

**ANIMAL CONTROL ORDINANCE 2001-09-01-AC
AMENDED MAY, 13, 2007
AMENDED DECEMBER 09, 2014**

AN ORDINANCE OF THE CITY OF BRACKETTVILLE, COUNTY OF KINNEY, STATE OF TEXAS, ESTABLISHING REGULATIONS REGARDING DOMESTIC ANIMALS, FOWL AND LIVESTOCK WITHIN THE CORPORATE LIMITS OF BRACKETTVILLE, and

PROVIDING PENALTIES FOR VIOLATIONS OF SAID REGULATIONS.

WHEREAS, BECAUSE OF CURRENT CONDITIONS PREVAILING IN THE CITY OF BRACKETTVILLE, THE HEALTH, SAFETY, AND GENERAL WELFARE REQUIRES THAT ANIMAL CONTROL REGULATIONS BE ESTABLISHED WHICH WOULD PROMOTE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE COMMUNITY AND THE INHABITANTS OF THE CITY OF BRACKETTVILLE.

ORDINANCE SUBDIVISIONS:

SECTION 1.	TITLE
SECTION II.	PURPOSE AND INTENT
SECTION III.	DEFINITIONS
SECTION IV.	ANIMAL CONTROL OFFICER AUTHORITY & DUTIES
SECTION V.	VACCINATION REQUIREMENTS
SECTION VI.	IMPOUNDMENT/NEUTERING & SPAYING
SECTION VII.	PUBLIC NUISANCE AND OTHER CONTROLS
SECTION VIII.	LIVESTOCK
SECTION IX.	GENERAL REGULATIONS
SECTION X.	CIRCUSES
SECTION XI.	PROHIBITED ACTIVITIES
SECTION XII.	PROTOCOL FOR INJURED/RABID ANIMALS REQUIRED BY TEXAS DEPARTMENT OF HEALTH

SECTION XIII. RABIES CONTROL ACT

SECTION XIV. PENALTIES/VIOLATIONS OF THIS ORDINANCE

AUTHORIZATION

The Mayor, City Administrator or his/her designee(s) is hereby authorized and directed to implement the applicable provisions of this Ordinance upon his/her determination that such implementation is necessary to protect the public welfare and safety of all citizens.

APPLICATION

The provisions of this Ordinance shall apply to all persons, associations, corporations, or other legal forms of entities within the corporate limits of the City.

SECTION I. TITLE

This ordinance shall be known as the Animal Control Ordinance.

SECTION II. PURPOSE AND INTENT

The purpose of this Ordinance is to encourage the control and welfare of all animals within the corporate limits of the City to ensure the health, safety and general welfare of the City's residents.

SECTION III. DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply unless the context indicates or requires a different meaning.

- A. **ABANDONMENT OF ANIMALS:** To leave an animal behind without proper care and protection, to give up said animal to fend for itself, regardless of age or condition.
- B. **ANIMAL CONTROL OFFICER** shall mean any trained person within the Code Enforcement Department who will carry out the provisions of this Ordinance.
- C. **ANIMALS AT-LARGE** shall mean animals off the premises of the owner and not under control of the owner, member of the owner's immediate family or person(s) responsible for domestic animals, fowl or livestock either by leash, cord, chain or other device.
- D. **CAT:** Any member of the family Felis Domestica.

- E. **CITY PERMIT**: Permits shall be issued by the City and obtained from City Hall. Animal owners must register their animal(s) on an annual basis with the City; a permit will be issued to each owner upon application.
- F. **CRUELTY**: The crime of inflicting physical pain, suffering, or death on an animal, usually a tame one. Cruelty includes neglect to the extent that an animal suffers, dies, or is put in imminent danger of death.
- G. **DOG**: Both male and female, and includes each and every mammal of the dog family in the City.
- H. **LAW ENFORCEMENT OFFICER** shall mean any officer, agent, or employee of the City authorized to engage in or supervise the prevention, detection, or investigation of any violation of state or local law.
- I. **LIVESTOCK**: Horses, cattle, burros, mules, llamas, pigs, sheep, goats, rabbits, fowl, or any other domestic animals typically used in the production of food, fiber, or other products or activities designated as agricultural.
- J. **NEGLECT**: Withholding or not giving an animal proper nutrition, water, shelter, sanitation, or veterinary care.
- K. **OWNER**: Any person or persons, firm, association, or corporation having the right of property or custody of an animal or who keeps, maintains and/or feeds, or harbors an animal or permits an animal to remain on or about any premises occupied by said person or persons, firm, association, or corporation for a period of three (3) days or more. The term shall also include any member of the immediate family and any employee.
- L. **PROPER ENCLOSURE**: A secured confinement indoors or outdoors, such as a fenced yard, locked pen, or other structure that is designed to prevent the animal from escaping the premises.
- M. **PUBLIC NUISANCE**: Public nuisance occurs where an animal owner fails to prevent its animal from urinating, defecating, disturbing the peace, emitting noxious odors, or otherwise endangering or offending the well-being of the inhabitants of the City while:
- (1) Trespassing on school grounds, public property, or private property;
 - (2) Being found running at large;
 - (3) Damaging private or public property; or
 - (4) Barking, whining, or howling in an excessive or continuous fashion.

- N. **WILD OR DANGEROUS ANIMALS:** Any vertebrate animals normally found in the wild state, any exotic, vicious, poisonous, or otherwise dangerous animal or any animal that would constitute a threat to humans or other animals.

SECTION IV. ANIMAL CONTROL OFFICER AUTHORITY & DUTIES.

- (1) *Enforcement Officials.* The City's Code Enforcement Officer, Animal Control Officer(s), anyone appointed by the City, and the Law Enforcement Officer, shall have the authority to investigate upon probable cause any alleged violation of this Ordinance or any law of the State of Texas regarding the care, treatment, control, and prevention of cruelty to animals. The designated officers are authorized to issue warnings and citations for violation of this ordinance.
- (2) *Interference Prohibited.* It is unlawful for any person to interfere with, hinder, molest, resist, prevent or oppose a Code Enforcement Officer, Animal Control Officer, or Law Enforcement Officer in the performance of his or her duties in enforcing any provisions of this Ordinance, or to secrete any animal from them that requires attention.
- (3) *Right to Inspect Premises.* The City Animal Control Officer and Law Enforcement Officer in the performance of his/her duties is authorized to inspect private premises. A notification tag will be left on the door if the owner(s) is/are not home at the time of the inspection. The owner(s) shall have forty eight (48) hours to contact the City to re-schedule the inspection. If the owner or occupant of the premises objects to inspection, the Animal Control Officer or Law Enforcement Officer shall obtain a warrant from a court of competent jurisdiction prior to inspection. No warrant shall be necessary if probable cause exists that an emergency requiring inspection or investigation is believed to exist.
- (4) *Restraint of Animals at Large.* The Animal Control Officer and Law Enforcement Officer have the authority to capture and restrain stray animals using necessary force and equipment including but not limited to hands, snares, live animals traps, cages and/or trailers. The officers have the authority to return a stray non-vicious animal to its rightful owner or to impound the animal.
- a. It shall be unlawful for any person owning or harboring an animal to permit such animal to run at large.
 - b. Any animal must be confined to the premises of the owner by a substantial fence of sufficient strength and height to prevent the animal from escaping, or secured on the premises by a chain, leash or swivel tether sufficient in strength to prevent the animal from escaping from premises and so arranged that the animal will remain upon the premises when the leash is stretched to full length.
 - c. Any animal intruding upon the property of another person other than the owner's shall be termed "at large".
- (5) *Notification of Offense.* Citizens who have personal knowledge of a violation of this Ordinance may report a complaint to the City or City's Police Department.

The City's Animal Control Officer or Law Enforcement Officer may investigate the complaint. False complaints are unlawful and may be treated as a violation of Texas Penal Code, Section 37.08 False Report to a Peace Officer, which is a Class B Misdemeanor.

SECTION V. VACCINATION REQUIREMENTS

- (1) *Vaccine Requirements, Standards, and Certificates.* Rabies vaccines shall be kept up to date for all dogs and cats, and prescribed vaccines shall be kept up to date for all other companion mammals. The following standards shall be followed.
 - a. The owner, possessor or keeper of every dog, cat, and companion mammal over the age of four (4) months within the City shall have such animal vaccinated against rabies as prescribed by the Texas Health Department.
 - b. Every dog, cat, and companion mammal shall be re-vaccinated against rabies within 12 (twelve) months if a one-year vaccine is administered or within 36 (thirty-six) months if a three-year vaccine is administered.
 - c. Vaccines shall be administered by or under the supervision of a licensed veterinarian certified to practice in the State of Texas or any other state.
 - d. The veterinarian shall issue a separate serial numbered certificate for each animal vaccinated. Each certificate shall include the following information: the name of the veterinarian, the type of vaccine, the initials of the producer of the vaccine, the name and address of the owner, a description of the dog, cat, or animal vaccinated (i.e. gender, color, breed, age), the date of the rabies vaccination, and the expiration date for the period of immunity.
 - e. Dogs, cats, and all other companion mammals shall wear their current rabies tag issued by the veterinarian bearing the license number and year issued on their collar or harness at all times. It is a violation of this Section for a person to use any vaccination certificate or tag on a different dog, cat, or animal, or to use counterfeit tags or certificates.

SECTION VI. IMPOUNDMENT/NEUTERING & SPAYING

- (1) *Stray Animals may be impounded.* An Animal Control Officer may detain and impound in the designated animal control shelter a stray or any animal kept or maintained in violation of this chapter.
 - (a) The animal may be confined in accordance with the facility's regulations.
 - (b) The owner shall be responsible for all impound fees, boarding fees, and all other costs incurred by the City whether or not the animal is reclaimed.
 - (c) Any stray which is not reclaimed and cannot be adopted, may be euthanized in accordance with the shelter's regulations.

- (2) *Nuisance Animals may be impounded.* An animal that continues to be an alleged nuisance may be impounded by the Animal Control Officer until such time as a judgment is made by the Municipal Court.
- (3) *Notice of Impoundment.* At such time as an animal is captured by the Animal Control Officer, a notice shall be posted at City Hall stating that such animal will be euthanized or put up for adoption within (5) five working days unless reclaimed by the rightful owner. If such animal bears a collar tag or license, the Law Enforcement Officer shall cite the owner to appear at Municipal Court and answer the alleged violation(s).
- (4) *Redemption - Dogs/Cats.* The owner of an impounded cat or dog may reclaim said animal in accordance with the following procedures.
- a. The owner shall pay to the City an impoundment fee in the amount of \$10.00 per animal.
 - b. The owner shall pay to the City the amount of \$10.00 per day, per animal, for maintenance and upkeep costs.
 - c. The owner shall pay to the City the amount of \$10.00 in fees for labor and transportation to the animal control shelter.
 - d. The owner shall produce a current valid vaccination certificate showing the animal has been vaccinated against rabies.
 - e. If the owner cannot produce a current vaccination certificate, the animal shall not be released until a current valid vaccination certificate is provided.
 - f. Adoption fee of \$10.00
- (5) *Redemption – Livestock.* The owner of impounded Livestock may reclaim said Livestock in accordance with the following procedures.
- a. The owner shall pay to the City an impoundment fee in the amount of \$25.00 per head.
 - b. The owner shall pay to the City the amount of \$20.00 per day, per head, for maintenance and upkeep costs.
 - c. The owner shall pay to the City the amount of \$25.00 in fees for labor and transportation to the animal control shelter.
- (6) *Neutering and Spaying.* The City encourages pet owners to spay and neuter their pets in order to control the City's animal population, prevent strays from roaming neighborhoods and becoming a nuisance, prevent disease and unsanitary conditions, and prevent unnecessary euthanasia of strays that cannot be provided with a home.
- (7) *Surrender:* The City will accept any dog or cat surrendered by the owner; the owner will have to sign a form of surrender and pay a \$30.00 fee.
- (8) *Dead Animals:* The City will pick up dead animals for a \$10.00 fee; owners are required to bag the animal, place on city easement and call for pickup.

SECTION VII.

PUBLIC NUISANCE AND OTHER CONTROLS

(1) *Nuisance Barking and Noise.*

- a. A person commits an offense if the person keeps, possesses or harbors any dog which habitually barks and/or howls to the degree that it causes material distress or discomfort to persons of ordinary sensibilities in the neighborhood.
- b. Whenever the Animal Control Officer or Law Enforcement Officer receives a complaint that a dog is continually or habitually barking and/or howling to the degree that it causes material distress or discomfort to person of ordinary sensibilities in the neighborhood, the officer shall notify the owner of the dog that a complaint has been received and that the owner should take action to quell the barking, whining and/or howling.
- c. If the warning to the owner prescribed in Subsection 1(b) of this Section VII, is ineffective, then upon the subsequent filing of a verified complaint by the complainant, the Law Enforcement Officer shall cite the owner to appear at Municipal Court on the date designated on the citation.

SECTION VIII.

LIVESTOCK

(1) *Livestock/Swine.*

- a. The following livestock are prohibited within the corporate limits of the City: Cattle, Horses, Burros, Mules, Llamas, Sheep, Goats and Swine.
- b. Exemption: With the prior written approval of the City, horses may be accompanied during parade festivities; provided, however, owners shall have a defecation pouch attached to all horses and immediately clean up and properly dispose of animal feces..
- c. Attachment A identifies the corporate limits of the City and the designated boundary line for livestock. Unless otherwise prohibited by law or another ordinance of the City, livestock shall be permitted in the area between the corporate limits of the City and the designated boundary line; provided, however, that all livestock shall be kept at least 150 feet (50 yards) back from the designated boundary line at all times. .
- d. It shall be the responsibility of the owners of livestock to maintain adequate and secure fencing to keep livestock within the areas permitted by this Ordinance.

(2) *Fowl/Rabbits.*

- a. Fowl (Chickens, Roosters, Hens and all bird feathered animals) are permitted within the corporate limits of the City, but must be kept in a proper enclosure or chicken coop that shall measure at least 5 feet by 20 feet in diameter allowing for a 14 foot run with a maximum limit of one (1) rooster and seven (7) hens per enclosure or chicken coop.

- b. Rabbits must be kept in a proper pen enclosure: See Attachment B for enclosure requirements.
- c. Enclosures shall be maintained at least fifty (50) feet from any permanent residence, permanent neighboring residence, facility or other neighboring building occupied or accommodating human populated events.
- d. Owners shall be responsible for each of the following at all times: (i) maintain the enclosure in good repair; (ii) keep it clean; (iii) maintain animals in suitable enclosures; and (iv) provide adequate space to prevent overcrowding and to allow adequate movement.

(3) Effective Date: Commencing from the signed date of this Ordinance all livestock owners within the corporate limits of the City shall have ninety (90) days to relocate all livestock outside the set boundaries within the corporate limits of the City.

- a. **Following the 90 days, owners will have an additional 30 days to clean up said property of all debris or defecation associated with livestock.**

(4) EXEMPTION: Students who are members of the local Kinney County 4H Club and/or Bracket FFA club are exempt from Section VIII, Subsection (1)(a) & (1)(c); provided, however, such members must adhere to the following:

- 1. All members must provide adequate proof of participation by completing an application through the City of Brackettville to obtain an annual permit. One member per application.
- 2. All members of the Kinney County 4H & FFA that possess livestock within the corporate limits of the City must be verified by the Kinney County Extension Agent and BISD Agricultural Instructor.
- 3. Members of the Kinney Co. 4H & FFA shall maintain an enclosed pen at least fifty (50) feet from any permanent residence, permanent neighboring residence, facility or other neighboring building occupied or accommodating human populated events.
- 4. All livestock shall be kept within a fenced enclosed pen capable of securely containing animals. Each enclosure shall have a minimum lot size of two hundred (200) square feet and the fencing in said area shall be a minimum of five (5) feet in height. No more than six (6) animals may be kept in each pen. There shall be no maximum limit on the number of pens, however owners must have adequate land to meet all requirements permitted by this Ordinance.

5. Shelter shall be provided to protect animals from nature's elements (sun, wind, rain, cold, etc.)
6. Water Supply – Water shall be available within the enclosure. Fresh water shall be supplied daily, or if connected to a permanent piped water supply, such an installation shall be constructed so as to maintain a suitable air gap between the termination of the water supply and any vessel or trough. A check valve shall be placed between the end of the pipe and a faucet.
7. Manure – All members must possess a fly tight manure container or manure must be properly bagged, and manure shall be picked up weekly. If members do not have the ability to dispose of the manure properly and lawfully, then members shall call and request a work order for pickup. Manure must be separate from household trash.
8. Sanitation - The enclosed pen must be kept in a sanitary condition. All participating members of the Kinney County 4H & FFA shall anticipate an unscheduled inspection by either the Animal Control Officer or the Law Enforcement Officer to ensure compliance with this Ordinance.
9. City Easement – No animals may be staked or let loose within ten (10) feet of any street, alley, right-of-way or easement within the corporate limits of the City.
10. Swine – It shall be unlawful to keep or maintain swine within the corporate limits of the City. Exclusion: Members of the Kinney Co. 4H & FFA members showing swine are allowed to have swine within the corporate limits of the City ONLY on the schedule dates of the local Kinney County Livestock Show.

SECTION IX.

GENERAL REGULATIONS

- (1) *Registration.* All animal owners within the corporate limits of the City must register their animals with the City.
- (2) *Annual City Permit Renewal.* It is the responsibility of owners to renew their animal permits and pay the registration fees annually, on or before the annual Spring Rabies Drive of each year.
- (3) *Violation.* Animal permits may be denied, suspended, or revoked by the Animal Control Officer or Law Enforcement Officer upon determination that the owner is in violation of this Ordinance.
- (4) *Violation Appeal.* Owners may appeal denial, revocation, or suspension of an animal permit by the Animal Control Officer and Law Enforcement Officer to the Municipal Court Judge. Owners may appeal the Municipal Court Judge's ruling to the City Council.
- (5) *Permit Fees:*

- a. Dogs & Cats: \$4.00 Per Animal
- b. 4H & FFA: \$10.00 Per Member
- c. Circuses: \$50.00 Per Visit

SECTION X. CIRCUSES

- (1) All Circuses within the corporate limits of the City must contain and maintain continuous supervision on all wild and dangerous animals at all times and comply with each of the following requirements.
 - a. A proper and valid Wild and Exotic Animal Permit must be obtained from the City;
 - b. Adequate protective devices must be provided to prevent such animals from escaping or injuring the public; and
 - c. Wild and dangerous animals shall be permitted within the corporate limits of the City for scheduled circus entertainment ONLY and shall be kept in proper enclosures at all times.

SECTION XI. PROHIBITED ACTIVITIES

A. ABANDONMENT

- (1) *Abandonment Illegal.* It is unlawful for any person to abandon an animal within the corporate limits of the City.
- (2) *Animal Control Authority Duty.* When it is reported that domestic animals or livestock have been abandoned, without shelter, food/water, for more than 24 hours, the Animal Control Officer will be contacted for removal of animal(s) and the owner or caretaker of the animal(s) will be fined and/or assessed costs for removal and care of the animal(s).

B. CRUELTY OR NEGLECT

- (1) *Physical Abuse.* It is unlawful for any person to willfully or maliciously kill, injure, maim, disfigure, torture, torment, beat with a stick, chain, club, or other object, mutilate, burn, scald with any substance, overdrive, or otherwise cruelly set upon any animal; provided, however, that necessary force may be employed to drive off vicious or trespassing animals.
- (2) *Animal Poisoning.* It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance that has in any manner been treated or prepared with any harmful poisonous substance.
- (3) *Care and Maintenance.* It is unlawful for any person to fail, refuse, or neglect to provide any animal in his charge or custody, as owner or otherwise, with adequate food, drink, shade, ventilation, care, sanitation, or shelter to maintain good health.

- (4) *Animal Hoarding*. It is unlawful and considered cruelty and neglect as well as a public nuisance and sanitation violation to hoard animals and collect stray animals for the purpose of hoarding.
- (5) *Animal Control Authority*. When it is reported that domestic animals or livestock have been neglected or treated cruelly, the Animal Control Officer and/or Law Enforcement Officer will be contacted for removal of animal(s) and the owner or caretaker of the animal(s) will be fined and/or assessed the costs of removal and care of the animal(s).

C. ANIMAL WASTE, NOXIOUS ODORS, AND UNSANITARY CONDITIONS

- (1) *Noxious Odors*. It is unlawful and considered a public nuisance for any person to keep or maintain animals in such a manner as to disturb others by noxious or offensive odors, or otherwise endanger the health and welfare of the inhabitants of the City.
- (2) *Defecation outside Owner's Property*. It is unlawful and considered a public nuisance for the owner or keeper of any animal to permit, either willfully or through failure to exercise due care or control, any such animals to defecate on public and private rights-of-way, public or private property other than their own, unless said owner immediately cleans up and properly disposes of such defecation.

D. DOG FIGHTING AND COCKFIGHTING

- (1) It is unlawful for any person to cause, sponsor, raise, train, arrange, equip, stage, attend, transport, hold, manage, conduct, or participate in any game, exhibition, contest, or fight between dogs, cocks, or any other animal for the purpose of injuring, killing, maiming, or destroying themselves or any other animals for monetary gain or entertainment.

SECTION XII. PROTOCOL FOR INJURED/RABID ANIMALS REQUIRED BY TEXAS DEPARTMENT OF HEALTH

Sick or injured animals wearing no apparent identification through which ownership can be determined may be kept up to 72 hours at the discretion of the Animal Control Officer and animal shelter staff after consultation, the protocol should allow for euthanasia.

The owner of sick or injured animals wearing identification through which ownership can be determined will be asked to make a decision between euthanasia or at their discretion treatment, but such owner shall be liable for payment of veterinary services if the animal is treated.

Any animal that has bitten a person will be captured immediately and impounded or quarantined. This action is at the discretion of the Animal Control Officer. The Animal Control Officer is authorized to carry in their possession a small caliber rifle to be used in any emergency dealing with rabid animals or in the case of an animal attack. The Animal Control Officer may order the owner of such animal to place the animal in quarantine on the owner's premises, or the owner may place said animal at a Veterinarian's office of

SECTION XIII.

RABIES CONTROL ACT

The City hereby adopts Chapter 826 of the Texas Health and Safety Code.

(1) *Rabid Animals.* An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal afflicted with rabies or exposed to rabies shall be confined at once in a secure place by the owner. The person observing such animals shall immediately contact and report the observation to the Animal Control Officer and/or Law Enforcement Officer.

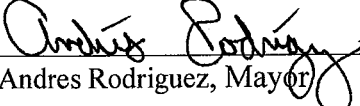
- a. If the animal shows signs of sickness, abnormal behavior, or if the animal escapes confinement, the person shall immediately notify the Animal Control Office or Law Enforcement Officer.
- b. If the animal dies during confinement, the person having custody shall notify the Animal Control Officer and/or Law Enforcement Officer, and immediately surrender the carcass to the Animal Control Officer.

SECTION XIV. PENALTIES/VIOLATIONS OF THIS ORDINANCE

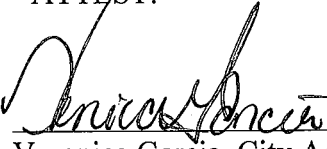
The owner violating any of the herein listed sections shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each violation, and each day of violation shall be deemed a separate offense. The penalty for the first offense shall be a fine, and the penalty for the second offense shall be a double fine. On the third offense, the animal may be taken from the owner and sold or euthanized.

ALL conflicting Ordinances, Resolutions or Ordinance of Resolutions are hereby repealed. This Ordinance shall become effective immediately upon passage, approval and publication as provided by Law.

PASSED AND APPROVED on this, the 9th day of December, 2014.



Andres Rodriguez, Mayor

ATTEST:


Veronica Garcia, City Administrator