



City of Orchard

ORDINANCE NO. 100-2012

AN ORDINANCE OF THE CITY OF ORCHARD, TEXAS, DELETING AND THEREFORE REPLACING ORDINANCE NO. 005-75, AND ESTABLISHING REGULATIONS RELATED TO ANIMALS IN GENERAL, INCLUDING DOGS AND CATS, DANGEROUS AND VICIOUS ANIMALS, AND OTHE RELATED ANIMALS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORCHARD, TEXAS:

Section 1. Ordinance No. 008-75 is hereby deleted and the provisions of this Ordinance shall replace the regulations established in such deleted Ordinance.

Section 2. The City of Orchard, Texas (the "City"), hereby adopts the following regulations governing animals in general, including dogs and cats, dangerous and vicious animals, and other related animals within the corporate limits of the City:

"ANIMAL REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 2-1. - Purpose of chapter.

The primary function and intent of this Ordinance is protection of the health, safety, and welfare of the citizens of the City of Orchard by controlling the animal population, protecting the citizens from dangerous and vicious animals, and establishing uniform rules and regulations for the control and eradication of rabies.

Sec. 2-2. – 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:

Animal means and includes, but is not limited to, dogs, cats, horses, rabbits, rodents, birds, reptiles and any other species of animal which is sold or retained, including livestock.

Cat means a domestic feline of either sex, including neutered or sterilized.

Dog means a domestic canine of either sex, including neutered or sterilized.

Harboring means the act of keeping and caring for an animal or of providing a premise to which the animal returns for food or shelter or care.

Owner means any person who has a right of property of an animal or who harbors an animal or allows an animal to remain about his premises.

Rabies vaccination means the vaccination of a dog, cat or other domestic animal with an antirabies vaccine approved by the state department of health and administered by a veterinarian licensed by the state.

Running at large means:

(1) *On premises of owner.* Any animal not confined to the premises of the owner by some physical means of sufficient height, strength, length, and or manner of construction to preclude the animal from leaving the premises of the owner.

(2) *Off premises of owner.* Any animal that is not physically or continually restrained by some person by means of a leash or chain of proper strength that precludes the animal from making any unsolicited contact with any person, their clothing, their property and or their premises.

Stray animal means any animal for which there is no identifiable owner.

Vicious animal means any animal that commits an unprovoked attack upon a person or other animal on public or private property or that attacks, threatens to attack or terrorizes a person or other animal on public property or in a public place.

Wild and exotic animals means and include any animal, amphibian, reptile, or fowl which is of a species which is vicious in nature or other characteristic and is dangerous to human beings. Such animals shall include, but not be limited to, lions, tigers, leopards, panthers, lynx, wolves, raccoons, skunks, (whether deodorized or not) apes, gorillas, monkeys, foxes, elephants, rhinoceroses, alligators, crocodiles, and all forms of poisonous reptiles, and any other animal that is not indigenous to the county or the city. The term "wild or exotic animal" shall not include gerbils, hamsters, guinea pigs, mice or rabbits.

Wild animal means and includes all species of animals which exist in a natural unconfined state and are usually not domesticated.

Sec. 2-3. – Maximum number of dogs and cats.

- (a) *Dogs.* It shall be unlawful for any person to own or harbor, for any purpose, six or more dogs in the city, over the age of six months.
- (b) *Cats.* It shall be unlawful for any person to own or harbor, for any purpose, six or more cats in the city, over the age of three months.

Sec. 2-4. – Animals running at large.

It shall be unlawful for any person owning an animal to permit such animal to run at large.

Sec. 2-5. – Animals as a nuisance.

It shall be unlawful for any owner to harbor any animal which, by any sound or cry or other activity shall disturb the peace, comfort, health and property of the inhabitants of the neighborhood, and such disturbances are hereby declared to be a public nuisance.

Sec. 2-6. – Vicious animals.

No person shall own or harbor a vicious animal within the city limits. Such animals shall be impounded as a public nuisance. If impoundment of such animal running at large cannot be made with safety, the animal may be destroyed without notice to the owner.

Sec. 2-7. – Guard dogs.

It shall be unlawful to place or maintain any dog which has been specifically trained to attack in any area of the protection of persons or property unless the dog is physically confined to a specific area. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two inches high.

Sec. 2-8. – Wild and exotic animals.

It shall be unlawful for any person to possess, keep, permit, suffer, cause or allow any wild or exotic animal upon or within the city. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses or veterinary hospitals.

Sec. 2-9. – Inhumane treatment.

- (a) *Cruelty to animals.* It shall be unlawful for any person to commit, or cause to be committed, any act of cruelty, harassment, or torture to any animal or intentionally cause such animal to be mutilated or inhumanely killed. Ownership or the commission of such acts of cruelty on private property shall not be justifiable defense of a violation to this section.
- (b) *Poisoning.* It shall be unlawful for any person to poison any domestic animal or to distribute poison or toxicants on public or private property in any manner whatsoever with the intent of poisoning any domestic animal.
- (c) *Abandoning animals.* It shall be unlawful for any person to willfully abandon any animal, or to withhold food or water from any animal such that its health is endangered, or it is caused to suffer unduly.
- (d) *Fighting animals.* It shall be unlawful for any person to cause, instigate or encourage any dog or other animal to fight with others of its own species or with another of a different species. It shall be unlawful for any person to train or keep any dog or other animal for the purpose of fighting. It shall be unlawful for any person to maintain a place where any dog or other animal is permitted to fight for exhibition or for wager or for sport.
- (e) *Traps.* It shall be unlawful for any person to set or cause to be set any trap that will cause injury or inhumane suffering to an animal.

Sec. 2-10. – Disposal of carcasses.

It shall be unlawful for any person to leave, within the city, the dead body of any animal or any fowl, which may die while in possession of such person, in any of the public streets or alleys, any vacant or unenclosed lot or upon his own premises for more than 12 hours.

Sec. 2-11. – Interference with officer and right of entry.

- (a) *Interference.* It shall be unlawful for any person to interfere with, molest, hinder or prevent the animal control officer, peace officer or his authorized representatives in the discharge of their duties as herein prescribed, or to violate any of the provisions of this chapter.
- (b) *Right of entry.* The animal control officer or any peace officer shall have the right to enter private property while in pursuit of a stray or at-large-animal.

Sec. 2-12. - Impoundment.

Taken into custody. Animals owned or harbored in violation of this chapter or any other ordinance or law of the state may be taken into custody by an animal control officer or a peace officer or impounded. Stray animals may be similarly impounded.

Sec. 2-13. – Vaccinations against rabies.

- (a) *Vaccination.* Every owner of a dog or cat four months of age or older shall have such animal vaccinated against rabies, as must livestock, domestic ferrets, and wolf-dog hybrids. All dogs or cats vaccinated at four months of age or older shall be revaccinated at one year of age and annually thereafter. Any person moving into the city from a location outside of the city shall comply with this section within 30 days after moving into the city. If the dog or cat has inflicted a bite on any person or another animal with the last ten days, the owner of such dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten-day observation period.
- (b) *Certificate of vaccination.* Upon vaccination, the veterinarian shall execute and furnish to the owner of the pet animal as evidence thereof a signed certificate of rabies vaccination.
- (c) *Rabies tag.* The owner of the animal shall attach to the collar or harness of the vaccinated animal a metal tag bearing the year of issuance and the name and telephone number of the issuing veterinary clinic.
- (d) *Proof.* The animal shall wear such tag at all times. It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand of any person charged with the enforcement of this chapter.
- (e) *False and stolen vaccination documents.* It shall be unlawful for any person to make use of a stolen, counterfeit, forged, altered or transferred rabies vaccination certificate or tag.
- (f) *Harboring unvaccinated animals.* It shall be unlawful for any person to harbor any animal which has not been vaccinated against rabies, as provided in this chapter, or which cannot be identified as having a current vaccination certificate.

Sec. 2-14. – Conformity to state law.

The animal population, rabies control and rabies eradication in the city shall be accomplished in conformance with this chapter and the current or latest rules and laws of the state.

Sec. 2-15. – Livestock and other farm animals.

- (a) *Maintenance of pens.* It shall be unlawful for any person to maintain any pen, place or premises in or upon which hogs, pigs, goats, cattle or other animals are kept in such a manner as to become offensive or an annoyance to any person.

- (b) *At large.* It shall be unlawful for any hogs, sheep, goats, cattle, horses or fowl, including, but not limited to chickens, ducks, geese, turkeys, or guinea fowl, to be or run at large within the city limits.
- (c) *Impoundment of livestock.* Whenever hogs, sheep, goats, cattle or horses are found running at large within the city limits, the animal control officer or any peace officer may impound them in some safe enclosure.
- (d) *Notice of impoundment.*
 - (1) If the owner of the animals impounded is not known, the animal control officer or any peace officer shall post a notice at three public places in the city, giving in such posted notice a description of such animals and requiring the owner to come forward, pay the charges and take such animals away.
 - (2) If the owner of such animals impounded is known, the animal control officer or peace officer shall notify such owner personally to take such animals away and pay charges and costs.
 - (3) If the notice provided for in this section is posted, it shall be posted five days; if given verbally, it shall require the owner to act at once.
 - (4) After such notice, if the owner of such animal fails to take it and pay the costs herein required, the animal control officer or any peace officer shall apply to a court of competent jurisdiction to have the stock sold.

Sec. 2-16. – Offense, citation and penalty.

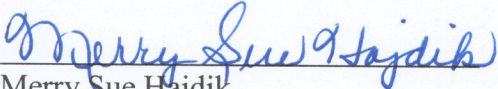
- (a) *Offense.* A person commits an offense for a violation of any section of this chapter.
- (b) *Citation.* The Mayor or his designee shall have the authority to issue citations for any violation of this chapter to the owner of the animal.
- (c) *Penalty.* A violation, upon conviction, shall be punishable by a fine not to exceed \$2000.00.
- (d) *Separate offense.* Each day any violation of this chapter exists shall constitute a separate offense.
- (e) *Impoundment.* In lieu of and/or in addition to a fine, the city may impound the animal pursuant to the impoundment procedures set forth in this chapter.

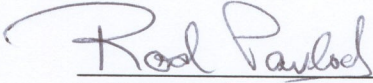
Section 3. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Commission of the City of Orchard, Texas, declares that it

would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 14th of July, 2012.

ATTEST:


Merry Sue Hajdik
City Secretary


Rod Pavlock
Mayor