

# **Chapter 4 – Animals and Fowl**

## **ARTICLE I – IN GENERAL**

**Sec. 4-01 Definitions.** As used in this chapter, the following terms shall have the respective meanings ascribed to them:

*Adequate shelter:* Means a sturdy structure:

- (A) that allows the dog protection from inclement weather; and
- (B) with dimensions that allow the dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position.

*Animal Control Authority/Enforcement Officer:* Shall mean the Animal Control Division of the Victoria County Public Health Department. All officers of the Victoria Police Department, Victoria Sheriff's Office, and/or any person or persons designated by the City of Victoria and Victoria County as the Animal Control Authority, whether one (1) or more, or his or her designee.

*Animal shelter:* Any facility operated by a humane society, or municipal or other governmental agency for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

*Auction:* Any place or facility where animals are regularly bought, sold, or traded, except for such facilities which are otherwise defined in this chapter.

*Cat:* Any member of the family *Felis domestica*.

*City:* Shall mean the City of Victoria, Texas.

*Collar:* Means a band of material specifically designed to be placed around the neck of a dog.

*Commercial animal establishment:* Any pet shop, grooming shop, auction, zoological park, kennel or small animal facility. This term shall not include animal shelters or veterinary hospitals, as those terms are herein defined.

*County:* Shall mean Victoria County, Texas.

*Currently vaccinated:* Vaccinated against rabies and satisfying the following criteria:

- (A) The animal must have been at least three (3) months of age at the time of vaccination; and
- (B) At least thirty (30) days have elapsed since the animal was vaccinated.

*Dangerous dog:* means a dog that:

- (A) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (B) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

*Dangerous wild animal:* Means lions, tigers, ocelots, bobcats, panthers, cougars, leopards, cheetahs, jaguars, lynxes, servals, caracals, hyenas, wolves, coyotes, jackals, bears, baboons, chimpanzees, orangutans, a gorilla; or any hybrid of an animal listed in this definition.

*Director:* Director of the Victoria County Public Health Department.

*Dog*: Means a domesticated animal that is a member of the canine family.

*Fowl*: Chickens, turkeys, ostriches, emus, rheas, pheasants, ducks, geese, pigeons, quail, and all similar domestic birds and poultry, whether kept for use or pleasure.

*Grooming shop*: Any facility where animals are bathed, clipped, plucked or otherwise groomed for a fee.

*Harbor*: Any animal shall be deemed harbored if it is fed, sheltered or maintained for three (3) days or more.

*Harness*: Means a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog.

*Humane society*: Any organization for the prevention of cruelty to animals incorporated under the laws of the state.

*Inclement weather* includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.

*Kennel*:

(A) Any lot, building, structure, enclosure or premises where five (5) or more adult animals are kept; and

(B) Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats, or other animals.

*Livestock*: Means or includes, regardless of age, sex, or breed, horses of all equine (Genus Equus) species including, mules, donkeys, and jackasses, cows consisting of all bovine (Subfamily Bovinae) species, llamas or alpacas, sheep and goats consisting of all caprine (Subfamily Caprinae) species, and pigs consisting of all swine (Family Suidae) species.

*Notice/official notice*: Whenever notice is required by the animal control authority or an enforcement officer, it shall mean notice by personal service, certified mail return receipt requested, or a written notice left at the entrance to the premises where the animal is harbored.

*Owner*: Means a person who owns or has custody or control of an animal.

*Pet*: Any animal kept for pleasure rather than utility.

*Pet shop*: Any place or facility used for the business of buying, selling, or trading pets.

*Properly fitted*: Means, with respect to a collar or harness, a collar or harness that:

(A) is appropriately sized for the dog based on the dog's measurements and body weight;

(B) does not choke the dog or impede the dog's normal breathing or swallowing; and

(C) does not cause pain or injury to the dog.

*Releasing Agency*: Any public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

*Restraint*: Means a chain rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

*Riding school or stable*: Any establishment open to the public that keeps one (1) or more equine animals for hire for recreational purposes for riding or driving.

*Secure Enclosure*: Means a fenced area or structure that is:

(A) locked;

- (B) capable of preventing the entry of the general public, including children;
- (C) capable of preventing the escape or release of a dog;
- (D) clearly marked as containing a dangerous dog; and
- (E) in conformance with the requirements for enclosures established by the local animal control authority.

*Small animal facility:* Any place or facility used for the business of breeding or raising rats, mice, hamsters, rabbits, mink, guinea pigs, or other similar small animals for profit.

*Tract:* A contiguous parcel of land under common use or ownership.

*Trap-neuter-return, or "TNR":* A nonlethal approach to feral cat population control where feral cats are humanely trapped, sterilized and vaccinated, ear tipped, and then returned to the location where they were originally trapped or to another community cat colony when authorized under the direction of Victoria County or an animal advocacy group on the establishment of a TNR program.

*Vaccination:* An injection of United States Department of Agriculture approved rabies vaccine administered every twelve (12) months, or as prescribed by the state board of health, by a licensed veterinarian.

*Veterinarian:* A veterinarian licensed to practice in the state.

*Veterinary hospital:* Any facility operated by a veterinarian for the diagnosis and treatment of animal injuries and diseases.

*Vicious animal:* Any animal other than a dangerous dog that constitutes a physical threat to persons or to other animals.

*Wild animal:* Any animal normally found in the wild state and all reptiles that are poisonous or exceed eight feet in length. This includes skunks, raccoons, armadillos, or hybrids of these species or any other animal not normally capable of being domesticated.

*Zoological park:* Any place or facility where wild animals are kept for purposes of display or exhibition; provided that such facilities operated by any governmental agency shall not be included in this term.

## **ARTICLE II – ENFORCEMENT**

### **Sec. 4-20 Enforcement Officer – Chief Animal Control Officer**

The Chief Animal Control Officer for the City shall be appointed by the Director. The Chief Animal Control Officer shall enforce the provisions of this chapter. It shall primarily be the duty of the Chief Animal Control Officer and his/her designated animal control representatives, as well as any licensed peace officer, to enforce all provisions of this chapter and State Laws relating to the care, control, and impoundment of animals. Unless otherwise provided, the Chief Animal Control Officer may designate representatives to carry out any duties assigned by this chapter to such Chief Animal Control Officer.

### **Sec. 4-21 Interference with Enforcement.**

- (A) It shall be unlawful for any person to interfere with any enforcement officer in the performance of duties. A person interferes with the enforcement officer if he/she:
  - (1) Takes or attempts to take any animal from any enforcement officer or from any vehicle used by the officer to transport any animal or to take or attempt to take any animal from the animal shelter or other kennel or confinement area used to impound an animal; or

- (2) Physically constrains the movement of any enforcement officer's vehicle or equipment by;
  - (a) Placing any part of the person's property in the way of the animal control officer's progress in the performance of the officer's duties; or
  - (b) Taking or moving an officer's equipment, which causes a time delay in the officer's ability to use the equipment; or
- (3) Gives false information to the local rabies control authority, local animal control authority, enforcement officer, and any other authorized person in the performance of their duties.
- (B) No person shall remove or attempt to remove animal control authority equipment regardless of where it is located.
- (C) No person shall tamper with or damage animal control authority equipment regardless of where it is located.

**Sec. 4-22 Victoria County Animal Control Shelter**

- (A) The Chief Animal Control Officer shall establish and maintain the Victoria County Animal Shelter at such place as may be designated by the Victoria County Commissioners Court or as may be mutually agreed by the City and County.
- (B) The Victoria County Animal Shelter shall be used for the impoundment of animals found running at large within the city limits, and for such other purposes as may be prescribed by the provisions of this chapter, ~~and for such other purposes as may be prescribed by Victoria County.~~

**Sec. 4-23 Impoundment of animals; disposition of animals; fees as prescribed; sterilization required**

- (A) Any animal abandoned or otherwise in violation of the provisions of this chapter may be impounded in the Victoria County Animal Control Shelter.
- (B) Animals so impounded shall be kept for not less than five (5) business days unless earlier reclaimed by their owners under the conditions prescribed herein.
- (C) An owner reclaiming an animal so impounded shall pay an impoundment fee, a boarding fee for each day of impoundment, and all costs of veterinary care incurred during the impoundment period. Fee amounts shall be set by the city council by separate ordinance, from time to time, copies of which are on file in the city secretary's office. A schedule of such fees shall be kept on file for public inspection in the city secretary's office and at the animal shelter.
- (D) Upon first impoundment, an animal must be microchipped and the microchip registered to the owner. Microchip, registration, and cost to implant microchip shall be at owner's expense.
- (E) After the expiration of any required holding period, the ~~city-County~~ shall become the full owner of the animal in question and may dispose of it in accordance with this chapter. The Chief Animal Control Officer or his/her designee may adopt out, dispose of, or euthanize the animal.

- (F) Any citizen adopting an animal shall pay certain adoption fees which shall be set by the city council by separate ordinance from time to time, copies of which are available for public inspection in the city secretary's office and at the animal shelter.

#### **Sec. 4-24 Irresponsible Pet Owners**

If, within 12 months prior to the conduct giving rise to prosecution under this Chapter, the defendant has previously pled guilty, pled no contest, or been convicted of an offense under this Chapter, then on conviction or plea of guilty or no contest, the defendant shall be punished by the maximum fine available for such offense.

#### **Sec. 4-25 Additional Enforcement**

Any person, firm, corporation or agent who shall violate a provision of this Chapter, or fails to comply therewith, or with any of the requirements thereof, is subject to a civil suit which may include injunctive relief or equitable relief, as well as prosecution for criminal violations. Nothing in this article shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law.

### **ARTICLE III – STANDARDS FOR ANIMAL CARE**

#### **Sec. 4-30 Leash Law**

- (A) It shall be unlawful for an owner of a dog to fail to keep such animal secured by leash or lead or by physical confinement within the real property limits of its owners, or confined within a motor vehicle. This subsection shall not apply to law enforcement canines when performing law enforcement activities under the direction of a trained handler.
- (B) It shall be unlawful for an owner of an animal to fail to exercise control over such animal to prevent it from threatening, chasing or attacking passing persons, vehicles or other animals.
- (C) It shall be unlawful for an owner of an animal to fail to exercise control over such animal to prevent it from damaging private or public property.
- (D) It shall be unlawful for an owner of an animal to fail to exercise control over such animal to prevent it from barking, whining or howling in such a manner, with such intensity, or with such continued duration, so as to annoy, distress or disturb the quiet comfort or repose of persons of normal nervous sensibilities within the vicinity of hearing thereof.
- (E) It shall be unlawful for an owner of a dog or cat in heat to fail to confine such animal in a building that prevents any contact between such animal and any other animal, except for planned breeding.
- (F) It shall be unlawful for any person to in any manner tease, annoy, disturb, molest or irritate an animal that is confined to the owner's premises.

#### **Sec. 4-31 Outdoor cats**

All outdoor cats must be spayed or neutered.

#### **Sec. 4-32 Parental Responsibility**

If an animal is owned or purported to be owned by an individual who is younger than 17 years of age, responsibility and liability for compliance with this chapter with respect to such an animal shall be imposed on the parent, legal guardian, or other person who has the duty of control and reasonable discipline of the minor individual, regardless of whether the parent, legal guardian, or other person otherwise meets the definition of “owner” with respect to the animal at issue.

#### **Sec. 4-33 Unsanitary or offensive conditions**

- (A) The owner of every animal shall make sanitary disposal of any excreta deposited by his animal on public walks, streets, recreation areas, or upon private property not within the control, possession, or supervision of the owner.
- (B) It shall be unlawful and constitute a public nuisance for any person to maintain any animal or fowl in such a manner or allow any pen, enclosure, yard or similar place used for the keeping of animals or fowl to become unsanitary, or offensive by reason of odor, or create a condition that is a breeding place for fleas or other ticks or pests which is offensive to persons of ordinary sensibilities residing in the vicinity thereof or is determined to be a public nuisance by any enforcement officer.
- (C) A violation of this section is a health and sanitation offense, and the punishment for violation of this section shall be a fine in an amount not to exceed \$2,000.00.

#### **Sec. 4-34 Inhumane Treatment of Animals**

- (A) A person commits an offense if he is an owner or person having care and control of any animal and fails to provide the following for each animal under his or her care:
  - (1) Sufficient food, served in clean containers, to maintain the animal in good health.
  - (2) Clean, potable, water, served to the animal in a clean container, such water to be available to the animal at all times.
  - (3) Adequate shelter, which shall allow the animal to remain dry and protected from the elements at all times and which shall provide either natural or artificial shade for the animal to avoid direct sunlight. If the shelter provided is by enclosure, the enclosure shall allow for adequate ventilation.
  - (4) Veterinary care as needed to prevent suffering and maintain the animal in a health state.
- (B) A person commits an offense if he beats, torments, overloads, overworks, maims, disfigures, burns or scalds, mutilates or needlessly kills an animal, or if he carries or transports an animal in any vehicle or other conveyance in a cruel or inhumane manner, or if he permits any animal to remain in its own filth or if he causes any of these acts to be done. This subsection does not apply to traditional ranching practices for the management, control, or identification of livestock.
- (C) It shall be unlawful for a person to crop a dog’s ears, dock a tail, remove dew claws or perform other surgical procedures on a dog or a cat except as provided by a Licensed Veterinarian.
- (D) It shall be unlawful for a person to use steel jaw or leg-hold traps.

- (E) It shall be unlawful for an owner or other person having care and control of an animal to abandon said animal; abandonment shall consist of:
  - (1) Leaving an animal by a roadside or other area, or leaving such animal on private property, without the property owner's consent, or
  - (2) Leaving an animal at the Victoria County Animal Shelter without signing a proper release form either before leaving the animal or once an owner is made aware that the animal is at the Victoria County Animal Shelter.
- (F) It shall be unlawful for a person to confine an animal in a parked or standing vehicle in such a way as to endanger the animal's health, safety, or welfare. It is presumed that an animal's health, safety, or welfare is endangered when the animal is confined in a parked or standing vehicle for a period of five (5) or more minutes when the ambient outside temperature measures above 75 degrees Fahrenheit or below 35 degrees Fahrenheit.

#### **Sec. 4-35 Unlawful Restraint of Dog**

- (A) An owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to:
  - (1) adequate shelter;
  - (2) an area that allows the dog to avoid standing water and exposure to excessive animal waste
  - (3) shade from direct sunlight; and
  - (4) Potable water.
- (B) An owner may not restrain a dog outside and unattended by use of a restraint that:
  - (1) is a chain;
  - (2) has weights attached;
  - (3) is shorter in length than the greater of:
    - (a) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
    - (b) 10 feet; or
  - (5) is not attached to a properly fitted collar or harness;
- (D) A person commits an offense if the person knowingly violates this section. The restraint of each dog that is in violation is a separate offense.
- (E) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.
- (F) This section does not apply to:
  - (1) the use of a restraint on a dog in a public camping or recreational area in compliance with the requirements of the public camping or recreational area as defined by a federal, state, or local authority or jurisdiction;
  - (2) the use of a restraint on a dog while the owner and dog engage in, or actively train for, an activity conducted under a valid license issued by this state provided the activity is associated with the use of presence of a dog;

- (3) the use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of shepherding or herding cattle or livestock;
  - (4) the use of restraint on a dog while the owner and dog engage in conduct directly related to the business of cultivating agricultural products;
  - (5) a dog left unattended in an open-air truck bed only for the time necessary for the owner to complete a temporary task that requires the dog to be left unattended in the truck bed;
  - (6) a dog taken by the owner, or another person with the owner's permission, from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be temporarily restrained; or
  - (7) a dog restrained while the owner and dog are engaged in, or actively training for, hunting or field trialing.
- (G) Subsection (B)(3) above does not apply to a restraint attached to a trolley system that allows a dog to move along a running line for a distance equal to or greater than the lengths specified under that subdivision.
- (H) This section does not prohibit a person from walking a dog with a handheld leash.

**Sec. 4-36 Duty of person striking domestic animal**

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such accident to the animal's owner if such owner can be located; provided, that if such owner cannot be ascertained and located, such operator shall report the accident immediately to the police department or to the Victoria County Animal Control.

**Sec. 4-37 Sale of animals on public property**

- (A) No person shall conduct a sale or auction of livestock, fowl, or other animals upon streets, sidewalks, or other public property within the City.
- (B) No person shall conduct a sale or auction of livestock, fowl, or other animals that causes or induces other persons to assemble upon streets, sidewalks, or other public property within the City.
- (C) No person shall sell, offer for sale, trade, barter, lease, rent, display for a commercial purpose or give away any live animal from an outdoor location that is visible from a street depicted as an arterial or collector street on the latest Master Thoroughfare Plan adopted by the City of Victoria.
- (D) This section shall not apply to judicial sales made by the officers of courts, as ordered by such courts or prescribed by law, or to sales made upon the premises of the City Community Center as part of any duly authorized stock show or sale.

**ARTICLE IV – DANGEROUS DOGS**

**Sec. 4-40 Citizen Complaint of Dangerous Dog**

- (A) The City of Victoria hereby elects to be governed by section 822.0422 of the Texas Health and Safety Code, to permit citizens to report an incident to the municipal court, to allow



the court to determine whether a dog is dangerous, and to permit all actions authorized or mandated by said section.

- (B) Should any person other than an enforcement officer desire to file a complaint concerning a dog which is believed to be a dangerous dog, a sworn, written complaint must first be filed with the municipal court of the city containing:
  - (1) The name, address and telephone number of the person filing the complaint and any other witnesses;
  - (2) The date, time, and location of the incident involving the animal;
  - (3) A description of the animal;
  - (4) The name, address, and telephone number of the animal's owner, if known;
  - (5) A statement describing the facts of death, serious bodily, animal injury, or attack upon which such complaint is based; and
  - (6) A statement describing any incidents where the animal has exhibited dangerous propensities in past conduct, if known.

#### **Sec. 4-41 Local Requirements for Dangerous Dog**

- (A) In addition to the requirements established in state law, the owner must provide proof at the time of registration of a Dangerous Dog that:
  - (1) The dog is micro-chipped with a permanent ID; and
  - (2) The dog is neutered or spayed.
- (B) All owners of dangerous dogs within the city shall display in a prominent place on their premises a sign easily readable by the public using the words “Beware - Dangerous Dog” and “Cuidado – Perro Peligroso” in contrasting colors with block letters at least one inch in height. The sign is to be no smaller than eight (8) inches by twelve (12) inches and shall not exceed eighteen (18) inches by twenty-four (24) inches in size. In addition, a similar sign shall be posted on all sides of the kennel or pen of such animal.

#### **Sec. 4-42 Local Requirement for Secure Enclosure of a Dangerous Dog**

- (A) The secure enclosure must and allow the dog to exhibit normal behavior. Dog should be able to move freely, stand up without touching the top of the enclosure, turn around easily and fully stretch out without touching the sides of the enclosure. The enclosure shall:
  - (1) Be comprised of a material that the dog cannot chew through;
  - (2) Have a bottom capable of keeping dog from digging out and other animals and people from digging in;
  - (3) Have an enclosed roof capable of keeping dog from escaping and keeping other animals and people from climbing in; and
  - (4) Have a double “air lock” type entry with locks on both doors allowing the caretaker to enter the enclosure with no risk of the animal escaping. One door is opened and then locked behind. Then second door is opened and locked behind so that the animal cannot be admitted exit to the outside.
- (B) The enclosure cannot be located in any building or structure that is inhabited by any person.

- (C) The enclosure must be inspected and approved by Animal Control no less frequently than once each year.

## ARTICLE V – LIVESTOCK AND FOWL

### Sec. 4-50 Male goats, swine prohibited

- (A) No person shall keep, feed, raise, or maintain male goats within the city.
- (B) No person shall keep, feed, raise, or maintain swine within the city, except for the purposes and at the locations indicated below:
  - (1) Exhibitions and sale at stock shows and fairs;
  - (2) When located upon property of any ~~vocational~~ school, with facilities properly constructed and maintained as approved by the director;
  - (3) When kept at the home of a participant in an agricultural education program under the supervision of a vocational instructor or the county agricultural agent, for exhibition and sale at stock shows and fairs under the following conditions;
    - (a) The property upon which the participant maintains the swine must have a minimum area of one (1) acre.
    - (b) A maximum of five (5) swine may be kept upon such area.
    - (c) A pen shall be provided upon such area having a minimum width of fifteen (15) feet, and a minimum size of six hundred twenty-five (625) square feet per swine weighing fifty (50) pounds or more; such pen must be covered with a roof having a minimum size of one hundred (100) square feet per swine; such pen shall be located a minimum of one hundred fifty (150) feet from any dwelling other than that of the participant.
    - (d) All swine must be provided with a self-waterer or similar equipment approved by the city health authority. A concrete or other impervious slab must be provided under the tank and extending four (4) feet from the edge of the tank in all directions.
    - (e) All swine must be grain fed.
    - (f) Hog wallows are prohibited.
- (C) The supervisor of such agricultural education program shall provide a list of participants, their locations, and the number of animals, to the director.

### Sec. 4-51 Livestock pen required

- (A) No person shall keep, feed, raise, or maintain livestock other than male goats and swine within the city except under the following conditions:
  - (1) Such livestock shall be kept in a pen or enclosure at least one hundred (100) feet from every dwelling other than that of the livestock owner.
  - (2) Such enclosure shall provide at least one-half acre of useable grazing area for each two head of livestock.

- (3) Such enclosure shall be kept sanitary so as to prevent the development of health hazards or offensive odors.
- (B) The above requirements shall not apply to the raising of market lambs for exhibition and sale at stock shows and fairs by participants in agricultural education programs under the supervision of a vocational instructor or the county agricultural agent, under the following conditions:
  - (1) Such lambs must be kept in a pen or enclosure at least twenty-five feet, for up to two animals, and fifty feet, for up to four animals, from every dwelling other than that of the participant.
  - (2) Such enclosure shall be kept sanitary so as to prevent the development of health hazards or offensive odors.
  - (3) The supervisor of such agricultural education program shall provide a list of participants, their locations, and the number of animals, to the director.

**Sec. 4-52 Fowl pen required.**

- (A) No person shall keep, feed, raise or maintain fowl within the City except in accordance with this section.
  - (1) Fowl shall be kept in a fenced area (run) with a minimum of ten square feet per fowl of run space, and additionally be provided a coop that provides protection from inclement weather with a minimum of three square feet per fowl. Such fenced area and coop shall each be of such construction and strength to keep such fowl from running at large.
  - (2) Such fenced area and coop shall each be
    - (a) no closer than 25 feet to the nearest inhabited dwelling, other than that of the owner of such fowl;
    - (b) no closer than five feet from any property line;
    - (c) not visible from a public street; and
    - (d) kept sanitary as to prevent the development of health hazards or offensive odors.
- (B) It shall be an affirmative defense to prosecution if such fowl being kept on a lot in the city and the surrounding area is later developed to bring it closer to any inhabited building or dwelling closer than 25 feet, excluding the property owner who keeps the fowl.
- (C) The prohibition in subsection (A) above shall not apply to a participant in an agricultural education program under the supervision of a vocational instructor or the county agricultural agent raising fowl for exhibition and sale at stock shows and fairs in accordance with the guidelines and supervision established and maintained by the agricultural education program, provided that the supervisor of such agricultural education program has provided a list of participants, their locations, and the number of animals, to the director.
- (D) This section shall not apply to zoological parks.

**Sec. 4-53 Sale of dyed fowl**

No person shall dye or color any chicken or duckling less than eight (8) weeks of age, nor sell or offer for sale any such dyed or colored chickens or ducklings.

**Sec. 4-54 Livestock and fowl at large**

No owner of livestock or fowl shall cause or permit such animal to go at large upon streets, sidewalks, or other public property within the city, or upon private property other than that of such owner.

**Sec. 4-55 Driving or herding livestock**

No person shall drive or herd any livestock upon streets, sidewalks, or other public property within the City.

**Sec. 4-56 Hitching livestock**

No owner of livestock shall cause or permit such livestock to be hitched, tied, or staked in any public park or square, or upon any private property or structure other than that of such owner.

**Sec. 4-57 Sale of impounded livestock**

- (A) All livestock impounded under this article that are not reclaimed by their owners within five (5) business days after impoundment may be sold by the Chief Animal Control Officer at public auction under the following conditions:
  - (1) Notice of the time, location, and terms of the sale, including a description of the animals to be sold, shall be given at least five days in advance by posting such notice in at least two public places in the city, and by publication of such notice at least once in a newspaper of general circulation within the city.
  - (2) All sales shall be for cash.
  - (3) A reasonable period of time shall be provided before all sales to allow public inspection of animals to be sold.

**ARTICLE VI – WILD ANIMALS**

**Sec. 4-61 Wild and Vicious Animals**

- (A) No person shall keep, raise, feed, or maintain any Wild Animal or Vicious Animal as a pet or for purposes of display or exhibition, whether gratuitously or for a fee; provided, that this section shall not apply to zoological parks.
  - (1) It shall be an affirmative defense to prosecution under this section that a dangerous wild animal is kept within the City by a traveling circus only during the time the circus is performing, or by any other person for a maximum of thirty (30) days.(2) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

- (B) No owner of a Wild Animal or Vicious Animal shall fail to confine such animal within a building or secure enclosure, nor fail to securely leash and muzzle or cage such animal whenever off such owner's premises in the following manner:
  - (1) The leash shall not be longer than six (6) feet;
  - (2) Retractable or flexi-leads are not allowed; and
  - (3) The leash shall be controlled by an adult (eighteen (18) years old or older) or by a person physically capable of controlling the animal.

## **ARTICLE VII – COMMERCIAL ANIMAL ESTABLISHMENTS**

### **Sec. 4-70 Sanitation and Humane Requirements**

- (A) It shall be unlawful for a commercial animal establishment to sell, trade, or give away any dog or cat, over 16 weeks of age, unless the dog or cat has been vaccinated as required by this chapter.
- (B) The Chief Animal Control Officer or his/her designated representatives shall be authorized to inspect any commercial animal establishment and all animals and the premises where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions of this chapter.
- (C) In addition to the other requirements of this chapter, commercial animal establishments shall comply with the following minimum standards:
  - (1) Remove manure and droppings from pens, yards, cages, and other enclosures daily and handle or dispose of the excretions in such manner as to keep the premises free of any nuisance.
  - (2) Place food in impervious containers on impervious surfaces.
  - (3) Remove all refuse on the premises and dispose of same
  - (4) Such sanitation shall be approved
- (D) No commercial animal establishment, or part thereof, shall be located within one hundred (100) feet of any residence other than that of the owner or operator of the establishment; provided, this requirement shall not apply to commercial animal establishments in existence as of the effective date of the ordinance from which this section is derived; and provided further, that upon cessation of operation of such an existing establishment for a continuous period of sixty (60) or more days, the foregoing offset requirements shall thereupon apply to such establishment.

## **ARTICLE VIII – RABIES CONTROL**

### **Sec. 4-80 Rabies Control Act Adopted**

The City of Victoria does hereby adopt Chapter 826 from the Texas Health and Safety Code in its entirety and as this chapter may be amended from time to time. Chapter 826 from the Texas Health and Safety Code is also referred to as the Rabies Control Act of 1981.

#### **Sec. 4-81 Designation of Local Rabies Control Authority (LRCA)**

The Chief Animal Control Officer is designated as the Local Rabies Control Authority within the city limits for the purposes of implementation of the Rabies Control Act of 1981.

#### **Sec. 4-82 Rabies Control**

The owners of all animals capable of transmitting rabies except goats, sheep, horses and cows, shall have such animals vaccinated before such animal reaches the age of four (4) months and before every twelve (12) months thereafter, or as prescribed by the state board of health, against rabies with a vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian, who shall issue to the owner of the animal a vaccination certificate. The owner shall retain such certificate until the vaccination is renewed. At the time of vaccination, a metal tag shall be issued by the veterinarian showing the name of the veterinary clinic, the tag number, and the year of issuance. Such vaccination tag shall be worn by the animal for which it was issued at all times. TNR community cats are exempt from the certificate and tag requirement. The animal advocacy group managing the TNR program shall keep records of cats, microchip numbers and rabies vaccinations.

#### **Sec. 4-83 Reporting of suspected rabies; area wide quarantine**

- (A) It shall be the duty of the owner or harbinger of any animal or practicing veterinarian to report to the enforcement officer all suspected cases of rabies. The report shall be made immediately upon diagnosis or suspicion of rabies in animals.
- (B) Should a potential outbreak of rabies within the city be suspected and the danger to the public safety from rabid animals be urgently imminent, the enforcement officer may issue a quarantine order covering a period of two hundred forty (240) hours ordering persons owning, keeping, or harboring dogs, cats or other animals to muzzle the same or confine them for such time as may be specified in such quarantine proclamation. Upon the issuance of such order, persons owning or harboring such animals shall confine them to premises unless they are effectively muzzled and under the control of an adult person by leash, cord, chain, or rope. Animals found at-large in violation of this subsection may be destroyed by an enforcement officer if such officer is unable with reasonable effort to apprehend such animals for impoundment. The enforcement officer may extend, revise or revoke such order as he or she determines.

#### **Sec. 4-84 Bites by animals**

- (A) Investigation. The enforcement officer may investigate reports in which animals have bitten persons or animals. It shall be the responsibility of such officer, or other officer if he or she is not the investigating officer, to obtain details on the bite cases and to conduct a follow-up investigation of the biting animal, if he or she so determines, to determine if it is suffering from rabies.
- (B) Determination by enforcement officer. The enforcement officer shall determine whether or not the animal suspected of biting is to be placed under quarantine and watched to determine if the animal is capable of transmitting or exposing humans or other animals to rabies. The quarantine for all animals shall be for a period not less than two hundred forty (240) hours.
- (C) Quarantine at veterinarian facility. The owner of the animal required to be quarantined under subsection (b) shall surrender the animal to the enforcement officer immediately for

quarantine at a licensed rabies quarantine facility or for delivery to a veterinarian, or otherwise arrange for the animal to be placed in quarters supervised by a veterinarian for the period of the quarantine. After the animal has been released from quarantine, the owner may redeem the animal from the veterinarian upon payment of the applicable fees and verification by the enforcement officer that the animal's vaccination and permit are current.

- (D) Residence quarantine.
- (1) In lieu of animal quarantine at a veterinarian facility, at their discretion the chief animal control officer may authorize the animal to be kept on the owner's premises (residence quarantine) upon the following conditions, to be determined in the enforcement officer's sole discretion:
    - (a) The animal was currently vaccinated at the time of the bite;
    - (b) The animal was not at-large at the time of the bite;
    - (c) When quarantined at home, the animal must be restrained in an area where it will not come in contact with any persons or animals;
    - (d) The animal must be made available to the enforcement officer for periodic inspections at his or her discretion;
    - (e) The owner agrees to observe the animal for any signs of illness or personality changes and report such changes to the enforcement officer;
    - (f) The animal may not be moved from the quarantine location without prior notification and approval of the enforcement officer;
    - (g) The animal will remain under quarantine until the enforcement officer is notified that a final health inspection has been made, all outstanding fees are paid, and that the animal has been cleared by a veterinarian. The enforcement officer may require a veterinarian's certificate stating that in his or her opinion such animal is not rabid and exhibits no symptoms of rabies, prior to release of the animal from quarantine. Contact may be made by phone, personal service, or certified mail; and
    - (h) The animal may not receive a vaccination for rabies during the quarantine period.
  - (2) Failure to comply with all of the above conditions of residence quarantine, or as directed by the enforcement officer, is a violation of this chapter and will result in the animal being impounded in a veterinary hospital/clinic facility for the duration of the quarantine period.
- (E) Violations. It shall be unlawful for any person to interfere with the enforcement of this section or to fail or refuse to surrender to an enforcement officer any animal involved or suspected of being involved in a bite case, or to otherwise fail or refuse to provide for the quarantine of animals as may be authorized by this chapter.
- (F) Seizure of animal. If an owner fails or refuses to surrender an animal to the enforcement officer for quarantine under this chapter and does not otherwise comply with the above quarantine provisions, such officer may apply to any judge of the municipal court of the city for a warrant to seize the animal. The officer executing the warrant shall cause the animal to be impounded at any facility as the officer shall determine.
- (G) Victoria Animal Control will return any animals to their owner after quarantine period has ended after the first bite. Home quarantine may be eligible if the rabies vaccination is

current; At the discretion of Chief Animal control officer upon a second bite occurrence, the animal will be quarantined and may be determined a vicious or dangerous dog pending a hearing.

#### **Sec. 4-85 Disposition of Quarantined Animals**

- (A) If it is determined by a veterinarian that a quarantined animal shows the clinical signs of rabies, the health authority shall humanely destroy the animal.
- (B) If an animal dies or is destroyed while in quarantine, the health authority shall submit the brain to the nearest laboratory certified by the Texas Department of Health for rabies diagnosis. The cost of removing and shipping the brain shall be paid by the owner of the animal. This cost shall be set by city council by separate ordinance, from time to time.
- (C) If it is determined by a veterinarian that a quarantined animal does not show the clinical signs of rabies at the end of the quarantine period, the local health authority shall release it to the owner if:
  - (1) The owner has a current, valid rabies vaccination certificate for the animal, or
  - (2) The animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.

#### **Sec. 4-86 Animals constituting imminent danger**

Any animal that is or appears to be rabid constituting an imminent danger to any person or to any other animal may be immediately exterminated by a police or animal control officer.