

CHAPTER 91: ANIMALS

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GENERAL PROVISIONS

§ 91.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. All domesticated and undomesticated creatures except humans.

ANIMAL IDENTIFICATION. Any tag worn by an animal which clearly defines the owner and the owner's address.

ANIMAL SHELTER. A place operated by the city for the detention of animals as prescribed by law.

CAT. A domestic feline of either sex, including one neutered or spayed.

DANGEROUS ANIMAL. Any animal that commits an unprovoked attack upon a person on public or private property or that attacks, threatens to attack or terrorizes a person on public property or in a public place.

DOG. A domestic canine of either sex, including one neutered or spayed.

HARBORING. The act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter or care for a period of three days.

KENNEL. Any building, lot, yard, shed, cage or other area on or in which three or more animals, more than eight weeks old are kept; or any building, lot, yard, shed, cage or other area on or in which one or more animals are housed or boarded for pay.

LEASH. A rope, cord, strap, chain or strand attached to an animal in a manner as to enable a person to control and restrain the movements of the animal, the control and restraint including, but not being limited to, preventing the animal from contacting another person or trespassing upon private property or restricted public property.

LICENSED VETERINARIAN. Any veterinarian licensed by any state of the United States, and in addition, if practicing in this state, licensed by the State Board of Veterinarian Examiners.

OFFICER. Any official of the city deputized as such with authority to carry out and perform the various acts provided to be performed by city officers under this chapter.

OWNER. Any person who has right of property in an animal or who harbors an animal or allows an animal to remain about his or her premises for a period of three days.

PET SHOP. Any person, partnership or corporation, whether operated separately or in connection with another business enterprise that buys or sells any species of animal.

PREMISES OF THE OWNER. Refers to those private property premises under the occupancy or control of a person by ownership, lease or other agreement.

PUBLIC NUISANCE. Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property.

RABIES VACCINATION. The vaccination of an animal with an anti-rabies vaccine approved by the State Department of Health and administered by a veterinarian licensed by the state.

RUNNING AT LARGE. An animal off the premises of the owner and not under the physical, visible or audible control of the owner or his or her authorized representative. An animal intruding upon the property of another person other than the owner shall be termed **RUNNING AT LARGE**. An animal within an automobile or other vehicle of its owner shall be deemed **RUNNING AT LARGE**.

STRAY ANIMAL. Any animal for which there is no identifiable owner or harborer.

VACCINATION. A protective inoculation against rabies by inoculation with anti-rabies vaccine recognized and approved by the United States Department of Agriculture, Bureau of Animal Industry, given in amount sufficient to provide immunity from rabies.

VACCINATION CERTIFICATE. A certificate issued by a licensed veterinarian for presentation to the Health Department of the city as a condition precedent to granting of animal license.

WILD ANIMAL. All species of animals which exist in a natural unconfined state and are usually not domesticated.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483B, passed 1-9-1996; Ord. 483D, passed 8-27-1996)

RABIES CONTROL

§ 91.015 VACCINATIONS.

Every owner of an animal three months of age or older shall have the animal vaccinated (if applicable) against rabies. All animals vaccinated at three months of age or older shall be vaccinated again at one year of age and annually thereafter. Routine vaccination should be performed during the months of January and February during each calendar year. Any person moving into the city from a location outside the city shall comply with this section within 30 days after having moved into the city. If the animal has inflicted a bite on any person or another animal within the last ten days, the owner of the animal shall report the fact to the veterinarian or city health official, and no rabies vaccine shall be administered until after the ten day observation period.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

§ 91.016 CERTIFICATE OF VACCINATION.

(A) Upon vaccination, the veterinarian shall execute and furnish to the owner of the animal as evidence thereof, a certificate upon a form furnished by the city. The veterinarian shall retain a duplicate copy and one copy thereof shall be filed with the Health Department. The original rabies vaccination certificate shall be retained by the owner for inspection by any person charged with the enforcement of this chapter. The certificate shall contain the following information:

- (1) The name, address and telephone number of the owner of the vaccinated animal;
- (2) The date of vaccination;
- (3) The type of rabies vaccine used; and
- (4) The year and number of the rabies tag.

(B) It shall be unlawful for any person to make use of a stolen, counterfeit or forged rabies vaccination certificate, rabies vaccination tag or other form.

(C) Rabies certificates and tags are not transferable and it shall be unlawful for any person to use any rabies certificate or rabies tag for any animal other than the animal for which the certificate and/or tag was originally issued.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.017 RABIES TAG.

Concurrent with the issuance and delivery of the certificate of vaccination referred to in § 91.016, the owner of the animal shall cause to be attached to the collar or harness of the vaccinated animal a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance and the name of the jurisdiction and state. The tag shall be worn by the animal at all times.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.018 DUPLICATE TAGS.

In the event of loss or destruction of the original tag provided in § 91.017, the owner of the animal shall obtain a duplicate tag. Certificate shall indicate that it is a duplicate of the original.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

§ 91.019 PROOF.

It shall be unlawful for any person who owns or harbors a vaccinated animal to fail or refuse to exhibit his or her copy of the certificate of vaccination upon demand to any person charged with the enforcement of this chapter.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.020 HARBORING UNVACCINATED ANIMALS.

It shall be unlawful for any person to harbor any animal which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate. There shall be a fine of \$100 for unvaccinated animals.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.035 DUTY TO REPORT.

Any person having knowledge that an animal has bitten a human shall immediately report the incident to the City Health Officer or Animal Control Officer or the State Department of Health or practitioner who treats a person or persons for the bites shall within 12 hours report the treatment to the City Health Officer, Animal Control Officer, or the State Department of Health, giving name, age, sex and precise location of the bitten person or persons and any other information as the officer or agency may require.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

§ 91.036 SUSPECTED RABIES.

(A) Any veterinarian who clinically diagnoses rabies in a domestic or wild animal shall immediately report the incident to the City Health Officer or Animal Control Officer or the State Department of Health stating precisely where the animal may be found.

(B) If a known or suspected rabid animal bites or attacks a domestic animal, the incident shall be reported as required above.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

§ 91.037 CONFINEMENT OF ANIMALS.

Any animal which has bitten a person shall be observed for a period of ten days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer or responsible agency. Confinement shall be at the expense of the owner. Stray animals whose owners cannot be located shall be confined at the animal shelter or a place designated by the City Health Official. The owner of any animal that has been reported to have inflicted a bite on any person shall on demand produce the animal for impoundment, as prescribed in this section, and each day of the refusal shall constitute a separate and individual violation.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.038 REMOVAL OF ANIMAL FROM CONFINEMENT.

It shall be unlawful for any person to remove from any place of confinement any animal which has been confined as authorized, without the consent of the impounding agency.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.039 PROCEDURES FOR OTHER ANIMAL BITES.

(A) Procedures concerning bites from other animals shall be discussed with the City Health Officer, Animal Control Officer, or the State Department of Health for proper disposition.

(B) Any wild animal which has bitten a person should be caught and killed and the brain immediately submitted to a qualified laboratory for rabies examination.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

§ 91.040 CONFINEMENT DURING RABIES EMERGENCY.

(A) Whenever a danger of rabies is detected, the Mayor shall issue a proclamation requiring all animals within the city limits to be properly confined and it shall be unlawful for the owner of any animal to fail to comply with the proclamation.

(B) The proclamation shall be published and broadcast for public information.

(Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

ANIMAL IDENTIFICATION

§ 91.055 IDENTIFICATION TAGS.

(A) (1) All animals required to wear a rabies tag shall also be required to wear a tag identifying the owner and the owner's address. The purpose of the tag is to help prevent the animal from being confined at the shelter. It is recommended that the reverse side of the rabies tag be engraved with owner's name and address.

(2) Reasonable attempts will be made by the Animal Control Officer to return the animal to its owner using the identification tag.

(B) The Animal Control Officer shall, at his or her discretion, issue a warning or citation for violation of running at large.

(C) If the animal is wearing an identification tag but is not wearing a rabies tag the animal shall be held at the animal shelter until proof of rabies vaccination can be made.

(Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

§ 91.056 MICROCHIPS REQUIRED.

(A) The owner of any dog or cat, four months old or older, living in the city must have a radio-frequency-identification ("RFID") microchip implanted in their dog or cat. The fee for any city-performed RFID microchip implant shall be \$25.

(B) For the purpose of this section, **MICROCHIP** is defined as an identifying integrated circuit placed under the skin of a dog or cat for the purpose of identifying the owner of the animal.

(C) If any dog or cat required by this section to have a microchip implanted is not in compliance on the effective date hereof, the owner will have 90 days from the effective date to comply with the requirements of this section.

(D) All dogs and cats impounded under §§ 91.105*et seq.* shall be implanted with microchip identification before being released from impoundment to their owners, and the implant fee must be paid before the animal will be released.

(E) All dogs and cats adopted through the Isabel Y. Garcia Animal Shelter must be implanted with microchip identification, and the implant fee paid must be before the animal will be released to the adoptive owner.

(Ord. 483-F, passed 9-11-2012)

PUBLIC NUISANCE

§ 91.070 ANIMALS RUNNING AT LARGE.

(A) It shall be unlawful for the owner of any animal to permit the animals to run at large within the city. The animal may be allowed beyond the premises of the owner when leashed to the owner or other person authorized by the keeper.

(B) Also, nothing herein contained shall be construed to prohibit the owner of any animal from escorting the animal properly leashed, to premises other than those of the owner for purposes of exercise, visitation, companionship, participation in shows and exhibitions, or treatment and care by duly constituted veterinarian or kennel for hire to the public; or from transporting the animal in an automobile or other vehicle; or from training or exhibiting the animal without leash on private premises or public shows and exhibition premises, under conditions where the unleashed animals are otherwise restrained from leaving the premises; nothing herein contained is to be construed as constituting the authorization of the invasion of privacy rights of any person.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.071 DISTURBING NOISES.

It shall be unlawful for any owner to harbor any dog, cat, bird, parrot or other animal if by any sound or cry or other activity it shall disturb the peace, comfort and property of the inhabitants of the neighborhood, and the disturbance is hereby declared to be a public nuisance.

(Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.072 MAINTENANCE OF PREMISES.

Every person keeping an animal within the city limits shall maintain the area used or occupied by the animals in a sanitary manner at all times and the area shall be kept free of offensive odors, flies, rodents and other pests.

(Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.073 PICK UP AND DISPOSAL OF EXCREMENT.

Every person keeping an animal within the city limits shall pick up and properly dispose of any solid excrement from the animal whether on public or private property. A \$50 fee shall be imposed on those people who fail to comply.

(Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.074 CONFINEMENT DURING ESTRUS.

Any unspayed female animal in the stage of estrus (heat) shall be confined during the period of time in a house, building or secure enclosure and the area of enclosure shall be so constructed that no other animal can gain access to the confined animal. Owners who do not comply shall be ordered to remove the animal in heat to a boarding kennel, veterinary hospital or animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. Failure to comply with the removal order of the City Officer shall be a violation of this chapter and the animal will then be impounded as prescribed in this chapter.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.075 INJURED ANIMALS.

Animals injured on public property may be impounded and given adequate veterinary medical treatment pending notification to owner. If the injured animal is treated and/or impounded, the owner of the animal shall be liable for all expenses of the treatment and/or the impoundment.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

§ 91.076 OTHER NUISANCES.

Additional nuisance matters include but are not limited to:

- (A) Damages to property of anyone other than its owner;
- (B) Molests or intimidates pedestrians or passersby;
- (C) Chases vehicles;
- (D) Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained;
and
- (E) Attacks other domestic animals;

(Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

DANGEROUS ANIMALS

§ 91.090 POSSESSION OF DANGEROUS ANIMALS.

No person shall own or harbor a dangerous animal within the city. Such an animal shall be impounded as a public nuisance. If impoundment of the animal running at large cannot be made with the safety to the Animal Control Officer or other persons, the animal may be destroyed without notice to the owner or harbinger.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483B, passed 1-9-1996; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.091 GUARD DOGS.

(A) It shall be unlawful to place or maintain any dog which has been specifically trained to attack, in any area for the protection of persons or property unless the dog is physically confined to a specific area, or is under complete control.

(B) 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 in both English and Spanish.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

IMPOUNDED ANIMALS

§ 91.105 IMPOUNDMENT.

(A) Animals owned or harbored in violation of this chapter or any other ordinance or law of the state shall be taken into custody by the Animal Control Officer or designated official and impounded. Stray animals shall be similarly impounded, subject to the provisions of divisions (B), (C) and (D) that follow. The city shall have the right to pick up and impound animals on any day of the week.

(B) For the purpose of this section, *FERAL CAT* shall mean either an abandoned cat or the offspring of cats once owned and then abandoned.

(C) All feral cats captured by the city's Animal Control Officer, whether captured through the direct action of the officer or by becoming trapped in an animal-capturing device, will be taken by the officer to the city animal shelter. The feral cat will then be examined by a veterinarian to determine the condition of its health, and vaccinated for rabies.

(D) Before being released from impoundment, the feral cat will be spayed or neutered, as the case may be, and one ear of the cat will be "notched" or "tipped" so that it can be identified upon subsequent impoundment as being a feral cat that has completed the feral cat program. The feral cat shall be released once these procedures are completed.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996; Ord. 483-E, passed 8-11-2009)

§ 91.106 ANIMAL SHELTER.

A suitable animal shelter shall be provided for the purpose of boarding and caring for any animal impounded under the provisions of this chapter.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

§ 91.107 REMOVAL OF ANIMALS FROM ANIMAL SHELTER.

It shall be unlawful for any person to remove any impounded animal from the animal shelter without the consent of the Animal Control Officer or designated official or agency.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.108 REMOVAL OF BITING ANIMALS FOR CONFINEMENT.

The impoundment of animals, that have inflicted bites to a human, shall be for a period of up to ten days for observation and shall not be terminated until a licensed veterinarian or the local Health Authority has declared the animal to be free of rabies.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

§ 91.109 DISPOSITION OF IMPOUNDED UNLICENSED ANIMALS.

If the owner of the impounded animal is known, notice shall be given to him or her if practicable. Any impounded animal may be redeemed by the owner upon payment of the license fee if applicable, care and feeding charges, veterinary charges, rabies vaccination charges, impounded fees and any other costs as set by the City Commission. If the animal is not redeemed within three days, it shall be considered abandoned and it shall be taken by the Animal Control Officer to the Isabel Y. Garcia Shelter. The shelter shall have the right pursuant to state law to sell the animal for the costs or proceedings and any penalties incurred if the animal is not picked up within the time specified by the animal shelter. Further, pursuant to state law, the animal shelter shall have the power to order the destruction of the animal if it cannot be sold. The care and feeding charges while in the animal shelter shall be \$10 per day or any fraction thereof. This shall include the feeding and watering of the animal. Owners may claim their animal at the Isabel Y. Garcia Shelter.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

§ 91.110 DISPOSITION OF IMPOUNDED ANIMAL BEING HELD ON COMPLAINT.

If a complaint has been filed in the Municipal Court of the city against the owner of an impounded animal for a violation of this chapter, the animal shall not be released except on the order of the court which may also direct the owner to pay any penalties for violation of this chapter in addition to all impoundment fees. The court may, upon making a finding that the animal is vicious or that it represents a clear and present danger to the citizens or other animals in the community, order the animal to be destroyed in a humane manner. Surrender of an animal by the owner thereof to the Animal Control Officer does not relieve or render the owner immune from the decision of the court, nor to any fees and fines which may result from a violation of this chapter.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)

INHUMANE TREATMENT OF ANIMALS

§ 91.125 INHUMANE TREATMENT OF ANIMALS.

(A) No owner shall fail to provide his or her animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(B) No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight or other combat between animals.

(C) No owner shall abandon any animal, abandonment consisting of leaving the animal for a period in excess of 24 hours, without providing for someone to feed, water and check the animal's condition. No owner shall leave an animal by a roadside or other area or leave the animal on either public or private property without the property owner's consent. An animal so left shall be deemed abandoned. In the event that an animal is found so abandoned the animal may be taken by Animal Control Officer to the animal shelter.

(D) Chickens, ducklings, rabbits or any other animal considered protected, exotic or traditionally bred as "farm" animals may not be sold or harbored within the city.

(E) No person shall give away any live animal, fish, reptile or bird as a prize for, or as an inducement to enter, and contest, game or

other competition, as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(F) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render assistance as may be possible and shall immediately report the injury or death to the animal's owner; in the event the owner cannot be ascertained and located, the operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

(G) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal.

(H) If an animal is restrained by a chain, leash or similar restraint, it shall be designed and placed to prevent choking or strangulation. The chain or restraint shall not be less than ten feet in length, and either on swivel designed to prevent the animal from choking itself or else on a chain run.

(I) No person shall crop a dog's ears or tail, except a veterinarian.

(J) No person shall raise or kill a dog or cat for food or for the skin or fur.

(K) No person shall mutilate any animal whether dead or alive.

(L) No person shall engage or cause or allow any other person to engage in sexual act with any animal.

(M) Any animal found involved in violation of any portion of this section may be confiscated by any Animal Control Officer or police, whether on public or private property and held in a humane manner. Upon conviction of this charge by the Municipal Court or other court of law, all animals so confiscated shall become the property of the city and the owner of the animal(s) shall pay to or reimburse the city all veterinary fees associated with the medical treatment provided to the animal while it was in custody.

(Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

KENNELING OF ANIMALS

§ 91.140 GENERAL.

(A) Kennels must meet all city and zoning requirements.

(B) The keeping of any animal within the city, or in territory outside the city limits adjacent thereto and within 5,000 feet thereof, in a manner, or under conditions such as to cause a hazard or danger to the public health, or which produces noxious odors or disturbing noises, or discomfort or annoyance, to persons of ordinary sensibilities in the immediate vicinity thereof, is hereby declared to be a nuisance and is hereby prohibited.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.141 KEEPING OF ANIMALS; SPACE AND DISTANCE REQUIREMENTS.

(A) It shall be unlawful to keep, possess or maintain any horse, mule, donkey or other animal of the equine family; or any cow, calf, steer, bull or any other animal of the bovine family, or any sheep or other animal of the bovine family, or any goat or other animal of the caprine family on any parcel of land or property within the city unless the same shall have a minimum area of 6,000 additional square feet for one animal and 6,000 additional square feet for each additional animal; and within 300 feet of any restaurant, café, or other public eating place, or any church, school, hospital, convalescent home or nursing home.

(B) If any animal is kept in or confined in any building or structure, such as a stable, barn, shed, pen or fence, the distance of 300 feet shall be measured in a straight line from the nearest point of the building or structure to the nearest point of the residence or building used for human habitation, restaurant, café other public eating place, church, school, hospital, convalescent home or nursing home.

(C) It shall be unlawful for any person to keep, possess or maintain within the city any rabbit, guinea pig, ferret, any member of the rodent family, pigeon, chicken, turkey, goose, duck, peafowl or any other fowl, in any pen, enclosure or other structure, within 300 feet of any church, school, hospital, convalescent home or nursing home; the distance of 300 feet to be measured in a straight line from the nearest point of any pen, enclosure, or other structure in which the fowl or animal is kept to the nearest point of the residence, church,

school, convalescent home or nursing home.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.142 KEEPING OF SWINE.

It shall be unlawful to keep or permit to be kept any swine, or to allow swine to remain, in any pen, lot, stable, yard, shed, sty or any other place within the city. This section shall not prohibit the lawful operation of export-import livestock shipping-receiving facilities, nor prohibit the exhibition of swine for a period not to exceed 21 days in connection with agricultural exhibitions or fairs. This section shall not apply to the keeping within the city of not more than two Asian pot-bellied swine or similar small swine, subject to the following:

- (A) Each pot-bellied swine shall be a pet, that is to be kept for personal enjoyment and not kept or raised for human consumption;
- (B) Each pot-bellied swine is required to comply with: all registration, vaccination, leash laws and all other city codes and ordinances that pertain to dogs and cats within the city limits;
- (C) Each pot-bellied swine shall be registered through a bona fide registry firm;
- (D) Each pot-bellied swine shall not exceed 75 pounds in weight and 20 inches in height; and
- (E) There shall not be more than two pot-bellied swine of more than three months of age per residence.

(Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

PERMITS

§ 91.155 PERMIT REQUIREMENTS AND FEES.

(A) No person, partnership or corporation shall operate a kennel or pet shop without first obtaining a permit in compliance with this section.

(B) The licensing authority shall issue regulations for permits and shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The licensing authority may amend the regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

(C) When a permit applicant has shown that he or she is willing and able to comply with the regulations issued by the licensing authority, a permit shall be issued upon payment of the applicable fee.

(D) The permit period shall begin with the fiscal year and shall run for one year. Renewal applications for permits shall be made 30 days prior to the start of the fiscal year. Application for a permit to establish a new animal establishment under the provisions of this chapter may be made at any time.

(E) If there is a change in ownership of an animal establishment, the new owner must submit an application for a new permit 15 days prior to the transfer of property.

(F) No person shall train any dog to be used as a guard or sentry dog without possessing a valid license. This section shall not apply to the city/county government or any of its agencies. The application for a guard or sentry dog training license shall state the name and address of the owner and trainer, location of the facility, and the maximum number of dogs to be housed at the training facility.

(G) Annual permits shall be issued upon payment of the applicable fee:

Kennel authorized to house fewer than ten dogs or cats	\$50
Kennel authorized to house ten or more but fewer than fifty dogs or cats	\$100
Kennel authorized to house fifty or more dogs or	\$150

leats

Pet shop	\$100
Riding stable	\$100
Grooming shop	\$50
Petting zoo	\$150
Guard-dog training center	\$200

(H) Every facility regulated by this chapter shall be considered a separate enterprise requiring an individual permit.

(I) No fee may be required of any veterinary hospital, animal shelter or government-operated zoological park.

(J) Failure to obtain a permit before opening any facility covered in this section shall result in a fine of \$200.

(K) Any person who has a change in the category under which a permit was issued shall be subject to reclassification and readjustment of the permit fees.

(Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.156 LICENSE AND PERMIT ISSUANCE AND REVOCATION.

(A) After an application is filed, the licensing authority shall inspect the facility prior to issuing the permit. The licensing authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this chapter, the regulations issued by the licensing authority or any law governing the protection and keeping of animals.

(B) Any person whose permit or license is revoked shall, within ten days thereafter humanely dispose of all animals owned, kept or harbored. No part of the permit or license fee shall be refunded.

(C) It shall be a condition of the issuance of any permit or license that the licensing authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for the inspection is refused, revoke the permit or license of the refusing owner.

(D) If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or license.

(E) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

(F) Any person having been denied a license or permit may not re-apply for a period of 30 days. Each re-application shall be accompanied by a \$10 fee.

(Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

SAFETY PROVISION

§ 91.170 INTERFERENCE WITH THE ANIMAL CONTROL SUPERVISOR OR AUTHORIZED REPRESENTATIVES.

It shall be unlawful for any person to interfere with, molest, hinder or prevent the Animal Control Supervisor or his or her authorized representatives in the discharge of their duties as herein prescribed, or to violate any of the provisions of this chapter.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996) Penalty, see § 91.999

§ 91.171 APPOINTMENT OF AN ADVISORY COMMITTEE.

(A) The City Commissioners are to appoint members to the advisory committee who will assist the City Commission and the Animal Control Supervisor with the state requirements and the operation of the Isabel Y. Garcia Animal Shelter for the city.

(B) The advisory committee must be composed of at least one licensed veterinarian, one municipal official, one person whose duties include the daily operation of the animal shelter, and one representative from animal organization.

(C) The advisory committee shall meet at least three times a year.

(Ord. 483A, passed 3-23-1993; Ord. 483C, passed 4-23-1996; Ord. 483D, passed 8-27-1996)

Statutory reference:

For similar provisions, see Vernon Ann. Civ. St. 823.005

SPAYING AND NEUTERING OF PETS

§ 91.180 GENERAL.

(A) *Requirement.* No person may harbor a dog or cat six months of age or older within the city limits that has not been spayed or neutered unless such person holds an unaltered animal permit for each unaltered dog or cat, unless the dog or cat is otherwise exempt under this section.

(B) *Unaltered animal permit.*

(1) *Qualifications.* An owner of an unaltered dog or cat shall qualify for an unaltered animal permit if one of the following is satisfied:

(a) *Shows and competitions.* The dog or cat is used to show, to compete or to breed, which is of a breed recognized by and registered with the American Dog Breeders Association (ADBA), Cat Fanciers' Association (CFA), or other bona fide registry, and meets one of the following requirements:

(i) The dog or cat has competed in at least one show or sporting competition sanctioned by a bona fide national registry within the last 365 days;

(ii) The dog earned conformation, obedience, agility, carting, herding, hunting, protection, rally, sporting, working or other title from a purebred dog registry, referenced above, or other registry or dog sport association; or

(iii) The owner of the dog or cat is a member of, and the dog or cat is registered with, a bona fide purebred dog breed club or CFA which maintains and enforces a code of ethics for dog or cat breeding that includes restriction from breeding dogs or cats with genetic defects and life-threatening health problems that commonly threaten the breed, or the owner signs a statement under oath attesting that the dog or cat is being trained to comply with division (a)(i) and (a)(ii) above.

(b) *Medical fitness.* A veterinarian licensed in the State of Texas certifies in writing that a dog or cat is medically unfit to undergo the required spay or neuter procedure because of a medical condition, including but not limited to age or a medical condition that would be substantially aggravated by the procedure, or would likely result in the death of the dog or cat. The certification must state the date, if any, by which the dog or cat may be spayed or neutered, if applicable. As soon as the medical condition that prevents a dog or cat from being spayed or neutered ceases to exist, it shall be the duty of the owner to have it spayed or neutered within 30 days thereafter.

(c) *Law enforcement.* The dog is currently used by a law enforcement agency for law enforcement purposes or is part of a bona fide law enforcement animal breeding program. Such certification shall be provided to the city.

(d) *Service animal breeding programs.* A dog or cat that is a service animal that is part of a certified service animal breeding program. If the animal is part of a such breeding program for service dogs the owner must provide to the city a written certification from such breeding program administrator.

(e) *Breeders.* The owner demonstrates to the city written proof of a breeding contract for a particular dog or cat, membership in a bona fide national, state or local breeder organization, for the perpetuation of a given breed of a dog or cat or proof of a litter

produced by intentional breeding of the dog or cat within the last 365 days for which a contract to breed can be produced.

(f) *Hunting and herding dogs.* The dog is currently used as, or trained to be, a hunting or herding dog and the dog is registered with a bona fide national, state or local hunting or herding dog association. Alternatively, the owner of the dog signs a statement under oath attesting that the dog is used, trained, or will be trained to be a hunting or herding dog. None of the aforementioned qualifications shall be construed to authorize the breeding or harboring of dogs or cats in violation of this section nor exempt the owner of the dog or cat from any other provision of this chapter.

(2) *Deadline.* A dog or cat governed by this section shall be spayed or neutered by its owner within 90 days of the effective date of this section, or, if eligible hereunder, the owner shall obtain an unaltered animal permit within the latter of 30 days after the effective date hereof or of such dog or cat becoming six months of age, or, in the case of an owner who hereafter acquires a dog or cat that is to reside within the city, such animal shall be spayed or neutered or an unaltered animal permit shall be obtained within 30 days of the animal being brought within the city or within 30 days after the animal becomes six months of age, whichever is later.

(3) *Micro-chipping.* Micro-chipping is already required on all dogs and cats residing in the city limits of Port Isabel. Any dog or cat presented for a spay or neuter that is not currently micro-chipped will be required to be micro-chipped at the time of a neuter or spay procedure.

(4) *Place of residence.* The address of the owner shall be presumed to be the residence of the dog or cat. All changes of address must be reported to the city animal control division within 30 days following such change. Changes of address and other contact information must also be updated through the micro-chipping entity.

(5) *Change in ownership.* A permit holder shall notify the city animal services division and the national registry applicable to the implanted microchip in writing of any change in ownership of a dog or cat within 30 calendar days of the change.

(6) *Term of permit.* An unaltered animal permit shall be valid for a period of three years at which time it must be reapplied for by the animal owner, unless revoked as hereafter provided.

(7) *Revocation.* Upon receipt of information of violation of this section, the animal control division may issue a notice of revocation to an unaltered animal permit holder. The notice of revocation shall provide a summary of the information of the violation and shall be sent by certified mail (return receipt requested) or by hand delivery by a City Animal Services Officer or by any legal officer of the city, or upon posting of the notice at the address listed in the permit application. Any request for a hearing to appeal such permit revocation shall be filed by the permit holder with the city animal services division within ten days after the notice is served in accordance herewith. The permit holder shall set forth the reasons why the permit holder believes the revocation would be an error in such notice. Failure to timely give such notice of appeal and to request a hearing shall render the permit revocation final. A hearing shall be conducted by the City Manager for any permit revocation appeal within 30 days after the receipt of a request for hearing, and the City Manager's decision shall be final and not appealable. If an unaltered animal permit is revoked the animal must be spayed or neutered within 30 days or it must leave the city or obtain a new permit.

(8) *Penalty.* Any person who violates any provision of this section, as amended, is subject to enforcement and penalties as set forth herein.

(C) *Exemptions.* Any dog or cat being harbored by a lawful humane society/animal shelter, whose principal purpose is securing the adoption of dogs or cats is exempt from the spay and neuter requirements of this section until they are adopted or no longer housed at such shelter.

(Ord. 483-G, passed 8-26-2014)

§ 91.999 PENALTY.

Any person who shall violate any of the provisions of this chapter (or any subsequent amendments hereto), or who shall fail to comply herewith, or with any of the requirements thereof, shall be guilty of a misdemeanor and shall be liable to a fine of not less than \$1 nor more than \$1,000 for each offense; provided, however, that the fine shall not exceed the maximum fine allowed by both state and city ordinances for each offense. The Police Department of the city and the Director of Public Health or his or her representative is hereby authorized to issue citations to any owner, leasee or occupier of any premises within the city limits for violations of the chapter. The citation issued shall state the alleged violations, the date of the violation, and the section of the code ordinances violated.

(Ord. 483, passed 1-27-1987; Ord. 483A, passed 3-23-1993; Ord. 483D, passed 8-27-1996)