitute a separate offense. This penalty should not be construed as 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 ordinances or state law.

Sec. 2.01.004 **Culpability**

The city council hereby dispenses with the requirement of establishing a culpable mental state in order to prove a violation of this chapter.

Sec. 2.01.005 **Enforcement**

(a) Enforcement of this chapter shall be the responsibility of the Moulton Police Department and/or the animal control officer. No citizen complaint shall be required for enforcement of this Chapter. The Moulton Police Department and/or animal control officer shall have the authority to issue citations for any violation of this chapter. The animal control officer or an officer of the Moulton Police Department acting in his/her capacity as animal control officer, shall have the right, at any reasonable time, to inspect any dog or cat to determine its welfare and/or vaccination status and shall have the authority to enter any premises, other than a private dwelling, for such purpose, and it shall be unlawful for any person to refuse entrance to such animal control officer or to impede, obstruct or exclude such animal control officer when attempting to enter such premises for the purpose of inspecting such dog or cat, and any person who shall refuse entrance or impede or obstruct such animal control officer shall be guilty of a

misdemeanor. The animal control officer shall have the right to take custody of any animal that has been neglected, treated inhumanely, or injured to the point that a reasonable person may feel it is in the best interest of the animal to remove it from the premises. Said animal shall be transported to the animal shelter for evaluation and/or treatment.

(b) Any animal control officer or police officer has the right to pursue and apprehend animals running at-large onto private property while enforcing the provisions of this chapter.

(c) It shall be unlawful to take or attempt to take any animal from any animal control officer or police officer; to take or attempt to take any animal from any vehicle used by the officer to transport any animal; or to take or attempt to take any animal from the animal shelter or other kennel or confinement area used to impound an animal.

(d) For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, an animal control officer or any other person authorized to enforce the provisions of this chapter is empowered, at all reasonable times and upon presentation of appropriate credentials, to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of a dog or cat the certificate of rabies vaccination and/or city license for such dog or cat. If such inspection is refused, the animal control officer shall have the authority to obtain a lawful warrant to enter upon private premises for the purpose of inspection or impoundment of an animal not lawfully licensed, vaccinated, or which poses an immediate threat to humans by reason of disease. No animal control officer or any other person who has the authority to enforce the provisions of this chapter may enter a private residence for purposes of making an inspection under this chapter without first receiving permission from a lawful adult occupant of such residence or being authorized to inspect such residence by a magistrate or by order of a court of competent jurisdiction upon showing of a probable violation of this chapter.

(e) It is further provided that an animal control officer or any other person authorized to enforce the provisions of this chapter, may enter, at all reasonable times and upon the presentation of appropriate credentials, the premises where an animal is kept in an allegedly cruel or inhumane manner and demand to examine and impound such animal when, in his opinion, treatment for the animal is required. No animal control officer or any other person who has the authority to enforce the provisions of this chapter may enter a private residence for purposes of making an inspection under this chapter without first receiving permission from a lawful adult occupant of such residence or being authorized to inspect such residence by a magistrate or by order of a court of competent jurisdiction upon showing of a probable violation of this chapter.

(f) It shall be unlawful to refuse lawful inspection or impoundment of an animal hereunder or to impede, obstruct or exclude such animal control officer in the performances of his duties as herein prescribed. The authority herein conferred on an animal control officer is further conferred upon any officer of the city.

(g) In all instances of a violation of any provision of this chapter, whether the animal is impounded or not, the owner or keeper of such animal may be cited by an officer who has the authority to enforce this chapter for any violation of this chapter.

(h) In the enforcement of this chapter, any animal control officer and police officer shall have the authority to shoot any animal to protect himself, to protect a third person or to protect another animal from attack or threat of imminent injury or to prevent such animal from enduring further pain or suffering as a result of disease or injury. They shall also have the authority to tranquilize or trap any animal, fowl, livestock or wildlife in accordance with federal and state regulations.

Sec. 2.01.006 **Right of Entry of Animal Control Officers**

In the event an animal subject to impoundment under this chapter or state statute is on private property or the property of its owner or harborer, an impounding officer may enter the property, other than a private dwelling, for the purpose of checking the welfare of the animal, impounding the animal, or the issuance of a citation, subject to the applicable provisions of this chapter.

Sec. 2.01.007 **Records**

It shall be the duty of the animal control officer of the city to maintain such records as deemed necessary to the enforcement of all provisions of this chapter and have those records available to the public upon written request.

Sec. 2.01.008 **Interference With Animal Control Officers**

It shall be unlawful for any person to interfere with, molest, hinder or obstruct an animal control officer or other officer responsible for enforcement of this chapter in the discharge of their duties.

ARTICLE 2.02 IMPOUNDMENT

Sec. 2.02.001 **Animal Shelter**

The city council shall operate and maintain an animal shelter for the impoundment, maintenance, shelter, and destruction of stray, diseased, or vicious animals.

Sec. 2.02.002 **Authority to Impound or Destroy Certain Animals**

Any police officer, animal control officer, or other person designated by the authority may impound any stray animal found to be running at large within the city limits, and may proceed beyond the city limits in exigent circumstances as authorized by law, and may impound any animal being kept in violation of this chapter, any animal which is diseased and endangers the health of persons or other animals, or any animal that has bitten a human or which has acted in a fierce and vicious manner as described in this chapter. Such persons may, under circumstances of emergency, destroy an animal posing an imminent danger to person, property or other animals. Pursuant to Texas Health & Safety Code '822.002 & '822.003, such persons may impound an animal that has bitten or scratched a person, or impound for treatment an animal that is injured to a degree presenting little or no likelihood of recovery.

Sec. 2.02.003 **Disposition of Impounded Animals**

(a) As soon as practicable, the shelter shall attempt to notify the owner of any impounded animal. Any impounded cat or dog may be redeemed by the payment of any fees, veterinary charges or vaccination fees incurred during impoundment. If the animal is not redeemed after ninety-six (96) hours the animal shall be deemed abandoned and may be placed for adoption. The shelter authority may destroy an animal earlier than three business days after the date of impound if the health authority obtains an opinion from a veterinarian stating that the animal is sick or injured and that destruction is necessary to avoid unnecessary suffering by the animal.

(b) An individual may adopt an animal from the animal shelter under such terms and conditions approved by the animal shelter.

(c) Any veterinary procedure, testing, or treatment for any animal in the custody of the animal control authority shall be the expense of the owner or person maintaining the animal.

Sec. 2.02.004 **Temporary Confinement of Stray Animal by Individual**

An animal found running at large may be temporarily confined in a humane manner. A person so confining an animal shall within twenty-four (24) hours notify the animal control authority, and when so notified the animal control officer may impound said animal and take actions pursuant to this chapter.

ARTICLE 2.03 PROHIBITED ACTS

Sec. 2.03.001 **Public Nuisances**

(a) It shall be unlawful and constitute a public nuisance for the owner or harborer to fail to restrain their dog or allow it to be at large.

(b) It shall be unlawful and constitute a public nuisance for the owner or any person to maintain any animal which attacks another animal, or damages public or private property, or engages in fierce or dangerous conduct and does not have control the dog or coyote in a manner approved by the local animal control authority. (Texas Health & Safety Code ' 822.013)

(c) It shall be unlawful and constitute a public nuisance for any owner, occupant, or other person in control of premises to knowingly permit or maintain the presence of a dead or decaying animal carcass upon any such premises, whether public or private, within the city.

(d) It shall be unlawful and constitute a public nuisance for any owner, occupant, or other person to allow any enclosure, yard, shelter, pen, structure, or similar place used for keeping animals or fowl to become unsanitary or offensive by reason of odor, or create a condition that becomes a breeding place for fleas or other vectors, or which creates any health hazard or nuisance to adjacent property owners.

(e) It shall be unlawful and constitute a public nuisance for any owner, occupant, or other person to harbor any animal which by any loud, frequent, long, continuous, or unusual sound or

cry shall disturb the peace, comfort or quiet of the neighborhood or the occupants of adjacent properties.

(f) It shall be unlawful for any person or business to operate, or cause to be operated in the City of Moulton, a broiler house, cage laying or pullet house.

(g) It shall be unlawful for any person, business to maintain or cause to be maintained livestock, swine, and or fowl within the City, in any area which is not kept clean of manure that might attract flies, or allow the development of unpleasant odors, or by the nature of the livestock, swine, and or fowls so maintained provides or causes a nuisance to any adjacent property.

(h) It shall be unlawful to fail to clean daily and to remove any manure or debris, of the holding and or pen area of any livestock, swine or fowl. Manure or debris must be placed in an airtight container or bin and removed weekly. The manure or debris shall not be disposed of in the household trash carts.

(i) It shall be unlawful for any person, firm, corporation, or association of persons to operate, or cause to be operated, in the City of Moulton, Texas a feedlot in which cattle, swine, or other livestock are fed for commercial sale.

Sec. 2.03.002 **Limitation on Number of Dogs and Cats**

(a) It is unlawful for any household to own or keep more than five (5) dogs or cats upon any private premises within the city limits, subject to the following exceptions: a veterinary clinic, an animal hospital or a similar facility; an animal shelter; a kennel; a pet shop; a qualified researcher; a performing animal exhibition; or a litter up to sixteen (16) weeks old.

(b) It is an exception to this provision if the animals are housed at all times within a dwelling or on premises which are a minimum of one (1) acre in size and the dwelling or premises are maintained in a sanitary manner that is not a public health nuisance or a danger to the animals or the public.

(c) An allowable exception to subsection (a) can be given under the following guidelines:

(1) Application to the animal control officer;
(2) Inspection of the premises by the animal control officer;
(3) Approval of the condition of the premises;
(4) The premises shall be subject to periodic inspection;
(5) Appeal of decision(s) by the animal control officer must be submitted in writing within ten (10) days to the City Secretary.

Sec. 2.03.003 **Animal Cruelty**

(a) Abandoning Animal or Withholding Food, Water or Shelter- It shall be unlawful for any person owning or harboring any animal to willfully abandon said animal or to withhold food,

water or shelter from any animal so that its health is endangered or to cause it to suffer unduly.

(b) Animal Neglect- It shall be unlawful for anyone to knowingly or intentionally leave an animal tied up or confined anywhere for more than twenty-four (24) hours at a time without properly feeding, watering and caring for same.

(c) Animal Endangerment- It shall be unlawful for anyone to leave an animal in an unattended vehicle when doing so may cause a reasonable person to believe the animal=s health will be endangered.

(d) Torturing, Killing or Fighting- It shall be unlawful for anyone to torture, cause to fight, or inhumanely kill any animal.

(e) Poisoning- It shall be unlawful for any person to poison any animal or to distribute poison or toxicants on public or private property in any manner whatsoever with the intent of poisoning animals. This section shall not be construed to prevent the poisoning of rodents and pests when the poison is dispensed in a safe manner not accessible to other animals.

(f) Fastening animals with rope or chain; choker collar-

(1) No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness made of leather or nylon, not of the choker type. This does not prohibit the proper use of choker collars in the training of animals. The tying device shall be attached to the animal's collar or harness and shall be at least ten (10) feet in length and must have a swivel device on the anchor and collar end to prevent tangling.

(2) No person shall chain their dog using a collar exceeding one and one-half (12) inches wide for any dog weighing less than sixty (60) pounds. Dogs weighing sixty (60) pounds or more shall not be tethered using a collar exceeding two (2) inches in width. A person shall not chain or tether a dog with a chain or tether that weighs more than one-eighth (1/8) of the dog's body weight.

(3) No person shall tether their female dog while the dog is in canine estrus.

(4) Leaving a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement in the case of extreme weather conditions, including conditions in which the actual or effective outdoor temperature is below thirty-two (32) degrees Fahrenheit; a heat advisory has been issued by a local or state authority or jurisdiction; or a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service is a state law violation punishable by fine and/or jail time in accordance with the Texas Health and Safety Code.

Sec. 2.03.004 **Prohibited Animals**

(a) It shall be unlawful for any person to import, offer for sale, keep, maintain, harbor, or possess, within the city limits, any dangerous wild animal or reptile as defined by this chapter.

(b) This prohibition shall not apply to the following facilities, provided such facilities are

otherwise operated in accordance with this chapter and state law and do not occur in a residential structure or within three hundred (300) feet thereof:

(1) An animal exhibition which has all the proper permits to conduct business in the city; or

(2) Anyone holding a valid rehabilitation permit from state parks and wildlife, but only for animals of the permitted species and which are in rehabilitation.

Sec. 2.03.005 **Trapping Prohibited; Impoundment of Traps**

(a) It is unlawful for any person to set or place any trap designed for trapping animals in any street, alley, park, or other public place within the city limits.

(b) It is unlawful for any person to set or place any steel-jawed or tooth-jawed trap upon any private premises within the city limits.

(c) Traps mentioned in this section, when found in the city limits, are hereby declared abandoned property, and any peace officer or animal control officer is hereby authorized to impound and process the same as abandoned property in accordance with state law and this chapter.

(d) It is unlawful for any person to remove, alter, damage or otherwise tamper with a trap legally set by the administrator or its agents.

(e) This section shall not prevent any person authorized by the administrator from engaging in the performance of their duties, or any person specifically authorized in writing by the administrator to conduct said trapping.

ARTICLE 2.04 RABIES CONTROL

Sec. 2.04.001 **Local Rabies Control Authority**

For the purposes of this chapter and in accordance with section Tex. Health & Safety Code ' 826.017, the local rabies control authority (LRCA) for the city shall be the Moulton Police Department. The duties of this authority shall include but are not limited to:

(1) Enforcement of all ordinances and/or rules of the city pertaining to rabies and animal control;

(2) Enforcement of the provisions of state law and administrative rules of the state board of health;

(3) Designate those persons to serve as animal control officers as necessary to carry out the provisions of this chapter;

(4) Receiving reports of animal bites and scratches to humans;

(5) Investigating all reported animal bites and scratches to humans and suspected rabid animals;

(6) Ordering quarantine on any animal that has exposed a human or been exposed to rabies.

Sec. 2.04.002 **Vaccination of Dogs and Cats**

(a) The owner or custodian of each dog or cat shall have the animal vaccinated against rabies by a licensed veterinarian by four (4) months of age. The animal must receive a booster within twelve (12) months. Every animal must be revaccinated annually with a vaccine licensed by the United States Department of Agriculture and administered by a licensed veterinarian. (Texas Health and Safety Code ' 826.021)

(b) Upon vaccination, the veterinarian shall furnish to the owner or person harboring the dog or cat a certificate or written proof the animal was vaccinated for rabies and the date of that vaccination.

(c) Upon issuance and delivery of the certificate of vaccination, the veterinarian shall furnish a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance, the vaccination date and the name and address of the issuing veterinarian. The owner or person harboring the animal shall attach the metal tag to the collar or harness of the vaccinated animal. In the event of loss or destruction of the original tag, a duplicate tag shall be obtained from the issuing veterinarian.

(d) It shall be unlawful for any person who owns or harbors a vaccinated animal to fail or refuse to exhibit the certificate of vaccination upon request of any person authorized to enforce this chapter.

Sec. 2.04.003 **Report of Suspected Rabies**

A person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or knows of an animal the person suspects is rabid, shall report the incident to the city animal control authority or his or her designee within twelve (12) hours. The report must include the name and address of the victim and the animal(s) owner, if known, and any other information that may help in locating the victim or animal.

Sec. 2.04.004 **Quarantine of Animal Biting or Scratching Person**

(a) Pursuant to state law, the local rabies control authority, or his or her designee, is authorized to quarantine any animal when there is probable cause to believe that a person may have been bitten or otherwise exposed to rabies by that animal.

(b) The owner of any animal that has been reported to have inflicted a bite or scratch on any person, that is reasonably capable of spreading rabies, shall submit said animal for quarantine, as prescribed by Tex. Health & Safety Code '826.042 or this chapter. Refusal to submit said animal constitutes a violation of law, and each day of such refusal shall constitute a separate and individual violation. In the event the owner refuses or fails to quarantine the animal, the local rabies control authority may obtain a warrant to seize and impound the animal according to the provisions of state law and this chapter.

(c) All costs for quarantine or testing shall be the responsibility of the owner or harborer of the animal.

(d) The local rabies control authority (LRCA) shall adopt rules governing the testing of quarantined animals and the procedure for and method of quarantine.

(e) The local rabies control authority or a veterinarian shall quarantine or test in accordance with board rules any animal that the local rabies control authority or veterinarian has probable cause to believe is rabid, may have been exposed to rabies, or may have exposed a person to rabies. No person shall be allowed to quarantine an animal in a home or residence.

(f) An owner shall submit for quarantine an animal that:
(1) is reported to be rabid or to have exposed an individual to rabies; or
(2) the owner knows or suspects is rabid or has exposed an individual to rabies.

(g) The owner shall submit the animal to the local rabies control authority of the county or municipality in which the exposure occurs.
(h) A veterinarian shall quarantine an animal that:
(1) is in the possession of the veterinarian; and
(2) the veterinarian knows or suspects is rabid or has exposed an individual to rabies.
(Tex. Health and Safety Code '826.042)

Sec. 2.04.005 **Confinement of Animal Bitten By Rabid Animal**

The owner shall immediately confine any animal that has been bitten by a rabid animal. The owner shall notify the animal control authority where the animal is confined and the reason therefor within twenty-four (24) hours. The owner of the animal shall not permit the animal to come in contact with any person or animal until such time as the requirements of state law regarding rabies control have been met.

Sec. 2.04.006 **Release or Disposition of Quarantined Animal**

(a) If, at the end of the required quarantine period, the animal shows no clinical signs of rabies, the animal control authority may release the animal from quarantine upon compliance with vaccination requirements pursuant to state law.

(b) If, during the required quarantine period, the animal shows clinical signs of rabies, the animal must be euthanized and the brain submitted for testing to the state board of health according to state law.

(c) Licensed veterinarians must report the results of all rabies quarantine observations to the animal control authority immediately upon the completion of the quarantine period or upon determination that the animal is showing signs of rabies. (Tex. Health and Safety Code, '826.043)

Sec. 2.04.007 **Disposition of Wild Animals Biting or Scratching Person**

Those dangerous wild animals which have bitten or scratched a person shall be caught and the procedures established by state law and this chapter shall be followed.

ARTICLE 2.05 FIERCE OR DANGEROUS DOGS

Sec. 2.05.001 **Definition; Fierce or Dangerous Conduct Prohibited**

(a) A dog engages in fierce or dangerous conduct when it makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or 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. This section shall not apply to dogs that are in the service of law enforcement agencies or guard dogs restrained as provided herein, or as excepted pursuant to Tex. Health and Safety Code 822.046 and its successors.

(b) No person who owns a fierce or dangerous dog shall allow the dog to engage in fierce or dangerous conduct.

Sec. 2.05.002 **Impoundment**

(a) Upon receiving a report from a witness concerning a fierce or dangerous dog, the animal control officer or police shall obtain the following information:

(1) Name, address and telephone number of the complainant;
(2) Date, time and location of the incident;
(3) A report of the facts and circumstances of the incident;
(4) A description of the dog;
(5) A sworn statement describing how the dog bit the complainant or acted in a vicious manner; and
(6) Other relevant facts or circumstances, if any, relating to the incident.

(b) After a sworn statement has been obtained, the dog shall be investigated by the animal control officer. Upon showing of probable cause, a complaint may be filed in municipal court and, if necessary, the dog impounded as a public nuisance.

Sec. 2.05.003 **Guard Dogs**

Except for dogs used in law enforcement by law enforcement agencies, it shall be unlawful to place or maintain any dog which is specifically trained to attack in any area for the protection of persons or property unless the dog is specifically confined to a specific in a building, in a fence or on a chain of sufficient size and strength to restrain the dog. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less

than two (2) inches high and placed not less than every twenty-five (25) feet on or adjacent to the structure or barrier which confines the animal. In no event shall less than one (1) warning sign be conspicuously posted. (Tex. Occupations Code, §1702; licensing and duties of guard dog companies, Tex. Occupations Code, §1702.109 et seq.)

Sec. 2.05.004 **Enforcement**

The city=s animal control officer, including his or her duly designated assistants, are hereby authorized to enforce the provisions of state law and this chapter regulating dangerous dogs.

Sec. 2.05.005 **Additional Requirements and Restrictions for Dangerous Dogs**

(a) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

(1) register the dangerous dog with the animal control authority for the area in which the dog is kept;

(2) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

(3) obtain liability insurance coverage or show financial responsibility in an amount of at least $100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept; and

(4) comply with any county regulation, requirement, or restriction on dangerous dogs.

(b) The owner of a dangerous dog who does not comply with Subsection (a) shall deliver the dog to the animal control authority not later than the 30th day after the owner learns that the dog is a dangerous dog.

(c) If, on application of any person, a justice court, county court, or municipal court finds, after notice and hearing as provided by Texas Health & Safety Code §822.0423, that the owner of a dangerous dog has failed to comply with Subsection (a) or (b), the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.

(d) The owner shall pay any cost or fee assessed by the municipality or county related to the seizure, acceptance, impoundment, or destruction of the dog. The governing body of the municipality or county may prescribe the amount of the fees.

(e) The court shall order the animal control authority to humanely destroy the dog if the owner has not complied with Subsection (a) before the 11th day after the date on which the dog is seized or delivered to the authority. The court shall order the authority to return the dog to the owner if the owner complies with Subsection (a) before the 11th day after the date on which the dog is seized or delivered to the authority.

(f) The court may order the humane destruction of a dog if the owner of the dog has not been

located before the 15th day after the seizure and impoundment of the dog.

(g) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

(1) the owner knows of an attack described in §822.041(2)(A) or (B);

(2) the owner receives notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog under §822.0423; or

(3) the owner is informed by the animal control authority that the dog is a dangerous dog under §822.0421. (Tex. Health and Safety Code ' 822.042)

(h) The dog shall at all times wear a collar and attached tag marked with an orange color visible at a minimum of fifty (50) feet;

(i) The dog, when taken outside the enclosure required by state law and this chapter, must be securely muzzled in a way that will not cause injury to the animal but shall prevent it from biting any person or animal, and must be restrained by a sufficient substantial chain or cable leash not to exceed six (6) feet in length;

(j) The owner or person harboring the dog shall post a sign, or multiple signs if necessary, on the premises where the animal is located warning that there is a dangerous dog on the property. The sign or signs shall be easily visible and capable of being read from each public street or highway adjacent to the property;

(k) The secured enclosure for the dog, in addition to the minimum requirements for a secure enclosure contained in state law, shall have a top, be at least six (6) feet high, and must be posted with easily visible signs on all sides warning of a dangerous dog;

(l) The City of Moulton may charge a reasonable fee for the licensing of dangerous dogs, as established by a separate resolution of the city council.

ARTICLE 2.06 LIVESTOCK AND FOWL

Sec. 2.06.001 Enclosures; Animal Husbandry and Sanitation

(a) It shall be the duty of the owner or harborer of any chickens, turkeys, geese or other poultry, emu, ostrich, rhea, horse, mule, jack, jenny, cow, cattle, sheep, goat or similar animal to keep such animals in a stable, shed, pen, or other enclosure, and such enclosure, whenever in the city limits, shall be distant at least one hundred (100) feet from every building or structure used for sleeping, dining, or living, other than the owner(s) residence, or in which any business is conducted. This section is not to be construed to prevent owners from keeping pet animals inside their residence. Waivers to this regulation may be given to sanctioned FFA, 4-H, or similar programs based on inspection by the administrator.

(b) No person shall keep upon any tract of land or any lot within the city limits any livestock or farm animals of any kind, including but not limited to horses, sheep or goats of any kind, unless the tract of land or lot has a minimum of 6,500 square feet of surface. Up to one head of livestock may be kept for each 6,500 square feet of surface on the tract of land or lot excluding

any dwelling or any part thereof. No fractional measurements of land will be allowed, nor shall the livestock be allowed to roam free, graze, or be kept within 500 feet of any food service establishment or food processing establishment, regardless of ownership or occupancy of such establishments. All person keeping the livestock upon any tract of land or lot within the city limits will be held responsible for the cleanliness and upkeep of the land or lot so as not to allow it to become a public nuisance by the odor that may be created by the keeping of the livestock.

(c) Proper animal husbandry practices and sanitation as required by state law and this chapter shall be maintained.

ARTICLE 2.07 GENERAL PROHIBITIONS AND REQUIREMENTS

Sec. 2.07.001 **Public Nuisance Animals Prohibited**.

It shall be unlawful for any person to own, keep, or harbor any animal that is a public nuisance.

Sec. 2.07.002 **Outdoor Shelter for Dogs.**

It shall be unlawful for the person caring for a dog(s) to fail to provide the animal, which is kept primarily outdoors, with proper and adequate shelter.

Sec. 2.07.003 **Tying, Staking Animals On Street, Sidewalk, Crossing Prohibited.**

(a) It shall be unlawful for any person to tie or stake out any animal on or across any street or other public way or so near thereto that such animal can gain access to such street or other public way. The animal control officer may impound such animals.

(b) A tied animal may only be left outside of a residence unattended if the animal is on a cable or line tether (no chains allowed) which must be at least ten (10) feet long, swivels at both ends, and is attached to a properly fitted leather, nylon collar or harness. The animal also must have adequate shelter and no-spill water and food bowl within reach.

Sec. 2.07.004 **Animal Confinement in Vehicle or Trailer.**

(a) It shall be unlawful for any person having charge or custody of an animal, as owner or otherwise, to place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle or trailer under such condition for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or water, or such other circumstances as may reasonably be expected to cause suffering, disability or death.

(b) Any officer finding an animal in a motor vehicle or trailer in violation of the above is authorized to obtain a locksmith at the owner's expense, or break and enter the vehicle or trailer if necessary to remove the animal.

(c) Removed animals will be impounded at the animal shelter for safekeeping. Owners may

claim their animals upon payment of all reasonable charges for fees that accrue for removal and maintenance of the animal, plus impoundment fees.

(d) At the time the animal is removed from the vehicle or trailer the officer shall leave a written notice bearing his/her name and office and the address where the animal may be claimed. The animal will be retained for the days required and if not claimed will be disposed of as provided by this chapter.

Sec. 2.07.005 **Transporting Animals**.

It is unlawful for a person who is transporting an animal to fail to effectively restrain such animal so as to prevent the animal from leaving or being accidentally thrown from the vehicle during normal operation of the vehicle or fails to restrain the animal so as to prevent infliction of bodily harm to passers-by.

Sec. 2.07.006 **Prohibition of Animals at Sporting, Recreational, and 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, baseball, softball or soccer field, recreational centers, city sponsored outdoor concerts, or any organized sporting or recreational event that is held on city owned or controlled property. It is not a defense that the animal was restrained by a leash, chain, rope, cage, voice command, or any other means.

(b) Paragraph (a) above shall not apply to dogs or any other animals that are used as assistance animals, or that participate in a public event such as a parade, pet show, etc.

(c) Animals are allowed in city parks if the animal is under the complete control of the owner or caretaker by means of a leash. Animals are not allowed in any playing fields, bleachers, or spectator areas.

(d) All performing animal exhibitors, circuses, petting zoos, pony rides, or other animal exhibitors are required to have a state permit to operate within the city. A copy of the license or permit will be provided at the city official's request. All of these entities may be inspected by an animal control officer to ensure that the animals are being provided with adequate shelter, food, water, medical and humane care and treatment.

Sec. 2.07.007 **Poisoning.**

It shall be unlawful for any person to poison any domestic animal or to distribute poison or toxicant on public or private property in any manner whatsoever with the intent of poisoning any domestic animal.

Sec. 2.07.008 **Sanitation requirements.**

(a) All pens, enclosures, or fenced yards of all animals or fowl within the city shall be maintained and kept in such condition as not to become unsanitary, offensive, or disagreeable to

persons residing in the vicinity thereof. The pens, enclosures, or fenced yards shall be maintained in a manner to prevent the breeding of flies in any manner which may cause injury to the health or comfort to the public, or to any person working or residing in the vicinity of such pen, enclosure, or fenced yard. All pens and enclosures shall be cleaned once per week times the number of animals kept in that area and the manure or refuse from such pens or enclosures shall be promptly removed from the vicinity after each cleaning.

(b) It is unlawful for any owner or person in control of an animal to allow or permit such animal to defecate on any public property or on any unimproved or improved private property other than that of the owner of the animal. It is a defense to prosecution under this section that the owner or person in control of the animal immediately removed or cleaned up such animal's feces from public or private property. All excrement shall be disposed of in such a manner as to prevent it from becoming offensive to other persons living nearby, from becoming a nuisance, or from becoming a condition injurious to public health caused by the lack of or improper disposal of the animal's waste.

Sec. 2.07.009 **Permit/License Revocation.**

The city may revoke any permit or license of any person regulated by this chapter if the person holding the permit or license refuses or fails to comply with this chapter or any law governing the protection and keeping of animals.

Sec. 2.07.010 **City Park Ponds, Fishing**.

All ponds located in the City of Moulton are declared community fishing ponds.

(a) All anglers seventeen (17) years of age and older are required to have a valid Texas Fishing License.

(b) Children twelve (12) years of age or younger must be continuously supervised by an adult while they are fishing.

(c) Fishing is permitted by pole and line only, including reel if applicable. The use of trot lines, jug lines, seines, spears, crossbows, and throw lines are prohibited in any pond. Anglers may have a maximum of two (2) poles in use at the same time. All poles must be continuously monitored by the angler,

(d) Fish obtained from other water bodies may not be introduced into any pond unless under the direction of the Texas Parks & Wildlife Department.

(e) Fish may not be cleaned on the banks of the pond, or anywhere within the park.

(f) No water craft, of any type, are allowed in the ponds.

ARTICLE 2.08 FEEDING OF CATS AND DOGS

Sec. 2.08.001 **Feeding of Cats or Dogs on Public Property.**

It shall be unlawful for any person to feed, whether by the placement of food or otherwise, any cat or dog on public property, including without limitation, on any property owned in fee simple or controlled by the city as an easement or public right-of-way.

Sec. 2.08.002 **Feeding of Cats or Dogs on Private Property.**

It shall be unlawful for any person, other than the owner of the real property where the food is placed, whether by the placement of food or otherwise, to feed any cat or dog on private property without the consent of the owner of the property. It shall further be unlawful and constitute a public nuisance for the owner of private property to knowingly cause, suffer or permit the maintenance of an attractive environment for the assembly of stray or feral cats or dogs by the placement of food on the individual(s) property.

Sec. 2.08.003 **Affirmative Defense**.

It shall be an affirmative defense to prosecution under subsection A. of this section that the person feeding a cat or dog on public property is only placing food within a working trap and such trap has been placed on public property with the permission of the City Administrator. It shall be an affirmative defense to prosecution under subsection B of this section that a person feeding a cat or dog on private property is only placing food within a working trap and such trap has been placed on private property by, or with the written permission of the property owner.

ARTICLE 2.09 DOMESTIC ANIMALS AT-LARGE PROHIBITED

Sec. 2.09.001 **Dogs and Cats.**

(a) It shall be unlawful for any person owning or having charge, custody, care, or control of any dog or cat to allow, either knowingly or unknowingly, said animal to be at-large as defined in Section 2.01.002 of this chapter. The prohibition against an animal running at-large shall not apply to a cat that has been vaccinated, licensed, is wearing the required tags as mandated by this chapter, and remains on the premises of the owner, custodian, or care giver.

(b) It shall be unlawful for any person owning or having charge, custody, care, or control of any dog to allow and keep said dog contained in a fenced yard, pen or kennel when such structure is not constructed and maintained of sufficient strength to keep such animal on said property. The structure shall be locked and capable of preventing entry by the general public, including children and be capable of preventing escape or release of said animal.

(c) No dog shall be confined or leashed as to obstruct or prevent entry to the front door of any residence or business within the city.

(d) It shall be a defense to the "six-foot length" restriction under the definition of "at-large" if the animal is participating in an organized training or demonstration event. Under these circumstances the animal must be restrained by a leash or chain of sufficient strength and length to control the animal's actions.

(e) An owner reclaiming an impounded domestic pet for the second time within one (1) year of the first violation is required to pay for such animal to be micro-chipped by a licensed veterinarian prior to release.

(f) An owner reclaiming an impounded domestic pet for the third time within one year of the first violation has thirty (30) days to provide the animal control department with proof that the animal has been sterilized.

Sec. 2.09.002 **Impoundment of Domestic Animal at-Large.**

Any domestic animal that is found to be at-large within the city limits shall be impounded by an animal control officer, or police officer and said impounded animal shall be taken and delivered to the animal shelter. A peace officer or animal control officer upon reasonable belief may enter an enclosure from which an animal has previously escaped and returned to protect the public from harm if the likelihood still exists that the animal will once again escape.

Sec. 2.09.003 **Trapping of Animals.**

(a) Animal control officers and law enforcement officers are hereby authorized to trap animals at-large by means of live traps and to issue live traps to citizens for the purpose of trapping animals at-large.

(b) It is unlawful for any person to tamper with a live trap or release an animal confined in a live trap.

(c) It is unlawful for any person to use steel jaw traps to apprehend an animal. 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.

(d) Any person may trap any animal at-large within the city limits; however, only humane live-animal traps shall be used for the capturing of animals roaming unrestrained in the city. Further, the trapped animal shall be immediately delivered to the animal shelter.

Sec. 2.09.004 **Private Individuals May Impound Animals at-Large.**

Any person, other than a law enforcement officer or an animal control officer, who impounds any animal under the provisions of this chapter shall immediately give notice to the animal shelter of said impoundment. If the individual wishes to keep the animal at their residence instead of turning it in to the animal control department, the animal must be brought to the animal shelter first to be scanned for micro-chip, checked for tattoos, or any other identifying

information and the individual must complete a lost/found report with appropriate information. The citizen shall hold the animal for four (4) business days and if not contacted by the owner or animal control department, the animal then becomes the property of the finder. Any resident of Moulton, Texas who delivers an animal to the animal shelter within four (4) business days (under provisions of this chapter) may not be charged any fee. The animal control department shall hold and dispose of such animal as though said animal had been impounded by animal control officer.

Sec. 2.09.005 **Four (4) Business Days to Redeem Impounded Animal.**

(a) An owner of any impounded domestic animal, whether licensed or not, shall retrieve his pet within four (4) business days after the animal's impoundment, exclusive of Saturdays, Sunday and all city holidays. If after reasonable effort to locate the owner of the impounded animal and the owner failed to redeem his pet within this three-day time period, the animal shall be considered abandoned and becomes the property of the city.

(b) If an owner of any licensed pet that is impounded redeems the animal within the time period allowed, the owner shall pay the impounding fees and care fees at the time the pet is reclaimed and shall also provide proof of ownership to the animal shelter.

(c) If an owner of any unlicensed domestic pet that is impounded redeems the animal within the time period allowed, the owner shall provide proof of ownership, license the animal, pay the license, impounding and care fees at the time the pet is recovered, have said pet vaccinated against rabies as required by this chapter, and shall provide proof of said rabies vaccination as required by this chapter.

Sec. 2.09.006 **Adoption, Transfer, or Euthanization of Unredeemed Animals.**

(a) At any time after the expiration of the period of time for the redemptions of impounded animals, the animal control officer shall place the animal for adoption. All animals impounded and not redeemed, adopted or transferred may be euthanized by a trained animal control officer or licensed veterinarian.

(b) Animals remaining after the expiration of the four (4) business day period for redemption of impounded animals, the animal control officer shall transfer the animal to an approved nonprofit organization if available. Once the animal is transferred, the nonprofit organization becomes the releasing agency for purposes of compliance with the Texas Health and Safety Code. All animals impounded and not redeemed or transferred to an approved nonprofit organization may be euthanized by a trained animal control officer or licensed veterinarian.

Sec. 2.09.007 **Exemption for Newly Annexed Land.**

Owners of property annexed after the date of this ordinance may continue to maintain the number and type of animals that existed on the annexation date and may not be expanded. Cessation of maintenance of the number or type of animals inconsistent with the restriction by ordinance for a period of six (6) months terminates the exemption. Future use of the property must be in compliance with all animal restrictions including the number.

This ordinance shall entirely abolish ordinances #3-79, #2-88, #93-12-3, #06-2005, #2009-3, #01082015-02 and Article 2.01 Section 2.05.002 Keeping livestock or farm animals generally.

This ordinance shall take effect on the date of approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF MOULTON, TEXAS ON THIS 14th DAY OF MAY, 2019.

Mark Zimmerman, Mayor

LuAnn D. Rogers, TRMC
City Administrator, City Secretary