

Chapter 6

**ANIMALS AND FOWL\***

- Art. I. In General, §§ 6-1-6-15  
Art. II. City Pound, §§ 6-16-6-30  
Art. III. Domestic Animals, §§ 6-31-6-52

**ARTICLE I. IN GENERAL**

**Sec. 6-1. Livestock, fowl, not to be kept.**

It shall be unlawful for any person to keep any livestock, fowl, domestic animal, or barnyard animal, except common pets, within the corporate limits of the city.

**Sec. 6-2. Livestock not to run at large.**

It shall be unlawful for any person to allow and permit any cows, horses, mules, jacks, jennets, goats, sheep, swine or any other livestock of any character to run at large upon the streets, alleys, public highways, public parks, public lands, or upon any vacant lot or lots within the city.

(Ord. No. 17, 1-14-31)

*State law reference*—Stock running at large, Vernon's Ann. Civ. St. arts. 6938-6940, 6954, et seq.

**Sec. 6-3. Fowl not to run at large.**

It shall be unlawful for the owner or keeper of any geese, ducks, turkeys, chickens, or other domestic fowl to permit the same to run at large in the city.

*\*Cross references*—Health and sanitation generally, Ch. 13; keeping livestock near municipal water well or reservoir, § 29-6.

*State law references*—Duties of officers, Vernon's Ann. Civ. St., art. 6965; sale of impounded stock, arts. 6939, 6940, 6968-6980; fees for sale of impounded stock, art. 6965.

**Sec. 6-4. Reserved.**

*Editor's note*—Ord. No. 858, adopted Nov. 15, 1993, repealed § 6-4, disposal of dead animals. Such section bore no history note.

**Sec. 6-5. Report of rabid animals.**

It shall be the duty of the owner or harbinger of any animal and all practicing veterinarians, to report all cases of rabies with which he comes in contact or to which his attention has been directed. This report shall be made immediately upon diagnosis or suspicion of such cases of rabies.

(Ord. No. 858, 11-15-93)

**Secs. 6-6–6-15. Reserved.****ARTICLE II. CITY POUND****Sec. 6-16. Impoundment of animals, fowl.**

Any animal or fowl, other than a dog or cat, found in violation of this chapter may be impounded by the ~~health officer~~ or any other designated person.

*All animals  
control*

**Sec. 6-17. Impoundment fees.**

A pound fee of twenty dollars (\$20.00) shall be charged against each animal or fowl which may be impounded.

(Ord. No. 17, 1-14-31; Ord. No. 858, 11-15-93)

**Sec. 6-18. Duty of officer upon impoundment.**

The animal control officer or police officer shall deliver to the owner, after proper evidence of ownership is given him, each animal or fowl impounded by him, provided that such owner shall pay all charges which may have accrued against such animal or fowl.

(Ord. No. 858, 11-15-93)

**Sec. 6-19. Sale of impounded animals, fowl.**

At each sale of unredeemed, impounded animal or fowl, the animal control officer shall sell for cash only and to the highest bidder and shall deliver to the purchaser a bill of sale in the name of the city which shall have impressed thereon by the city secretary the corporate seal of the city, and shall be signed by the city secretary.

(Ord. No. 858, 11-15-93)

**Sec. 6-20. Disposition of receipts.**

In the event of the sale of any animal or fowl which has been impounded, the animal control officer shall deduct from the price of said animal or fowl obtained at such sale the full amount of such lawful fees and charges as shall have accrued prior to the sale. The remainder of such sale price shall be delivered by the animal control officer to the city treasurer.

(Ord. No. 858, 11-15-93)

**Sec. 6-21. Liability of owners of impounded animals.**

The payment of pound fees shall not exempt the owner, or person in control of any animal or fowl impounded from prosecution under the provisions of this chapter.

**Secs. 6-22–6-30. Reserved.****ARTICLE III. DOMESTIC ANIMALS****Sec. 6-31. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

*At large.* Any dog or cat who shall be free on private or public property, outside of a secure enclosure, and without a leash securely attached to the dog or cat held by a person of competent strength to hold and control such dog or cat; or insecurely fastened in a manner to permit such dog or cat to be able to leave the property.

*Cat.* Any member of the feline species of animals, either male or female.

*Dog.* Any member of the canine species of animals, either male or female.

*Owner.* Any person owning, keeping, harboring or having control or custody of any dog or cat.

(Ord. No. 485, § 1, 11-19-62)

**Cross reference**—Definitions and rules of construction generally, § 1-3.

#### **Sec. 6-32. Enforcement of article.**

If the animal control officer or police officer has reason to believe that there is an unvaccinated animal within the city located on private property, such officer shall first request permission of the person in control of such property to enter upon such property for the purpose of inspection to determine if such a violation of this article exists. If permission is refused, such officer shall then obtain a search warrant from the judge of the corporation [municipal] court or other judge or magistrate for the purpose of entering upon such property for determining if such dog or cat is vaccinated.

(Ord. No. 485, § 11, 11-19-62; Ord. No. 858, 11-15-93)

#### **Sec. 6-33. Running at large.**

It shall be unlawful for any owner of any dog or cat to permit or allow such dog or cat to run or be at large upon any public highway, street, alley, court, square, park, sidewalk or any other public or private grounds or property within the corporate limits of the city.

(Ord. No. 485, §§ 2, 3, 11-19-62)

#### **Sec. 6-34. Dangerous, vicious, mischievous dogs at large prohibited.**

(a) No dog of dangerous, vicious, fierce or mischievous propensities or tendencies may be at large at any time within the limits of the city, and it shall be unlawful for the owner or other person having any such dog in his or her possession or under his or her

control, or in any manner keeping or harboring any such dog within the limits of the city, to cause or permit any such dog to be at large in the city.

(b) If any dog bites or attempts to bite any person while such dog is at large, then such dog shall be conclusively presumed to be a dangerous dog and a dog of dangerous propensities and tendencies.

(c) If any dog attacks or attempts to attack any other dog or other animal while such dog is at large, or chases or otherwise attempts to catch a person, then such dog shall be conclusively presumed to be a vicious dog and to have vicious propensities and tendencies.

(d) If any dog at large overturns a securely covered garbage container, or removes any garbage from any such securely covered container, then such dog shall be conclusively presumed to be a mischievous dog and a dog of mischievous propensities and tendencies

(Ord. No. 371, § 1, 9-24-53)

#### **Sec. 6-35. Destruction of dangerous, vicious dogs.**

Any dangerous or vicious dog or dog having dangerous or vicious propensities and tendencies found at large after the owner thereof has previous knowledge or notice that such dog is dangerous or vicious or has dangerous or vicious propensities and tendencies, may be killed by any police officer of the city without such officer having to catch or impound such dog.

#### **Sec. 6-36. Reserved.**

*Editor's note*—Ord. No. 858, adopted Nov. 15, 1963, repealed § 6-36, female dogs in heat not to run at large. Such section was derived from Ord. No. 371, § 1, adopted Sept. 24, 1953.

#### **Sec. 6-37. Barking dogs prohibited.**

Any person who shall harbor or keep on his premises or in or about his premises or premises under his control, any dog which, by loud or excessive barking or howling, shall cause the peace and

quiet of the neighborhood or the occupants of adjacent premises to be disturbed, or reasonably liable to be disturbed, shall be guilty of a misdemeanor.

(Ord. No. 858, 11-15-93)

Cross reference—Noise generally, Ch. 15.

**Sec. 6-38. Dog license tax—Amount, term.**

(a) It shall be unlawful for the owner or harbinger of any dog to harbor or permit such dog within the city without having presented a certificate of vaccination for such dog and having paid the city tax assessor and collector, in advance, an annual license tax of one dollar (\$1.00) upon each dog six (6) months of age or over.

(b) The license fees required by this section shall be due and payable on or before January 1st of each calendar year, and when paid shall be good for the year ending the last day of December following payment of such tax. Payment of said tax after January 1st of any year shall cover only the unexpired part of said twelve (12) month period, and shall not be prorated.

(Ord. No. 331, § 1, 12-5-49)

**Sec. 6-39. Same—Tags.**

(a) *Issuance.* Upon payment of the license tax required in section 6-38, it shall be the duty of the assessor and collector of taxes to furnish the owner of such animal a durable numbered tag of a distinctive design, with the year for which the same is issued and the serial number of the tag, which tag shall at all times be securely attached to a collar around the neck of the dog, or harness around the neck and body of the dog, upon which said tax has been paid.

(b) *Duplicates.* In the event any owner or harbinger of any dog who has lost or destroyed any dog tag issued by the city and paid for by such owner or harbinger, such owner shall present proper and satisfactory proof to the city of such loss or destruction of such dog tag and upon proper application to the city with payment of a fee of fifty cents (\$0.50) may receive from the city a substitute dog tag to replace the one so lost or destroyed.

(Ord. No. 331, §§ 1, 2, 12-5-49)

**Sec. 6-40. Rabies vaccination—Required; certificate.**

(a) All dogs and cats, miniature pigs and other domestic pets within the city are hereby required to be immunized against rabies by means of an antirabies vaccine administered by a duly licensed veterinarian.

(b) Every veterinarian who vaccinates any such dog, cat, miniature pig or other domestic pet within the city shall issue a certificate of vaccination to the owner, stating the name and address of the owner, description of the animal, the date of vaccination, the number of the rabies vaccination tag and the kind of vaccine used, which the owner shall give to the authorized person of the city.

**Sec. 6-41. Same—Type of vaccine; frequency of administration.**

When rabies vaccine of nervous tissue origin is administered, the domestic pet must be revaccinated annually. When rabies vaccine of chick-embryo origin is administered by a licensed veterinarian the domestic pet must be revaccinated every three (3) years, except that a domestic pet under six (6) months of age receiving chick-embryo vaccine shall be revaccinated after a period of one (1) year and every three (3) years thereafter. Provided however, when a district or county board of health or the state board of health adopts a resolution stating that in order to control rabies and protect the public health, annual vaccination is necessary within the area over which they have jurisdiction, then the dog must be vaccinated annually regardless of the type of vaccine used.

(Ord. No. 858, 11-15-93)

**Sec. 6-42. Same—Tag.**

Upon vaccination of each dog, the veterinarian shall furnish the owner thereof a durable tag on one side of which is stamped the words "rabies vaccine administered" or a similar phrase and the date of vaccination. Such tag at all times shall be securely attached to a collar around the neck of the animal or harness around the neck and body of the dog vaccinated.

**Sec. 6-43. Duty of officers.**

It shall be the duty of the animal control officer, the chief of police, or any police officer of the city to cause to be taken up or impounded all animals found in violation of the provisions of this article. Such officer is hereby authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing and impounding any animal running at large thereon.

(Ord. No. 485, § 4, 11-19-62; Ord. No. 858, 11-15-93)

**Sec. 6-44. Impoundment fees.**

The following fees shall be charged for the impoundment of any animal under the provisions of this article:

|                         |         |
|-------------------------|---------|
| Licensed animal.....    | \$20.00 |
| Unlicensed animal ..... | 20.00   |

(Ord. No. 485, §§ 7, 8, 11-19-62; Ord. No. 858, 11-15-93)

**Sec. 6-45. Redemption of impounded dog, cat—Right, conditions.**

The owner of any dog or cat which has been impounded under the provisions of this article shall have the right to redeem the same upon the payment of any and all fees which may be due and payable for the impoundment of such dog or cat.

(Ord. No. 485, § 8, 11-19-62)

**Sec. 6-46. Same—Time.**

All impounded dogs or cats shall be redeemed within the length of time set forth below. Any such dog or cat not redeemed within such time may be sold or destroyed.

|                            |        |
|----------------------------|--------|
| Licensed dog or cat.....   | 6 days |
| Unlicensed dog or cat..... | 3 days |

(Ord. No. 485, §§ 5, 6, 11-19-62)

**Sec. 6-47. Redeemed dogs must be vaccinated.**

All animals redeemed at the city pound must be immediately vaccinated against rabies. All adopted pets shall be vaccinated against rabies, and spayed or neutered.

(Ord. No. 858, 11-15-93)

**Sec. 6-48. Impoundment for observation.**

(a) If any animal has bitten any person or is suspected of having bitten any person, or is for any reason suspected of having or being infected with rabies, then the owner of any such animal, at his own expense, take such animal to any duly qualified and licensed veterinarian in the city for observation. Such veterinarian shall report his findings in writing to the chief of police. If in the opinion of such veterinarian a microscopic examination is justified, then the animal shall be turned over to the police department to be killed and examination made by the state board of health.

(b) Any animal desired for observation by the animal control officer under this section shall be delivered to the animal control officer upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a misdemeanor. Upon refusal of any person to so deliver such animal, the animal control officer shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking out of such animal.

(Ord. No. 485, §§ 9, 11, 11-19-62; Ord. No. 858, 11-15-93)

**Sec. 6-49. Payment of pound fees.**

Every owner of any dog or cat impounded, whether by the city or voluntarily by the owner, shall be liable for all costs and fees incurred by such impoundment.

**Sec. 6-50. Miniature animals.**

*Pigs*

Those animals, not wild or stray, which fully grown do not exceed eighteen (18) inches in height at shoulder level and weigh no more than ninety (90) pounds are considered to be miniature. No more than two (2) miniature pigs (no litters) may be kept as pets in any one (1) household. Miniature pigs shall be spayed or neutered on or before the age of three (3) months. No adult male miniature pig may be kept under this provision unless his tusks have been surgically removed.

(Ord. No. 858, 11-15-93)

**Sec. 6-51. Permitted number of animals other than minia-  
tures.**

It shall be unlawful to raise, or harbor more than five (5) dogs, cats, or other domestic animals within a residential area. This provision shall have no retroactive effect. However, persons with more than five (5) such pets shall not acquire additional pets or replace pets now in such person's possession, in excess of five (5) such pets.

(Ord. No. 858, 11-15-93)

**Sec. 6-52. Exotic animals, state permit required.**

No one may keep, train, harbor an exotic animal such as, tiger, bears, lions, raccoon, etc., unless a permit is first obtained from the Texas Parks and Wildlife Department and upon approval of the animal control officer.

(Ord. No. 858, 11-15-93)