

## Chapter 14-ANIMALS

Footnotes:

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**Cross reference --- Environment, Ch. 38; disposal of dead animals, § 82-40; depositing dead animals within city limits, § 82-44**

**State Law reference ---** Local Public Health Reorganization Act, V.T.C.A., Health and Safety Code § 121.001 et seq.; animals, V.T.C.A., Health and Safety Code § 821.001 et seq.; dangerous dogs, V.T.C.A., § 826.001 et seq.; livestock, V.T.C.A., Agriculture Code § 141.001 et seq.; permitting a head of cattle or a domestic turkey to run at large in certain counties V.T.C.A., Agriculture Code § 143.082; cruelty to animals, V.T.C.A., Penal Code § 42.09; dog fighting, V.T.C.A., Penal Code § 42.10; certain tax exemptions for charitable organizations, V.T.C.A., Tax Code § 11.18.

### ARTICLE I. - IN GENERAL

#### Sec. 14-1. - Definitions.

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

Abandoned means a dog, cat or any other animal which has been deserted by its owner; to wit, such animal has been left at an unoccupied residence, has no food nor water provided, roams at large, and is neither tagged nor licensed.

Animal means any living creature, including but not limited to dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.

Animal breeder means an owner of an unaltered dog or cat that sells, trades, or gives away the offspring of the unaltered dog or cat.

Animal control officer means any person designated by the city as an officer who is authorized and qualified to perform animal control duties under the laws of the city.

Animal shelter means any facility designated or recognized by the city for the purposes of impounding and caring for animals held under the authority of this chapter and state law.

At large means off the premises of the owner and not under the complete control either by leash, cord, chain or effective verbal command of the owner who is then physically present with the dog, or on the premises of the owner and not within the direct, constant and immediate presence of a person having effective verbal command of the dog, or otherwise confined to such premises by means of a leash, cord, chain or enclosure.

Cat means all members of the feline family of either sex, including one neutered or sterilized.

Dog means all members of the canine family of either sex, including one neutered or sterilized.

Fowl means any live bird.

Harbors or harboring means the act of keeping or caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of three days or more.

Humane manner means care of an animal, including but not limited to adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feed habits of the animal's size, species and breed.

Impound means to take into custody or to place in the animal control shelter of the city or other authorized confinement area.

Inhumane treatment means any treatment to any animal that deprives the animal of necessary sustenance, including food, water or protection from weather, or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating or teasing, or other abnormal treatment as may be determined by the animal control officer or a law enforcement officer.

Kennel means an establishment kept for the purposes of breeding, selling or boarding dogs or cats or engaged in training dogs or cats.

Livestock means any domestic cattle, sheep, goats, horses, mules and donkeys.

Neutered means surgically sterilized sexually; that is spayed or castrated; rendered permanently incapable of reproduction.

Nuisance means a dog or cat or other animal either licensed or unlicensed that:

- (1) Molests passersby;
- (2) Chases passing vehicles;
- (3) Is not vaccinated against rabies as required by this chapter;
- (4) Is repeatedly at large;
- (5) Turns over garbage cans;
- (6) Barks, whines or howls in an excessive, loud, continuous fashion so as to unreasonably disturb nearby persons;
- (7) Yowls, growls or hisses in an excessive, loud, continuous fashion so as to unreasonably disturb nearby persons;
- (8) Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner;
- (9) Causes unsanitary, dangerous or offensive conditions;
- (10) Molests, attacks or interferes with persons or other domestic animals; or
- (11) Is without an owner.

Owner means any person who has, harbors, keeps or causes or permits to be harbored or kept, or has in his care or who permits a dog, cat or other animal on or about his premises for a period of three days or more.

Pet means for the purpose of this ordinance a dog and or cat.

Poisonous animal means any animal that normally kills or stuns its prey by chemical means.

Poultry means chickens, turkeys, geese, ducks, pea fowl and guineas.

Property means any object of value that a person may lawfully acquire and hold; that which may be owned as land, a residence, a vehicle, an animal, etc.

Quarantine means strict confinement under restraint at a facility approved by the city health officer.

Rabies means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

Residence means a house, apartment, room or duplex inhabited as the principal dwelling place of a person.

Residential building means a structure or building designed, constructed or converted for use as a residence.

Running at Large:

(1) Off premises means:

- (a) Any dog which is not restrained by means of a leash or chain of sufficient strength and not more than six feet in length to control the actions of such animal while off premises.
- (b) Any cat off the owner's property.

(2) On premises means any dog not confined on premises of the owner by a substantial fence of sufficient strength and height to prevent the animal from escaping there from, or secured on the premises by a metal chain or leash sufficient in strength to prevent the animal from escaping there from, or secured on the premises by a metal chain or leash 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. A dog intruding upon the property of another person other than the owner shall be deemed at large. Any animal within an automobile or other vehicle of its owner or owner's agent shall not be deemed at large.

Stray means an animal running free with no physical restraint beyond the premises of the owner.

Trap means any device placed by an animal control officer, employed or used in the capture of animals, that is not under the constant supervision of an officer and that functions in such a manner as to confine any animal entering the device.

Unprovoked, with respect to an attack by an animal, means that the animal was not hit, kicked or struck by a person with an object or part of a person's body nor was any part of the animal's body pulled, pinched or squeezed by a person.

Vacant means having no occupants, unoccupied, having no contents or not in use, or empty.

Vaccination means an injection of rabies vaccine approved by the United States Department of Agriculture administered every 12 calendar months by a licensed veterinarian.

Vicious dog means:

- (1) Any dog that, when unprovoked, inflicts severe injury or death to a person, or bites a person on public or private property.
- (2) Any dog that has killed a domestic animal without provocation while off the owner's property.
- (3) Any dog that, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack such that the person reasonably believes that the dog will cause physical injury to that person.
- (4) Any individual dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of persons or domestic animals.

Waste means dog and cat solids, specifically dog stools.

Wild animal means any nondomestic animal normally found in a natural habitat.

(Code 1981, §§ 5-1, 5-20)

Cross reference- Definitions generally, § 1-2.

Sec. 14-2. - Traps.

- (a) It shall be unlawful for any person to tamper with, spring or cause to malfunction any trap set by the department of animal control or to release any dog or cat from any such trap. Fees charged to set such traps on private property shall be as determined by the city council from time to time and on file in the office of the city secretary.
- (b) No person shall set up or allow to be set up on his property steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, or any type of trap with a 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 or wild animals within the city limits, unless the use of such traps is specifically deemed necessary by the department of public health in or for the control of communicable disease.
- (c) This section is not to be construed to include those traps designed to kill common rodents, i.e., rats, mice, gophers and groundhogs; provided, that the owner is responsible for taking care that any of the rodent traps are not placed or used on or about his property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal or of a human. It shall be prima facie violation of this section that the traps prescribed herein were, in fact, set up by the person in question; no intent or further culpable mental state shall be required to prove such a prima facie violation.

(Code 1981, § 5-41; Ord. No. 465, § 1(5-41), 9-19-95)

Sec. 14-3. - Interference with animal control department.

No person shall interfere with, hinder or molest any agent of the animal control department in the performance of any duty of the agent, or seek or release any animal in the custody of the animal control department or its agents.

(Code 1981, § 5-42)

Sec. 14-4. - Reward for persons whose testimony leads to arrest and conviction of dog or cat poisoners.

A reward may be offered by the city as set by the city council to any person who shall furnish testimony or evidence leading to the conviction of any person who has willfully poisoned any dog or cat within the city.

(Code 1981, § 5-43)

Secs. 14-5-14-35. - Reserved.

## ARTICLE II. – REGISTRATION OF CATS AND DOGS

Sec. 14-36 Limit of Number of Pets Per Household

No household in the corporate limits of the city shall possess more than five (5) pets.

Sec. 14-37 Required.

All cats and dogs harbored or maintained by their owners within the city shall be registered.

Registration tags shall be issued by a licensed veterinarian within the city or any designated person assigned by the city manager. Applicants for a license shall state the following information:

The name, address and telephone number of the owner;

The kind and breed of dog or cat, if known;

The sex of the dog or cat; if neutered, so state;

The coloration of the dog or cat and any other distinguishing characteristics; and

Proof of vaccination.

(Code 1981, § 5-2)

Sec. 14-38. - Deadline for registration.

All newly acquired dogs or cats shall be registered within 30 days of their acquisition. All newly born dogs or cats shall be registered within four months of their birth. This requirement will not apply to a nonresident keeping a dog or cat within the corporate limits of the city for no longer than 60 days.

(Code 1981, § 5-3)

Sec. 14-39. - Registration license fee.

Upon a showing by any applicant for a license that he is prepared to comply with the regulations of the city, a license shall be issued following payment of the applicable fees. The fee shall be paid to the licensed veterinarian Issuing the license of which 20 percent shall be retained by the veterinarian and the remaining 80 percent shall be paid to the city. The payments to the city are due within 90 days of their receipt by the veterinarian and shall be paid on a quarterly basis. The fees to be paid for each license shall be as determined by the city council from time to time and on file in the office of the city secretary.

A license, if not revoked, shall be valid for one year from the date of issue. A new license shall be obtained each year by every owner and a new fee paid. If there is a change in ownership of an animal or facility, the new owner may have the current license transferred to his name upon payment of a transfer fee. The transfer fee shall be as determined by the city council from time to time and on file in the office of the city secretary.

License fees shall be waived for dogs serving the blind, deaf or other handicapped persons, or government-owned dogs used for law enforcement. All other licensing provisions shall apply.

Upon acceptance of the license application and fee, the owner shall receive a durable license tag that includes an identifying number, year of issuance, city, county and state. Both rabies and license tags must be attached to the collar of the dog or cat. Tags must be worn at all times and are not transferable. A record of all licenses issued will be maintained, and such records shall be available at all times.

It shall be unlawful for any person to remove any metal tag issued under the provisions of this article from any dog or cat without written consent of the owner of such dog or cat unless such removal is necessary for restraint of the dog or cat by a veterinarian.

(Code 1981, § 5-4; Ord. No. 465, § 1(5-4), 9-19-95)

Sec. 14 40. - Revocation of registrations.

(a) The municipal judge may revoke any cat or dog registration after a hearing for any one or more of the following reasons:

(1) Impoundment of a cat or dog by the city more than three times during a 12-month period.

(2) More than three final convictions of a person for violating this article when such convictions relate to the cat or dog being considered for revocation of its registration

certificate.  
(3) Any combination of subsections {1) and (2) above totaling three incidents.  
(4) Upon a determination that the cat or dog is a vicious cat or dog, as defined by this chapter.

- (b) Upon revoking the registration of any cat or dog, the appropriate authority shall notify the owner of the cat or dog of such action in writing. Written notification shall be deemed made when a certified letter, return receipt requested, addressed to the last known mailing address of the cat or dog owner is deposited in the U.S. mail.
- (c) Upon the expiration of ten days after written notification of revocation is deposited in the U.S. mail, as provided in subsection (b), no cat or dog that has had its registration revoked shall be kept, maintained or harbored within the city limits.
- (d) The municipal Judge may order the impoundment and disposition of all animals in excess of the five (5) pet limit after a hearing. The municipal judge may order after a hearing may order any and all the following:
  - (1) permanent impoundment of the animals at the household residences expense.
  - (2) adoption or destruction of the animals.
  - (3) fine for violation of the ordinance of fifty (\$50.00) dollars per day for each violation for each animal over the limit. Total fine shall not exceed two thousand (\$2,000.00) dollars.

(Code 1981, § 5-5)

Sec. 14-41. - Failure to pay annual registration.

If the owner of a dog or cat has not paid the annual license fee within 30 days of the date it is due, the owner of the animal to which the fee applies may be cited in the manner set out in section 14-108.

(Code 1981, § 5-6)

Secs. 14-42-14-70. – Reserved

### ARTICLE III. – RABIES CONTROL

Sec.14-71. – Vaccination of dogs and cats required.

All dogs and cats over four months of age must be vaccinated annually for rabies with an anti-rabies vaccine approved by the state department of health and administered by a veterinarian. A metal tag of vaccination with the year of vaccination; a certificate number; and the name, address and phone number of the vaccinating veterinarian must be securely attached to a collar or harness that must be worn by the dog or cat at all times. Every dog or cat shall be vaccinated at least once within each 12-month period *from* the time of its last vaccination. A veterinarian who vaccinates a dog or cat against rabies shall, upon request of the animal control officer, acknowledge to the animal control officer whether or not an animal at a particular location or owned by a named person has been vaccinated within the last 12 months and other pertinent information. A rabies tag and/or license tag shall be valid only for the dog or cat for which it was originally issued. Any person establishing residence within the city shall comply with the vaccination requirements of this chapter within ten days of establishing such residency.

(Code 1981, § 5-7)

Sec. 14-72. - Reports of exposure to rabies.

- (a) A person having knowledge of an animal bite or scratch to an individual in the city by an animal that the person could reasonably foresee as capable of transmitting rabies or of

an animal that the person suspects is rabid shall report the incident or animal to the animal control officer or police department. The report shall include the name and address of any victim and of the owner of the animal, if known, and any other data that may aid in the locating of the victim or the animal.

- (b) The owner of an animal that is reported to be rabid or to have exposed an individual to rabies, or that the owner knows or suspects to be rabid or to have exposed an individual to rabies, shall submit the animal for quarantine to the local health authority of the county or the city in which the exposure occurred.
- (c) The animal control officer shall investigate all reports filed under this section.

(Code 1981, § 5-8)

**Sec. 14-73. - Quarantine for rabies control.**

- (a) Authority to quarantine. The animal control officer shall quarantine for at least ten days any animal that the animal control officer has probable cause to believe is rabid or has exposed an individual or pursuant to a report of exposure to rabies as set out in section 14-72.
- (b) Authority to adopt rules, procedures and methods. The animal control officer shall adopt rules governing the testing of quarantined animals, the procedure for and method of quarantine, and the types of facilities that may be used for quarantine.
- (c) Permission to contract for quarantine facility. The city manager may contract with one or more public or private entities for the purpose of providing and operating a quarantine facility.
- (d) Destruction of animals. If it is determined by a veterinarian that a quarantined animal shows the clinical signs of rabies, the animal control officer or veterinarian shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine, the veterinarian or animal control officer shall remove the head or brain of the animal and submit it to the nearest state department of health laboratory for testing.
- (e) Conditions for release and reclamation. If a veterinarian determines that a quarantined animal does not show the general signs of rabies, the animal control officer shall release it to the owner following the quarantine period if:
  - (1) The owner has an unexpired rabies vaccination certificate for the animal; or
  - (2) The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.

The owner of an animal quarantined under this chapter may reclaim his animal upon payment to the animal control officer of a quarantine fee. The quarantine fee shall be as determined by the city council from time to time and on file in the office of the city secretary. The animal control officer may bring suit to collect such costs. The animal control officer may sell and retain the proceeds or keep, grant or destroy an animal that the owner or custodian does not take possession of on or before the third day following the final day of quarantine.

(Code 1981, § 5-9; Ord. No. 465, § 1(5-9), 9-19-95)

**Sec. 14-74. - Citywide quarantine.**

- (a) Conditions warranting. A citywide quarantine may be invoked for a period of 30 days by the city council upon the recommendation of the animal control department after it has been notified by the city health officer of a positive diagnosis of rabies of a dog or cat or after an investigation has determined there exist an immediate threat of rabies.

(b) Extending time. In the event there are additional positive cases of rabies occurring within the 30-day period of citywide quarantine, such period of quarantine shall be extended for additional reasonable periods of time.

(c) Dogs or cats bitten by rabid animals. During such period of citywide rabies quarantine, every dog or cat bitten by a rabid animal shall be dealt with in accordance with compendium of animals as advised by the city veterinarian.

(d) Any dog or cat in public. It shall be unlawful for any person to take or permit any dog or cat to be in the streets or any other public place during the period of quarantine.

(Code 1981, § 5-10)

**Sec. 14-75. – Destruction of animals; killing or removing from city of rabid animals.**

(a) Prohibition. No person shall kill or cause to be killed any rabid animal, any animal suspected or having been exposed to rabies, or any animal that has bitten a human or is suspected of having bitten a human, except as provided in this section, nor remove same from city limits without permission from the animal control department.

(b) Disposition of animals exposed to rabies. The carcass of any dead animal suspected of having been exposed to rabies shall upon demand be surrendered to the animal control department. The animal control department shall direct the disposition of any animal found to be infected with rabies. No person shall refuse to surrender any animal for quarantine, destruction or disposal as required in this section when demand is made there for by the animal control department.

{Code 1981, § 5-11)

**Sec. 14-76, Prevention, Varmint Control and Elimination of Rabid Animal Proliferation.**

(a) Prohibition- there shall be no feeding of animals at vacant houses.

(b) Prohibition- To prevent the varmint and stray animal concentration in populated areas, no feed or food products shall be left outside after 10:00 pm.

(c) The municipal judge may after receiving a written city citation issued by the Sonora Police Department or the Sonora Animal Control Officer conduct a hearing may order the following:

(1) a fine for violation of the ordinance of fifty (\$50.00) dollars per day for each violation. Total fine shall not exceed two thousand (\$2,000.00) dollars.

Secs 14-77-14-105. - Reserved.

**ARTICLE IV. – IMPOUNDED ANIMALS**

**Sec. 14-106. – Stray animals.**

A person who owns, harbors, or maintains an animal commits an offense, without regard to his mental state, if he fails to restrain the animal in a fenced yard, enclosed structure or by a leash and the animal strays.

(Code 1981, § 5-12)

Sec. 14-107. - Duty to impound.

- (a) The animal control officer or any law enforcement officer shall have the responsibility to impound the following:
  - (1) Any dog or cat running at large.
  - (2) Any dog or cat that is a nuisance or that does not have affixed to its collar or cage a license tag or permit showing there is in effect a valid license or permit for such animal.
  - (3) Any dog or cat not having a valid permit.
  - (4) Any vicious dog.
  - (5) Any dog or animal susceptible of contracting rabies or hydrophobia, which is exhibiting symptoms or has been exposed to rabies or hydrophobia.
  - (6) Any dog or cat known to be or reasonably suspected of being lost or strayed.
  - (7) Any dog or other animal having any infections or contagious disease other than rabies or hydrophobia and being in the custody of a keeper who refuses to make satisfactory arrangements for the proper treatment of such dog or other animal.
- (b) When a dog or cat is found running at large and its ownership is verified by the animal control officer, the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

(Code 1981, § 5-13)

Sec. 14 108. - Waste Pick-up

(1) Animal owner who allow their animals to deposit waste on property other than their own are required to pick up such waste and dispose of it in a proper manner.

(2) The municipal judge may after receiving a written city citation issued by the Sonora Police Department or the Sonora Animal Control Officer may conduct a hearing to order the following:

- (a) A fine for violation of the ordinance of fifty (\$50.00) dollars per day for each violation. Total fine shall not exceed two thousand (\$2,000.00) dollars.

Sec 14-109. - Enforcement

- (a) Issuance of citation. For the purposes of enforcing this chapter, any animal control officer or police officer is hereby authorized to issue to any owner or other person who violates any provision of this chapter a citation, which shall be dated and signed by the issuing officer. The citation shall set forth the general nature of the violation charged and shall direct the violator to appear in the municipal court of the city on or before a certain day. The violator shall sign the summons to indicate his agreement to appear. If a violator refuses to sign the agreement to appear, a police officer may be called to the scene and, upon the continued refusal of such person to sign, may arrest such person. In those instances, wherein the violator is not present, the citation may be issued, a complaint filed and procedure followed as permitted by law.
- (b) Pursuit of dogs at large; disposition of captured dogs. An animal control officer shall, upon observing a dog at large, pursue such dog and capture the dog if possible. If the dog, during pursuit, goes upon private property, the officer shall

continue pursuit onto the private property and the officer shall make inquiry of anyone present on such property as to ownership. If ownership of the dog is determined, the officer shall issue a citation to the owner and deliver the dog to the person upon such person's exhibiting acceptable identification. If a dog at large is captured and the owner is not located or ownership is not determined, it shall be impounded.

- (c) length of impoundment. Unless reclaimed as provided in this section, all impounded dogs or cats shall be kept for not less than five days, the first day of which shall be the day next following the day of impoundment.
- (d) Notification of owner. If the owner of an impounded dog or cat can be readily identified, the animal control officer or his agent shall within 24 hours after impoundment notify the dog's or cat's owner by telephone, if possible, or by mail if no telephone number is available.
- (e) Reclamation. The owner may reclaim his dog or cat from impoundment upon payment of an impounding fee to the animal control officer in an amount as determined by the city council from time to time and on file in the office of the city secretary. The owner must also pay a vaccination fee if he cannot show proof of current vaccination.
- (f) Proof of vaccination and licensure; complaint. If the dog or cat is four months old or older and not wearing a collar with valid rabies and license tags attached, the owner must present a certificate showing that the dog or cat has been vaccinated and licensed within the immediate preceding 12 calendar months. If such a certificate of vaccination and/or the license cannot be produced, and the animal is three months old or older, a warning notice shall be issued to the owner and the animal may be released to its owner on the condition that the owner shall immediately have the animal vaccinated against rabies and purchase a city license. In that event, the animal shall be vaccinated and/or licensed and acceptable proof thereof exhibited to the animal control officer or his agent within 72 hours after the animal's release. If acceptable proof of vaccination and/or licensing is not presented within 72 hours, the director shall cause a complaint to be filed against such owner in the municipal court of the city. Animals that are not at least three months of age may be released without immediate vaccination and licensing being required. However, the animal control officer may give written notice to the person claiming such animal that proof of vaccination and licensing must be presented on or before a certain date. The date shall be a date estimated as falling between the third and fourth monthly anniversary of the animal's birth. If such written notice is given and the proof of vaccination and licensing is not provided on or before the date stipulated, the animal control officer shall cause a complaint to be filed.
- (g) Disposition of unclaimed animals. Any animal not reclaimed by its owner in compliance with the provisions of subsection (e) of this section within the five days excluding the day of impoundment shall become the property of the city and shall be either placed for adoption or humanely put to death by an animal control officer.

(Code 1981, § 5-14; Ord. No. 465, § 1(5-14), 9-19-95)

#### Sec. 14-110. – Adoption

The animal control officer shall be authorized to place for adoption cats or dogs impounded by the city under the following conditions:

- (1) The pound master shall be the sole judge as to whether a cat or dog is healthy enough for adoption and its health and age adequate for vaccination. However, such decision by the pound master shall not constitute a warranty of the health or age of the animal.
- (2) For a cat or dog four months of age or older, the adoption fee will be as determined by the city council from time to time and on file in the office of the city secretary. In addition to the adoption fee, if the cat or dog is not licensed or vaccinated, the adopting person shall present to the pound master:
  - a. The registration license fee as provided for in section 14-38.
  - b. A vaccination certificate, which the adopting person is to present to any veterinarian in the county within 48 hours for vaccination of the adopted cat or dog. Failure to obtain the vaccination within 48 hours of the adoption date shall authorize the re-impoundment of the animal.
  - c. A receipt showing that a veterinarian has been paid a \$25.00 deposit or the full fee, whichever is less, to have the cat or dog to be adopted spayed, neutered, or otherwise permanently sterilized. Failure to spay or neuter the animal within 30 days of the adoption date shall authorize the re-impoundment of the animal.
  - d. For a cat or dog under four months of age, there shall be required the same fees as in subsection b. The vaccination will not be required until the animal is at least three months of age but no later than four months of age. The city hereby adopts the requirements of V.T.C.A., Health and Safety Code Ch. 828. Spaying or neutering will not be required until the animal becomes of age to have spaying or neutering as determined by the veterinarian. At the time the spaying or neutering is accomplished, the owner shall furnish the pound master with the original adoption receipt, proof of vaccination and proof of spaying or neutering to receive the vaccination certificate and city license. Failure to obtain a vaccination within the required age limits or spaying or neutering within six months of the date of adoption shall authorize the re-impoundment of the animal.

(Code 1981, § 5-15; Ord. No. 465, § 1(5-15), 9-19-95)

#### Sec. 14-111. – Monthly Reports.

The pound master shall monthly, or at such times as may be required by the city manager, account to the city for all moneys received by him by virtue of his official duties; and he shall at the same time render to the city manager a full statement of all animals received into the pound during the month, showing the name of the owner, if known, the date of sale, all of those animals destroyed, and all of the moneys expended by him during the month for the maintenance of the pound; and he shall attach to the statement a receipt for all such moneys. Forms for such reports shall be furnished by the city secretary.

(Code 1981, § 5-16)

#### Sec. 14-112. - Record of sales; disposition of proceeds,

- (a) The animal control officer shall keep a record of all sales of animals impounded or sold under the provisions of this article, giving their complete description.
- (b) If the owner of any impounded animal sold shall make satisfactory proof of his ownership to the animal control officer and city manager within six months after the sale of the animal, he shall be paid the amount of such sale less the fees required by this article. The proceeds of sales, less such fees, shall be paid to the city secretary for depositing into the city's general fund.

(Code 1981, § 5-17)

Secs. 14-113-14-140. - Reserved.

## ARTICLE V. - NUISANCES

Sec. 14-141. - Declared.

- (a) Any dog, cat or other animal that meets the definition of a nuisance in section 14-1 is declared to be a nuisance.
- (b) A dog, cat or other animal that is a nuisance may be picked up by the animal control officer.
- (c) Any person who owns keeps or harbors a dog, cat or other animal declared to be a nuisance shall be guilty of a misdemeanor.

(Code 1981, § 5-18)

Sec. 14-142. - Procedure and court authority for abatement.

- (a) Authority of court relative to hearing and various dispositions of dogs, cats, other animals. Upon written complaint wherein any dog, cat or other animal is alleged to be a nuisance, the municipal court of the city shall have the authority to order and hold a hearing upon giving notice to the owner of such dog, cat or other animal; and if the court shall determine at such hearing that such dog, cat or other animal is vicious or dangerous to persons or animals or has bitten or attacked any person, or other animal, the court may order that such dog, cat or other animal be kept muzzled, or be kept within a sufficient enclosure, or be delivered to the pound master and be destroyed by him, or assess a fine against the owner, or any combination of the foregoing.
- (b) Order of removal; notification. If the court shall determine that any dog or cat disturbs the peace and quiet of the neighborhood or occupant or any adjacent premises by loud, unusual or prolonged barking or howling, the court may order that such dog or cat be removed permanently beyond the city limits or delivered to the pound master and destroyed by him; and failure or refusal to do so within 24 hours after receiving such order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose therefor, personally delivered or enclosed in a correctly addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than ten days prior to the date of such hearing, shall be deemed sufficient and proper notice.
- (c) Defense. If it appears upon trial that any person attacked or bitten was trespassing upon the property of the owner or person having control of such dog or cat, or if any person attacked or bitten was provoking or teasing such dog or cat, or if such loud, unusual or prolonged barking or howling was provoked as the result of teasing or harassment by persons other than the owner, such conduct shall be a complete defense to any complaint brought under this section.

- (d) Failure to release deemed offense. A person commits an offense if he knowingly possesses and fails to release to the animal control officer, or any peace officer under his direction, a dog or cat that has been charged by sworn complaint as provided in this section.

(Code 1981, § 5-19)

Secs. 14-143-14-175.- Reserved.

## ARTICLE VI. - DANGEROUS OR VICIOUS ANIMALS

Footnotes:

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**State Law reference**—Dangerous dogs, V.T.C.A . Health and Safety Code § 822.041 et seq.

Sec. 14-176. - Definitions.

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

Enclosure means a house or a building, or in the case of a fence or a structure/pen, the fence or structure/pen must be at least six feet in height. The structure/pen must also have minimum dimensions of five feet by ten feet. The fence or structure/pen must form an enclosure suitable to prevent entry of young children and must be locked and secured such that a dog cannot climb, dig, jump or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The structure/pen must have secure sides to prevent the vicious dog from escaping from the enclosure. The structure/pen shall provide protection from the elements for the vicious dog. The animal control officer shall have the right to require that the fence be higher than six feet or require that a secure top and/or secure bottom be added to the structure/pen if need be based upon the type of dog to be kept in the enclosure and its anticipated ability to escape.

Menacing fashion means the show by a dog of a disposition, determination or intent to attack or inflict injury or harm to a person.

Owner/keeper means any person possessing, harboring, keeping, holding, caring for, having an interest in, or having control or custody of a dog. If the owner/keeper of a dog is a minor, the parent or guardian of that minor shall be responsible for compliance with specifications of this article.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or that results in death.

Unprovoked (with respect to an attack by a dog) means that the dog was not hit, kicked or struck by a person with any object or part of the attacked person's body nor was any part of the dog's body pulled, pinched or squeezed by the person attacked.

(Code 1981, § 5-20)

Cross reference- Definitions generally, § 1-2.

Sec. 14-177. - Declaration of a vicious dog.

- (a) A dog shall be automatically declared to be a vicious dog as defined under section 14-1 if the owner or keeper is convicted under section 14-180.
- (b) An animal control officer may find and declare a dog to be a vicious dog if the official has cause to believe that a dog is a vicious dog as defined under section 14-1.

(Code 1981, § 5-21)

Sec. 14-178. - Complaint and notice.

- (a) Complaint. Should any person desire to file a complaint concerning an animal believed to be a vicious or dangerous animal, a sworn, written complaint must be filed with the municipal court as follows:

- (1) Name, address and telephone number of the complainant and witnesses;
- (2) Date, time and location of any incident involving the animal;
- (3) Description of the animal;
- (4) Name, address and telephone number of the animal's owner, if known;
- (5) A statement regarding the animal believed to be a vicious and dangerous animal, stating the facts upon which such complaint is based;
- (6) A statement that the animal has exhibited vicious propensities in past conduct, if known; and
- (7) Other facts or circumstances of the incident.

- (b) Notice. After a sworn complaint is filed, it shall be referred to the clerk of the municipal court to set a time and place for a hearing not to exceed 20 days from the time the complaint is received. The animal control officer shall give notice of the hearing to the animal's owner by personal service or by certified mail, return receipt requested, at least ten days prior to the hearing date. After the owner of the animal receives notice, the city animal control officer shall impound the animal specified in the complaint if such animal is found at large.

(Code 1981, § 5-22)

Sec. 14-179. - Notification of declaration of a vicious dog.

- (a) Within five working days of declaring a dog vicious, the animal control officer will notify, by certified mail, return receipt requested, the person owning the dog of its designation as a vicious dog and of the requirements for owners of vicious dogs as set out in section 14-183.
- (b) If the dog is declared to be vicious under section 14-178, the notice shall inform the owner of the dog that a determination hearing may be requested to contest the declaration. The request for a determination hearing must be in writing and must be received by the clerk of the municipal court no later than five working days from receipt by the owner of the vicious dog declaration. Failure to appeal the declaration of vicious dog within five working days shall result in the animal control officer's declaration being final.

{Code 1981, § 5-23}

Sec. 14-180. - Determination hearing.

- (a) Upon the written request for a determination hearing by the owner of a dog declared vicious, the clerk of the municipal court shall schedule such hearing. The determination hearing shall be conducted within ten working days of receipt of the request for such hearing. The owner shall be notified of such hearing by certified mail, return receipt

requested. Failure of the owner of the dog to appear at the determination hearing shall result in the animal control officer's declaration being final. Pending the outcome of the determination hearing, the dog must be securely confined in a humane manner in a commercial kennel, or with a licensed veterinarian, or in the animal control facility's shelter. The costs of securing the dog pending the determination hearing shall be borne by the owner.

- (b) The municipal court judge shall determine whether to declare the dog to be a vicious dog under this article based upon evidence, affidavits and testimony presented at the time of the hearing by the owner, witnesses to any incident that may be germane to such a determination, health department personnel, animal control personnel, police or any other person possessing information pertinent to such determination.

(Code 1981, § 5-24)

Sec. 14-181. - Defense to declaration of vicious dog.

It is a defense to the determination of a dog as vicious and to the prosecution of the owner of a dog if:

- (1) The threat, injury or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
- (2) The person was teasing, tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog;
- (3) The person was committing or attempting to commit a crime;
- (4) The domestic animal killed was at the time teasing, tormenting, abusing or assaulting the dog;
- (5) The dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault;
- (6) The dog was injured and responding to pain; or
- (7) The dog was protecting her puppies, itself or its kennelmates.

(Code 1981, § 5-25)

Sec. 14-182. - Requirements of vicious dog owners.

- (a) An owner of a dog declared to be a vicious dog under section 14-178 must comply with the following within 30 days of such final determination. Compliance with these requirements will be determined by the animal control officer or police department.
- (b) The dog must be licensed in accordance with this chapter.
  - (1) The vicious dog shall at all times wear a collar marked with a fluorescent yellow color visible at 50 feet so that the dog can be identified as a vicious dog.
  - (2) The vicious dog must be kept in a proper enclosure.
  - (3) The owner must present to the health department a certificate of public liability

insurance in the amount of \$100,000.00 to cover any damages caused by the vicious dog. The insurance shall be kept in effect continuously and shall not be canceled unless the dog is no longer kept by the owner.

- (4) The vicious dog, when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the vicious dog nor interfere with its vision or respiration but shall prevent it from biting any person or animal; and the vicious dog must be restrained by a substantial chain or cable leash having a minimum tensile strength of 1,000 pounds and not to exceed six feet in length.
- (5) The owner shall post a sign on his premises warning that there is a vicious dog on the property. This sign shall be visible and capable of being read from the public street or highway.
- (6) The owner shall have the vicious dog tattooed on the inside left rear leg with a vicious dog license number issued by the health department.
- (7) The vicious dog must be spayed or neutered.
- (8) The owner shall pay an annual registration fee as provided in the current fee schedule.

- (c) If the owner of a dog declared to be vicious under this article is unable or unwilling to comply with the ownership requirements listed in this section, the dog shall be euthanized by an animal shelter, animal control agency, licensed veterinarian or the city animal control division. A dog declared to be vicious under this article shall not be offered for adoption or sale.

(Code 1981, § 5-26)

Sec. 14-183. • Notification of change of status.

The owner/keeper shall notify the animal control officer within 24 hours if a vicious dog is loose, unconfined, has attacked another animal, a person, or has died or has been sold or given away. If the dog has been sold or given away, the owner/keeper shall provide the animal control officer with the name, address and telephone number of the new owner/keeper. The new owner/keeper must sign a sworn statement that he will comply with all of the requirements of owners of vicious dogs within thirty (30) days of ownership of the vicious dog.

(Code 1981, § 5-27)

Sec. 14-184. - Penalties for violation of article.

- (a) Penalty for death or injury to persons or domestic animals while off owner's property. The owner of a dog that, when unprovoked, inflicts severe injury or death to a person or bites a person on public or private property or that kills a domestic animal without provocation while off the owner's property shall be guilty of a misdemeanor.
- (b) Penalty for killing, wounding, etc., of persons by dogs while out of or within enclosure. It shall be a violation of this article for a vicious dog to kill or wound, or assist in killing or wounding, any domestic animal belonging to or in the possession of any person, or for a vicious dog to attack, assault, bite or otherwise injure any person or assist in attacking, assaulting, biting or otherwise injuring any person while out of or within the enclosure of the owner, whether or not such vicious dog was on a leash and securely muzzled, or whether or not the vicious dog escaped without fault of the owner. The animal control officer is empowered to confiscate and destroy such vicious dog in an expeditious and humane manner. In addition, the owner shall be guilty of a misdemeanor.
- (c) Application to law enforcement agencies. The provisions under this section shall not apply to any law enforcement agency where a dog is being used for law enforcement.
- (d) Presumption of criminal negligence. A rebuttable presumption shall exist that the owner or

keeper acted in a criminally negligent manner with regard to any actions brought under this article.

(Code 1981, § 5-28)

Secs. 14-185-14-215. - Reserved.

## ARTICLE VII. - LIVESTOCK AND OTHER ANIMALS

Sec. 14-216. - Keeping of swine prohibited.

It shall be unlawful for any person to keep any swine within the city limits at any time, for any reason; and no permit shall be issued authorizing the same.

(Code 1981, § 5-29)

Sec. 14-217. - livestock, rabbits or fowl; permit required.

It shall be unlawful for any person to keep any livestock, rabbit or fowl (including pea fowl) within the city limits unless the requirements of this article are met and a permit is obtained as provided in this article.

(Code 1981, § 5-30)

Sec. 14-218. - Maintenance of premises where livestock kept; disposal of manure.

Each place in the city used for keeping any livestock shall be kept free of offensive odors, flies and rodents, and shall have a suitable manure box or container in which all manure and droppings shall be placed daily. Each such box or container shall be securely screened or otherwise protected from flies, vermin and rodents and shall be cleaned out and disinfected at least once a week. Manure from such boxes shall not be left in open stacks but shall be removed or buried.

(Code 1981, § 5-31)

Sec. 14-219. - Keeping livestock near buildings; area requirements; maximum number.

It shall be unlawful for any person to keep any livestock in or on any lot, pen, building, parcel of land, stable or other enclosure in the city, any part of which lot, pen, building, stable, parcel of land or other enclosure is nearer than 50 feet to any building occupied by any person any part of the day or night. A minimum of 400 square feet of area shall be required for such animal unit, and not more than two animal units shall be in any lot, pen, building, stable enclosure or parcel of land. An animal unit is defined as follows: Four sheep, four goats, one horse, one cow, one mule, one donkey.

(Code 1981, § 5-32)

Sec. 14-220. - Vaccination prerequisite to issuance of permit.

It shall be unlawful for any person to keep any livestock within the corporate limits of the city without first having the animal vaccinated against rabies annually. Proof of this vaccination shall be required before issuance of a permit under this article.

(Code 1981, § 5-33)

Sec. 14-221. - Rabbits and fowl-Maintenance of premises where kept.

- (a) It shall be unlawful for any person to keep any rabbits or fowl within any structure in the city without scraping the floor of the structure and thoroughly cleaning the area every 48 hours and so maintaining such structure or enclosure that no offensive odors are emitted there from.
- (b) The interior of such structure where rabbits or fowl are kept shall be disinfected at least once in each calendar month to discourage insects, fleas, mites and flies.
- (c) It shall be unlawful for any person to harbor or keep more than six (6) fowl within the city limits.

- (d) It shall be unlawful for any person to allow fowl to roam freely. Fowl are to be kept in a structure or behind a fence to keep fowl from entering neighboring property or city street.

(Code 1981, § 5-34)

Sec. 14-222. - Same-Area requirements.

It shall be unlawful for any person to keep on any lot or parcel of land within the city any fowl or rabbit of any kind, sex or description in an area with less than ten square feet of floor or ground area for each fowl or rabbit.

(Code 1981, § 5-35)

Sec. 14-223. - Permits for livestock and other animals.

- (a) It shall be unlawful for any person to keep livestock, rabbits, or fowl within the city limits without first obtaining an annual permit.
- (b) Permits shall be issued by the chief of police or his designee.
- (c) Upon receipt of a written application for a permit, the chief of police shall direct the animal control officer to inspect the premises where such livestock, rabbits or fowl will be kept to determine if all requirements of this section will be complied with.
- (d) Any person who keeps livestock, rabbits or fowl shall allow the animal control officer to enter upon his property to inspect the premises at any time to determine if the requirements of this section are being complied with.
- (e) The annual fee for a livestock permit under this article shall be as determined by the city council from time to time and on file in the office of the city secretary.

(Code 1981, § 5-36; Ord. No. 465, § 1(5-36), 9-19-95; Ord. No. 609, § 1, 6-16-09)

Sec. 14-224. - Suspension or revocation of permit.

A permit issued under this article may be temporarily suspended by the animal control officer upon violation of the holder of any of the terms of this article or revoked after notice and an opportunity for a hearing by the city council. Such notice shall specify the nature of the violation and shall designate a reasonable time within which correction shall be accomplished. If the violation is not corrected within the specified time, the permit shall be revoked.

(Code 1981, § 5-37)

Sec. 14-225. - Exemption for slaughterhouse.

The provisions with regard to minimum area requirements for animals shall not apply to slaughterhouses if the keeping of animals is incidental to slaughtering them and is for a temporary period not exceeding seven days.

(Code 1981, § 5-38)

Sec. 14-226. - Permits for poisonous or wild animals.

- (a) It shall be unlawful for any person to keep poisonous or wild animals within the city limits without first obtaining an annual permit.
- (b) Permits shall be issued by the chief of police or his designee.
- (c) Upon receipt of a written application for a permit, the chief of police shall direct the animal control officer to inspect the premises where such poisonous or wild animal will be kept to determine if all requirements of this section will be complied with.

- (d) Any person who keeps poisonous or wild animals shall allow the animal control officer to enter upon his property to inspect the premises at any time to determine if the requirements of this section are being complied with.
- (e) Permits for poisonous or wild animals shall not be issued until the person requesting such permit shall furnish proof to the issuing officer of the following:
  - (1) The name and address of the owner and/or keeper of such poisonous or wild animal.
  - (2) That such poisonous or wild animal is possessed in compliance with state and federal laws and regulations.
  - (3) That such poisonous or wild animal is possessed for the purposes of public exhibition or scientific or educational purposes;
  - (4) That such poisonous or wild animal is kept in an enclosure which prevents its escape or endangering the public; and
  - (5) That such poisonous or wild animal will be kept in sanitary and humane conditions.
- (f) The annual fee for a permit under this article shall be as determined by the city council from time to time and on file in the office of the city secretary.
- (g) The permit requirements shall be waived for any animal being kept by the state parks and wildlife department game warden or biologist for temporary rehabilitation.

Sec. 14-227. Animal Dumping and/or Abandonment

- (1) It shall be unlawful to dump and or abandon an animal within the city or ETJ of the City of Sonora.
- (2) Enforcement.
  - (a) Issuance of citation. For the purposes of enforcing this chapter, any animal control officer or police officer is hereby authorized to issue to any owner or other person who violates any provision of this chapter a citation, which shall be dated and signed by the issuing officer. The citation shall set forth the general nature of the violation charged and shall direct the violator to appear in the municipal court of the city on or before a certain day. The violator shall sign the summons to indicate his agreement to and, upon the continued refusal of such person to sign, may arrest such person. In those instances, wherein the violator is not present, the citation may be issued, a complaint filed, and procedure followed as permitted by law.
  - (b) Pursuit of dogs at large; disposition of captured dogs. An animal control officer shall, upon observing a dog at large, pursue such dog and capture the dog if possible. If the dog, during pursuit, goes upon private property, the officer shall continue pursuit onto the private property and the officer shall make inquiry of anyone present on such property as to ownership. If ownership of the dog is determined, the officer shall issue a citation to the owner and deliver the dog to the person upon such person's exhibiting acceptable identification. If a dog at large is captured and the owner is not located or ownership is not determined, it shall be impounded.
  - (c) Length of impoundment. Unless reclaimed as provided in this section, all impounded dogs or cats shall be kept for not less than five days, the first day of which shall be the day next following the day of impoundment.
  - (d) Notification of owner. If the owner of an impounded dog or cat can be readily identified, the animal control officer or his agent shall within 24 hours after impoundment notify the dog's or cat's owner by telephone, if possible, or by mail if no telephone number is available.
  - (e) Reclamation. The owner may reclaim his dog or cat from impoundment upon payment of an impounding fee to the animal control officer in an amount as determined by the city council from time to time and on file in the office of the city secretary. The owner must also pay a vaccination fee he cannot show proof of current vaccination.
  - (f) Proof of vaccination and licensure; complaint. If the dog or cat is four months old or older and not wearing a collar with valid rabies and license tags attached, the owner must present a certificate showing that the dog or cat has been vaccinated and licensed within

the immediate preceding 12 calendar months. If such a certificate of vaccination and/or the license cannot be produced, and the animal is three months old or older, a warning notice shall be issued to the owner and the animal may be released to its owner on the condition that the owner shall immediately have the animal vaccinated against rabies and purchase a city license. In that event, the animal shall be vaccinated and/or licensed and acceptable proof thereof exhibited to the animal control officer or his agent within 72 hours after the animal's release. If acceptable proof of vaccination and/or licensing is not presented within 72 hours, the director shall cause a complaint to be filed against such owner in the municipal court of the city. Animals that are not at least three months of age may be released without immediate vaccination and licensing being required. However, the animal control officer may give written notice to the person claiming such animal that proof of vaccination and licensing must be presented on or before a certain date. The date shall be a date estimated as falling between the third and fourth monthly anniversary of the animal's birth. If such written notice is given and the proof of vaccination and licensing is not provided on or before the date stipulated, the animal control officer shall cause a complaint to be filed.

- (g) Disposition of unclaimed animals. Any animal not reclaimed by its owner in compliance with the provisions of subsection (e) of this section within the five days excluding the day of impoundment shall become the property of the city and shall be either placed for adoption or humanely put to death by an animal control officer.
- (h) The municipal judge may after receiving a written city citation issued by the Sonora Police Department or the Sonora Animal Control Officer may conduct a hearing to order the following:
  - (1) a fine for violation of the ordinance of fifty (\$50.00) dollars per day for each violation. Total fine shall not exceed two thousand (\$2,000.00) dollars.

#### Sec. 14-228. Professional Breeder's permits

- (a) All persons owing unaltered dog or cats over the age of six (6) months and who are selling, exchanging, or bartering animals are required to maintain a valid breeder's permit issued by the Animal Control Officer.
- (b) For the purpose of this section, the term "animal" shall include only dogs and cats. Permits are valid for one year and must be renewed annually for the lifetime of the unaltered animal or until the owner shows proof that the animal has been altered. The annual fee for a breeder's permit shall be \$100.00 per unaltered animal. A breeder's permit may not be issued if the applicant is found to be in violation of any city ordinance or state law or regulation governing the care, treatment or living conditions of dogs or cats including animal cruelty, abuse, neglect. The Animal Control Officer or designee may inspect the premises before issuing a permit if he/she deems it advisable.
- (c) It shall be unlawful for:
  - (1) Any person to sell, exchange, or batter, transfer any animal to another person without a breeder's permit;
  - (2) Any person to sell, exchange, or barter transfer any animal that is not vaccinated and registered as required by this chapter;
  - (3) Any person to fail to provide evidence of compliance with this section to a recipient of an animal at the time of the transfer of the animal;
  - (4) Any person to fail to provide his breeder's permit number to any person that purchases or adopts an animal.
- (d) Animal Control Officer shall have the right, upon reasonable suspicion of a violation of city ordinance or state statute or regulation that regulates the care, treatment or living conditions of cats or dogs, to inspect the premises (indoor outdoor) of an applicant or holder of a breeder's permit to ensure compliance with city ordinances and state statutes and regulations.
- (e) Any holder of a breeder's permit found to be in violation of any city ordinance or state

statute that regulates the care, treatment or living conditions of cats or dogs or that repeatedly drops unsold or unwanted animals at the shelter may have his permit suspended or revoked without prior notice by the animal services manager.

(f) The municipal judge may after receiving a written city citation issued by the Sonora Police Department or the Sonora Animal Control Officer may conduct a hearing to order the following:

(1) A fine for violation of the ordinance of fifty (\$50.00) dollars per day for each violation. Total fine shall not exceed two thousand (\$2,000.00) dollars.

**Adopted January 17, 2017**