

CHAPTER 70: ANIMAL CONTROL

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Animals Running At Large¹

§ 70.01 Definitions

When used in this chapter the following words and terms shall be interpreted as follows, unless the context indicates a different meaning:

Animal means any warm blooded vertebrate creature, domestic or wild, excluding the human species.

Astray or Stray means any animal running free or otherwise without physical or other restraint whether on or off the premises of its owner.

¹ **State law reference** - Authority of city to prohibit or regulate animals running at large, V.T.C.A., Local Government Code, § 215.026(b).

Dog means a domesticated member of the family canidae but shall not include a wolf, jackal, fox, or other wild animal of this family.

Owner means any person, corporation, partnership, trust, or association, or other entity owning, keeping, or harboring an animal or who has possession or control or has the responsibility to control an animal.

Person means any person, corporation, partnership, trust, association, or other legal entity.

Restraint. Except as otherwise provided, an animal shall be deemed to be restrained when it is:

General Regulations

- (1) Confined on the premises of the owner within a fence or enclosure; or
- (2) Fastened or picketed by a lead, rope, or chain so as to keep the animal on the premises of the owner; or
- (3) Under the control of a person by means of a harness, leash, chain, or similar device attended by a person of sufficient strength when the animal is on a public street, right-of-way, or any property other than that owned by the owner such that the animal shall be prevented from running at large; or
- (4) On or within a vehicle being driven or parked if the owner is present to control the animal from jumping or falling out; or
- (5) At heel beside or otherwise controlled by a person competent to restrain the animal by command. Such person shall have the aforementioned control of the animal at any time that said animal is upon the personal property of the owner of person authorized to control the animal.

Wild animal means any species of animal that commonly exists in a natural, unconfined state and is usually not domesticated.

§ 70.02 Animals Running Astray Declared a Nuisance

All dogs, livestock, fowl, or dangerous wild animals running astray within the City limits of the City of Overton or within five thousand (5,000) feet thereof are hereby declared a public nuisance.

§ 70.03 Animals Running Astray Prohibited

It is unlawful for any person, without regard to mental state, to suffer or permit any animal to run astray within the City limits or within five thousand (5,000) feet thereof.

§ 70.04 Penalty for Violation

Any owner of an animal whose actions are in violation of this chapter shall be fined by the municipal court and shall be deemed guilty of a Class C misdemeanor and punished by a fine not to exceed five hundred dollars (\$500.00) for each subsequent offense.

(Ordinance adopting Revised Code of Ordinances, passed March 13, 2001)

Dogs²

§ 70.10 Barking Dogs

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

§ 70.11 Maximum Number

(A) No person shall keep more than three (3) dogs over the age of six (6) months at one location. Keeping of more than three (3) dogs at one location shall be considered as maintaining a kennel and all regulations relating to maintaining a kennel shall be relevant.

(Ordinance adopting Revised Code of Ordinances, passed March 13, 2001)

(B) A kennel may only be operated in a commercially owned area.

Rabies Control³

§ 70.20 Reporting Of Suspected Rabies

Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies or having knowledge of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies must immediately report

² **State law references** - Authority to regulate the registration and restraint of dogs is found in V.T.C.A., Health & Safety Code, Chapter 822, Subchapters A and B; authority to regulate keeping of vicious dogs is found in V.T.C.A., Penal Code, § 42.12; authority to destroy vicious dogs is found in Vernon's Ann.C.C.P., Art. 18.182.

³ **State law reference** - Authority of City to adopt standards for the prevention of rabies, V.T.C.A., Health & Safety Code, Chapter 826.

such knowledge or incident to the animal control officer, City health authority or any police officer, and in no case longer than twenty-four (24) hours from the time of the incident.

§ 70.21 Authority to Quarantine

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

§ 70.22 Animals Subject To Quarantine for Biting

(a) When a dog or cat which has bitten or scratched a human or attacks another animal has been identified, the owner shall be required to produce the animal for ten (10) days confinement to determine whether such dog or cat has been exposed to rabies. Any unclaimed animal may be destroyed for rabies diagnosis prior to the end of this observation period. The dog or cat may be released from quarantine if a veterinarian determines that the animal does not show the clinical signs of rabies, provided the owner has paid all reasonable costs associated with the quarantining. Refusal to produce such animal is a misdemeanor and each day of such refusal constitutes a separate and individual violation. Quarantine must be at an approved vet at owner's expense. Written notification must be received by the vet.

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

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

§ 70.23 Disposition of Animals Exposed To Rabies

(a) Domestic animals

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

If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, it may be released to the owner prior to or upon expiration of the quarantine period, provided the owner has paid all of the reasonable costs of such quarantine and any veterinarian bills.

However, if the quarantined animal shows the clinical sign of the disease *of rabies*, the animal shall be humanely destroyed and its head or brain submitted to the nearest laboratory certified by the Texas Department of Health for rabies diagnosis.

(b) Wild or exotic animals

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

(c) Quarantining facilities

Any animal to be placed in quarantine must be placed in an animal control facility approved by the Texas Department of Health as directed by the animal was not a stray at the time of the bite incident.

If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a laboratory certified by the Texas Department of Health for rabies diagnosis.

Livestock, Swine, and Fowl

§ 70.30 Minimum Lot Size

(A) No horse, cow, goat, sheep, or other livestock, except horses, may be kept on a tract of less than two (2) acres in size. The ratio of animals to acreage shall be no greater than one (1) animal to each two (2) acres over the two (2) acre minimum.

(b) This provision shall not apply to a student harboring such animals for a school sponsored event, or club such as 4-H. In this event, the animals may be harbored for a period not to exceed six (6) months. After six (6) months, a permit must be obtained from the City.

§ 70.31 Maintenance of Premises

All barns, sheds, and enclosures in which livestock is kept shall be maintained in a sanitary manner.

§ 70.32 Location of Buildings

No barn, shed, or building in which livestock are kept shall be located within one hundred (100) feet of a residential structure.

§ 70.33 Keeping Swine Prohibited

It shall be unlawful for any person, firm, corporation, or entity to keep any swine within the City limits.

§ 70.34 Keeping Fowl Prohibited⁴

It shall be unlawful for any person, firm, corporation, or entity to keep any fowl within one hundred feet (100') distance from any residence.

(Ordinance adopting Revised Code of Ordinances, passed March 13, 2001)

Wild and Exotic Animals and Poisonous Reptiles

§ 70.40 Keeping Wild and Exotic Animals and Poisonous Reptiles Prohibited

It shall be unlawful to harbor, keep, or maintain any wild or exotic animals or poisonous reptiles within the City.

§ 70.41

Any animal referenced within this chapter that is picked up by the City shall subject the owner to a fine not to exceed \$10.00/day for up to three (3) days. This fine must be paid before the animal is released.

⁴ **State law reference** -- Authority of City to prohibit swine, V.T.C.A., Local Government Code, § 215.026(b).