

ORDINANCE #335 - E

AN ORDINANCE PROVIDING COMPREHENSIVE REQUIREMENTS FOR THE KEEPING AND CARE OF ANIMALS AND FOWL, PROVIDING FOR THE CONTROL, REGULATION, LICENSING, PERMITTING AND VACCINATION OF DOGS AND CATS, PROVIDING REGULATIONS AND REQUIREMENTS FOR OTHER ANIMALS, FOWL, LIVESTOCK AND WILD AND EXOTIC ANIMALS, PROVIDING CERTAIN EXEMPTIONS, PROVIDING FINES AND PENALTIES, MAKING FINDING OF FACT, PROVIDING AN EFFECTIVE DATE, AND PROVIDING FOR CERTAIN RELATED MATTERS.

Whereas, the rules/regulations and requirements established by ordinance may not be inconsistent with State law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GORMAN, TEXAS THAT:

ARTICLE ONE - FINDINGS, DEFINITIONS and PENALTIES

Section 1.01 Finding of Fact.

The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as finding of fact. The City Commission hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety, and quality of life.

Section 1.02 Definitions.

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

Animal: means any or all animals listed or defined, but not limited to, all animals in this title.

1. When unprovoked, severely attacks or inflicts serious injury or death to a person, whether on public or private property; or
2. Has been deemed non-registerable by the Animal Control Officer and upheld and unchallenged in the court of jurisdiction.

Animal Control Officer: means any person licensed as such or individual authorized by the City Commission.

Nuisance: means the conduct of any owner in allowing an animal to:

1. Engage in conduct which establishes such animal as a "dangerous animal";
2. Damage, soil, defile or defecate on private property other than the owner's or on public property unless such waste is immediately removed and properly disposed of by the owner of the animal;
3. Be at large;
4. Cause a disturbance by excessive barking or other noise made near the private residence of another;
5. Produce odors or unclean conditions sufficient to annoy persons living in the vicinity;
6. Chase vehicles or molest, attack or interfere with other animals or persons on public property.

Owner: means any person who has the right of property to an animal and/or its harboring or allows it to be harbored.

Pet-type Animal: means any domesticated dogs, cats, rabbits, rodents, commercially bred ferrets, birds, nonpoisonous reptiles, and other species of animals which are sold or retained as a household pet or a Working class animal. "Pet animal" shall NOT include skunks, ferrets from NATURAL habitats, nonhuman primates, and any other species of wild, exotic or carnivorous animal are susceptible, but not an animal that may be vaccinated for rabies, and that may be further restricted in this title.

Poultry: means all domesticated fowl and all gamebirds which are legally kept in captivity.

Prohibited Animals: means any or all animals, but not limited to venomous reptiles, non-venomous reptiles over six feet in length, alligators, crocodiles, elephants, rhinoceroses, skunks, raccoons, coyotes, bats, wolves, tigers, lions, and panthers, or any hybrid of these animals.

Proper Enclosure means a house or building, or in the case of a fence or structure/pen must be at minimum dimensions of five feet by ten feet. The fence or structure/pen must form an enclosure suitable to prevent entry of young children and must be locked and secured such that an animal cannot climb, dig, jump, or otherwise escape of its own volition. The enclosure shall be securely locked at all times and have secured sides to prevent a dangerous animal or dangerous or registered dangerous dog from escaping from the enclosure. The structure/pen shall provide protection from the elements for the animal. The Animal Control Officer may require a fence higher than four feet or require a secure top and/or a secure bottom to the structure/pen if the need is demonstrated.

Quarantine: means a period of ten days used for observation of a domestic or pet animal to determine health status of that animal in relation to the rabies virus.

Quarantine by Owner: means an animal owner who quarantines with Animal Control permission under the following conditions:

1. Animal must have current rabies vaccination and be registered with Animal Services;
2. Animal must be inside an enclosed structure, i.e., house or garage, and must remain there for ten days.
3. If maintained outside, an animal must be behind a fence from which it cannot escape and on a chain from which it cannot break loose or inside a covered pen or kennel from which it cannot escape. The length of chain must prevent the animal from making contact with the fence in which it is kept;
4. Animal must be kept away from other animals and people except those in the immediate household;
5. Animal must not be removed from corporate city limits of Gorman while under quarantine;
6. Owner shall notify Animal Control Officer immediately if animal becomes sick or displays any behavioral changes;
7. Owner shall not subject the animal to any medical procedure, without first notifying the Animal Control Officer. This includes vaccination;
8. Animal must be examined by a licensed veterinarian at owner's expense by the first day of home quarantine and again on the final day of quarantine. Owner shall be responsible for producing proof of the veterinarian examinations;
9. No animal that is at large or unleashed at the time of exposure may be quarantined by owner;
10. Owner must allow Animal Control, with reasonable notice, to view and confirm the health of the animal during the rabies quarantine period.

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Rabies Vaccination: means the vaccination of a dog, cat, or other domestic animal with an anti-rabies vaccine approved by the Texas Department of Health and administered by a veterinarian licensed by the State of Texas.

Registered Dangerous Dog: means any dog registered with the City in compliance with Chapter 822, Texas Health and Safety Code, Subchapter D, and with the section of this title addressing registered dangerous dogs.

Restricted Animals: means any individual species and/or subspecies of the following animals: antelope, lions, ocelots, cougars, leopards, cheetahs, jaguars, hyenas, bears, lesser pandas, ferrets born in natural habitats, binturong, ostriches, emus, miniature pigs, apes or such other non-domestic species of animal not

common to this area. This also includes any cross-bred sub-species or otherwise known as Hybrids.

Running at Large(animals at large)

A. Off-premises:

1. Any animal, except collared pet cats, which is not restrained by means of a leash, chain or other physical apparatus of sufficient strength and length to control the actions of such animal while off-premises;

B. On-premises:

1. Any animal, except collared pet cats, not confined to premises of owner by a substantial fence of sufficient strength and height to prevent the animal from escaping therefrom, or secured on the premises by a chain or a leash sufficient in strength to prevent the animal from escaping from premises and so arranged that animal will remain upon the premises when the leash is stretched to full length or under the owner's verbal command;
2. An animal intruding upon the property of another person other than the owner's shall be at large, with the exception of collared pet cats.
3. Any animal within a vehicle in a manner that would prevent that animal's escape or contact with other persons or animals shall **not** be deemed **at large**.

Serious Injury: means bodily injury resulting from severe attack or severe bite from an animal which produces severe pain, trauma, loss of blood or tissue, and which could or should require medical treatment of wounds inflicted by the animal.

Serious Attack: means an attack in which the animal repeatedly bites or vigorously shakes a victim, and the victim, or a person intervening, has extreme difficulty terminating the attack.

Serious Bite: means a puncture or a laceration by an animal's teeth which break the skin, resulting in a degree of trauma which would cause most prudent and reasonable people to seek medical care for treatment to the wound, without considerations of rabies prevention alone.

Stray Animal:(including estuary) means any animal, of which there is no identifiable owner or harbinger, which is found to be at large within the corporate limits of the City.

Theatrical Exhibition: means an exhibition or act featuring performing animals. Such exhibitions shall not include resident or nonresident dog or cat shows which are sponsored and/or sanctioned by the American Kennel Club, the United States Kennel Club, the Cat Fanciers Association, American Cat Fancier Association, the

International Cat Fanciers Association or any affiliate thereof nor shall it include any primary horse or livestock show.

Unprovoked Attack: means that the animal was not hit, kicked, teased, molested, or struck by a person with an object or a part of a persons body, nor was any part of the animals body pulled, pinched, or squeezed by a person.

Veterinarian: means any practioner of veterinary medicine licensed by the State of Texas to practice such in Texas.

Wildlife: means any animal which occurs naturally in a wild state. This includes any animal which is part wildlife.

SECTION 1.03 PENALTIES

Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$500.00 per separate offense. Each day of violation, each separate animal and each incident of violation of this title shall constitute a separate offense. After three (3) separate violations the City will request in writing that the offending animal(s) be permanently removed from the owner's care and/or property. If necessary the Animal Control Officer will remove said animals if the owner does not comply within 24 hours and will become the property of the City.

SECTION 1.04 DOMESTIC ANIMAL LIMITATIONS

The following is the maximum limits of owned animals classified in this ordinance a Pet Animal or Domestic Animal allowed by the City per owner and/or property:

Dog (canine) -A maximum of three (3) outside

Estray-See Section 3.08

Goats and/or Sheep-See Section 3.08

Poultry- - See Section 3.08. No more than 2 roosters. **No fighting roosters allowed!**

Rabbits- See Section 3.08

Due to humane limitations, certain allowances for offspring will be allowed within standard/normal weaning practices. After this period, based on animal species, the City will expect the Owner to make every effort to regain compliance with the above limitations within twenty-one (21) days.

ARTICLE TWO -LICENSES, PERMITS and VACCINATIONS

SECTION 2.01 VACCINATIONS

Every owner of a dog or cat over three months of age shall have such animal vaccinated against rabies. All such dogs and cats shall be re-vaccinated at one-year intervals thereafter. Any person establishing residence within the City shall comply with this title within ten days of establishing such residency. If an un-vaccinated dog or cat inflicts a bite, a scratch or otherwise attacks any person within the City limits, a rabies vaccine shall not be administered to the dog or cat until that animal is released from quarantine.

SECTION 2.02 CERTIFICATE OF VACCINATION.

Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate of vaccination. The veterinarian shall retain a duplicate copy of the certificate and one copy shall be filed with the owner. Such certificate shall contain the following information:

- A. The name, address and telephone number of the owner of the vaccinated dog or cat;
- B. The date of vaccination;
- C. The type of rabies vaccine used;
- D. The year and number of the rabies tag: and
- E. The breed, age, color and sex of the vaccinated dog or cat.

SECTION 2.03 RABIES TAG

Concurrent with the issuance and delivery of the certificate of vaccination, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated animal a metal tag bearing the year of issuance.

SECTION 2.04 LICENSED REQUIRED

All dogs and cats three months of age or older which are kept, harbored or maintained within the corporate city limits of the City shall be licensed. Cat and dog licenses shall be provided by the Animal Control Officer or his agent upon payment of the required fee for each dog or cat. Before a City license will be issued, the owner for the cat or dog must present a certificate from a licensed veterinarian showing that each cat or dog has been vaccinated for rabies within the preceding 12 months. The owner shall state his/her name and address, and the breed, color and sex of the cat or dog to be licensed. Such license shall be valid for two years from the date of issuance. License fee shall not be required for seeing eye dogs, government police dogs or service dogs. The fee for a

dog or cat shall be set by the City Commission and amended as needed. The list of fees shall be found in **Article Eight of the Ordinance**.

SECTION 2.05 TAG AND COLLAR

Upon payment of the license fee, where applicable, the City shall issue to the owner a license certificate and a metal tag stamped thereon the number corresponding with the number of the certificate. Such tag shall at all times be securely attached to the collar or harness around the neck of the animal. In case the tag is lost, a duplicate will be issued by the Animal Control Officer or his agent upon presentation of the receipt showing the payment of the license fee for the calendar year and the payment of \$2.00 for a replacement license. Tags shall not be transferable from one animal to another, and no refunds shall be made

SECTION 2.06 ENFORCEMENT

For the purposes of discharging the duties imposed by this article and to enforce its provisions, any peace officer, Animal Control Officer or their designee is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal or the license for such animal in accordance with the provisions of this article, to include random city-wide canvassing and checks for compliance with this article. The owner of any animal is required to produce the license and vaccination information for each animal in his/her ownership upon demand by a Animal Control Officer, peace officer, or designee.

New residents of the City shall comply with the foregoing requirements within 30 days of taking residence in the City of Gorman, and shall thereafter be subject to same penalties set out by this ordinance.

ARTICLE THREE - ANIMAL AND LIVESTOCK IMPOUNDMENT

SECTION 3.01 IMPOUNDMENT

A. Animals owned or harbored in violation of this ordinance or law of the State of Texas shall be taken into custody by an Animal Control Officer or other designated official and impounded under this ordinance.

B. Owners of impounded pets are required to pay all fees related to impoundment as set by the City Commission.

SECTION 3.02 DISPOSITIONS OF IMPOUNDED ANIMALS

A. Dogs and Cats with **NO** identification. All dogs and cats impounded by the Animal Control Officer shall be held for not less than three business days. If the owner of the animal presents proof of ownership within the time period the owner may reclaim the animal after paying all applicable fees. If the animal is not claimed within this period the animal shall become the property of the City.

B. Dogs and Cats **WITH** identification. Unless earlier claimed by the owner, all dogs and cats impounded by the Animal Control Officer, that **ARE** wearing traceable identification, or where the owner is known, shall be held for not less than three business days after the owner has been notified. Unless the owner notifies Animal Control Officer in writing of his/her intentions to claim the animal after that date, listing a date by which that owner will reclaim the dog/cat and satisfy all applicable fees, the animal shall become property of the City.

C. Animals surrendered by the owner/harbinger. All animals surrendered by the owner to the Animal Control Officer shall immediately become property of the City. The City will charge the Owner with any and all fees including but not limited to euthanization fees.

D. Animals other than Dogs, Cats or Estray impounded. All animals other than dogs, cats, estray or animals holding current restricted animal permits, which are impounded by the Animal Control Officer, shall become property of the City unless such ownership is prohibited by the State or Federal law.

E. Disposition of Animals. Any animal that cannot be adopted or transferred to a proper and appropriate agency shall be euthanized by an injection of substances approved for euthanasia by the American Veterinary Medical Association and/or Texas Veterinary Medical Association to be administered in compliance with the laws of the State of Texas. All animals listed as endangered or protected shall be transferred to proper authority at the earliest possible date.

SECTION 3.04 REMOVAL OF ANIMALS FROM CONFINEMENT

- A. It shall be unlawful for any person to remove or allow escaping from any place of confinement any animal which has been confined or ordered confined by the City.
- B. It shall be unlawful for any person to interfere or attempt to interfere with the Animal Control Officer, or anyone under the direction of the Animal Control Officer, in the taking up and impounding of animals in the City.

SECTION 3.05 ANIMALS AT LARGE

It shall be unlawful for any person owning or harboring an animal to permit such animal to run at large. The Animal Control Officer, or anyone under the direction of the Animal Control Officer, is authorized to take up any animal mentioned in the ordinance that

may be found at large in the corporate limits of the City, subject to the applicable provisions of the law. The Animal Control Officer, anyone under his/her direction or a peace officer are authorized to impound any animal mentioned in this title which is on private property or the property of the animal's owner. The Animal Control Officer, or anyone under the direction of the Animal Control Officer, or peace officer may enter upon the property, other than a private dwelling for the purpose of impoundment or issuance of a citation, or both, subject to the applicable provisions of this title and law.

SECTION 3.06 CONFINEMENTS DURING ESTRUS

Any unspayed female dog or cat in the state of estrus (heat) shall be confined during such period of time in a house, building, or secure enclosure so constructed that it shall not allow another dog or cat to gain access to the confined animal. Owners who do not comply shall be ordered to remove the animal in heat to a veterinary hospital or the animal shelter. Failure to comply with the removal order of the Animal Control Officer shall be a violation of this ordinance and the dog or cat shall be impounded. All expenses as a result of this confinement shall be paid by the owner.

SECTION 3.07 ADOPTION OF ANIMALS

All animals which are adopted from the animal shelter shall be surgically altered to prevent reproduction in that animal. It shall be the responsibility of the person adopting the animal to provide proof of altering to the Animal Control Officer. Failure to comply with this section shall give the Animal Control Officer the right to recover the animal. Such failure shall constitute a violation of the ordinance.

SECTION 3.08 ESTRAY AND OTHER LIVESTOCK

It shall be unlawful for the owner of any horse, mule, jack, jennet, cattle, hog, chicken, or other fowl, goat or sheep (estrays) to permit any such animal to run at large on land that is not his own or under his control, or any on street, alley, or other public place in the City.

It is recommended that the following animals be housed on not less than one animal per 1/2 acre: horses, mules, jacks, jennets, or any species of cattle. However, the City will not enforce this as a rule as long as anyone that houses any of these animals on less than a 1/2 acre has adequate shelter, sanitation and care for the animals as determined by the Animal Control Officer or his designee.

It shall be unlawful for any person to keep or harbor more than ten (10) rabbits unless in the possession of a commercial animal operation permit. All shall be kept within rabbit cages at all times unless Owner is conducting routine maintenance and/or cleaning. **A person may apply to the Commission for a waiver of this limit.**

It shall be unlawful to keep or harbor any member of the swine family within the corporate City limits except as a temporary project of an approved 4H or FFA project and with written notice given to the Animal Control Officer stating address animal will be kept,

breed type, 4H or FFA project and duration of project. **Pot Belly pigs are the only exception that may be kept as a pet. Limit two.**

SECTION 3.09 IMPOUNDMENT OF ESTRAY AND LIVESTOCK

It shall be the duty of Animal Control Office to take up any and all estray and other livestock that may be found in and upon any street, alley or upon any unenclosed lot in the City, or otherwise to be found at large, and to confine such estray or other livestock for safe keeping. Upon impounding, the Animal Control Officer shall prepare a file to be located in the city office. Each entry shall include the following:

- A. The name and address of the person who notified the Animal Control Officer of the estray or other livestock;
- B. The date, time and location of the estray or other livestock when found;
- C. The location of the estray or other livestock until disposition; and
- D. A description of the animal including its breed, color, sex, age, size, all marking of any kind and other identifying characteristics.

SECTION 3.10 ADVERTISEMENT OF IMPOUNDED ESTRAY AND LIVESTOCK

When an estray or other livestock has been impounded, the Animal Control Officer shall make a diligent search of the register of recorded brands in the County for the owner of the estray or other livestock. If the search does not reveal the owner, the Animal Control Officer shall advertise the impoundment of the estray in a newspaper of general circulation in the County at least twice during the next 15 days following impoundment and post a notice of the impoundment of the estray or other livestock on the public notice board at City Hall.

SECTION 3.11 RECOVERY OWNER

The owner of an estray or other livestock may recover possession of the animal at any time before the animal is sold under the terms of this ordinance if:

- A. The owner has provided the Animal Control Officer with an affidavit of ownership of the estray or other livestock containing at least the following information:
 - 1. The name and address of the owner,
 - 2. The date the owner discovered that the animal was missing,
 - 3. The property from which the animal strayed,
 - 4. A description of the animal including its breed, color, sex, all markings of any kind and any other identifying characteristics;
- B. The Animal Control Officer has approved the affidavit; and

C. The owner has paid all handling fees to those entitled to receive them.

SECTION 3.12 FEES

For each and every estray or other livestock taken and impounded there shall be paid to the City by the owner thereof or his agent the fees established by the City Commission for each day that the animal shall remain in the custody of the of the Animal Control Officer. The owner shall also pay for any veterinary or drug fees incurred for the animal(s) while in the custody of the Animal Control Officer.

SECTION 3.13 SALE OF ESTRAY AND LIVESTOCK

If the owner of an estray or other livestock is not determined within 14 days following the final advertisement required by the ordinance, to the estray or other livestock rests with the City and the Animal Control Officer shall then cause the estray or other livestock to be sold at public auction. If there are not any bidders, ownership is forfeited to the City.

Title shall be deemed vested in the Animal Control Officer for purposes of passing good title, free and clear of all claims to the purchaser at the sale. The disposition of the proceeds derived from the sale auction will be as follows:

- A. Pay all handling fees to those entitle to receive them;
- B. Execute a report of sale impounded stock;
- C. The net proceeds remaining from the sale of the estray or other livestock after handling fees have been paid shall be delivered by the Animal Control Officer to the City Secretary. Such net proceeds shall be subject to claim by the original owner of the estray or other livestock as provided herein;
- D. If the bids are too low, the Animal Control Officer shall have the right to refuse all bids and arrange for another public auction or sealed bid procedure.

SECTION 3.14 RECOVERY BY OWNER OF THE SALE PROCEEDS

Within 12 months after the sale of an estray or other livestock under the provisions of this ordinance the original owner of the estray may recover the net proceeds of the sale that were delivered to the City Secretary if:

- A. The owner has provided the Animal Control Officer with an affidavit of ownership; and
- B. The Animal Control Officer has accepted the affidavit of ownership. After the expiration of 12 months from the sale of an estray or other livestock as provided by this ordinance, the sale proceeds shall escheat to the City. If an animal was forfeited to City due to no bidders at auction, the City is not liable to owner for any proceeds of sale, since no proceeds were received.

SECTION 3.15 USE OF ESTRAY AND LIVESTOCK

During the period of time an estray or other livestock is held by one who impounded the estray or other livestock, it may not be used by any person for any purpose.

SECTION 3.16 DEATH OR ESCAPE OF ESTRAY AND LIVESTOCK

If the estray or other livestock dies or escapes while held by the person who impounded it, the person shall report the death or escape to the Animal Control Officer. The report shall be filed in the record regarding the impoundment.

ARTICLE FOUR - ANIMAL BITES, CARE AND NUISANCE

SECTION 4.01 REPORTING BITES AND SCRATCHES

Every physician or other medical practitioner who treats a person or persons for any animal bite/scratch that occurred within the City within 12 hours shall report treatment to the Animal Control Officer giving the name, age, sex and precise location of the bitten/scratched person or persons and such other information as the officer or agency may require.

SECTION 4.02 REPORTING SUSPECTED RABIES

Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat, or other domestic animal or wild animal shall immediately report the incident to the Animal Control Officer stating precisely where such animal may be found. If a known suspected rabid animal bites or scratches a domestic animal, such incident shall also be reported immediately.

SECTION 4.03 QUARANTINE OF DOGS AND CATS - DISPOSITION OF SUSPECTED ANIMALS

- A. Any owned dog or cat which has bitten or scratched a person shall be observed for a period of ten days from the date of the bite or scratch. The procedure and place of observation shall be designed by the investigating officer or responsible agency in compliance with State law. If the dog or cat is not confined on the owner's premises, confinement shall be by impoundment in the animal shelter, or at a veterinary hospital of the owner's choice. Such confinement shall be at the owner's expense. Stray dogs and cats, or those animals whose owners cannot be located shall be confined in the animal shelter for a period of 96 hours and if unclaimed may be destroyed and the brain of such animal be immediately submitted to a qualified laboratory for rabies examination at the victims expense. The owner of any dog or cat that has been reported to have inflicted a bite on any person shall produce on demand the dog or cat for impoundment, as prescribed in this ordinance. Home quarantine may be allowed only in those incidents where

permitted by State law and agreed by the Animal Control Officer. Refusal to produce such dog or cat constitutes a violation of the section, and each day of such refusal shall constitute a separate and individual violation.

- B. Any wild, exotic, or dangerous animal considered high risk by State law or regulation and which has bitten or scratched a person shall be caught and humanely killed and the brain submitted for rabies examination. Those wild animals which are classified as low risk animals shall be handled as dictated by State Law.

SECTION 4.04 PROVIDING CARE

No owner shall fail to provide an animal in his/her care with sufficient good and wholesome food or water, adequate shelter, and protection from weather, veterinary care when needed to prevent suffering, grooming when lack thereof would adversely affect the health of the animal, and with humane care and treatment. All suspected violations of the above will be immediately reported to the police department for further legal procedures.

“Adequate Shelter” shall be construed to mean a structure that is enclosed by at least three walls or sides and a roof, which is located such that the animal is protected from weather conditions. The structure must also provide bedding or have a floor at least 4 inches above the ground level to prohibit potential flooding or excessive cold.

SECTION 4.05 CRUEL TREATMENT

No person shall beat, cruelly ill-treat, torment, mentally abuse, overload, overwork, or otherwise abuse an animal or cause, instigate or permit a dog fight, cockfight, bull fight or other combat between animals and humans. All suspected violations of the above will be immediately reported to the Police Dept. for further legal procedures.

SECTION 4.06 ABANDONMENT

No person shall abandon an animal in his/her custody. All suspected violations of the above will be immediately reported to the Police Dept. for further legal procedures.

SECTION 4.07 INDUCEMENT

No person shall give away, or offer to give away, to the general public any live animal as a prize or as an inducement to enter any contest, game or other competition or an inducement to enter a place of business; nor shall any person offer an animal to the general public as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

SECTION 4.08 INJURED ANIMAL

Any person who, as the operator of a vehicle, strikes a domestic animal shall immediately report such injury or death to the animal's owner; in the event the owner

cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or the local humane society.

SECTION 4.09 POISONOUS SUBSTANCES AND TRAPS

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 domestic animal or person. This section is not intended to prohibit use of herbicides, insecticides or rodent control materials. No person shall utilize steel leg-hold traps within the Gorman City limits. This provision is not intended to include humane traps. All suspected violations of the above will be immediately reported to the Police Dept. for further legal procedures.

SECTION 4.10 THEATRICAL EXHIBITS

All theatrical exhibits as defined herein shall, in addition to other requirements of this title, comply with the minimum standards of this section. Facilities shall be subject to inspection by an Animal Control Officer upon his/her request during reasonable hours.

- A. Animal quarters shall be sufficient size to allow each animal to stand up, lie down and turn around in a natural position without touching the sides or top or any other animal or waste.
- B. Each enclosure shall be maintained at a comfortable and healthy temperature level as well as have adequate ventilation.
- C. No animal shall be made to perform by means of any prod, stick, electrical shock, chemical, or physical force or by causing pain or discomfort. Any whip or riding crop must be used so as to not cause injury to the animal.
- D. No animal shall be caused to fight, wrestle or be physically matched against any other animal or person.
- E. No animal shall perform or be displayed in any dangerous situation presenting the danger of physical injury to the animal or person.
- F. The Animal Control Officer must be notified of all displays or performances, including date, time, and exact location at least 48 hours in advance of a display or performance.

SECTION 4.11 CREATING A HEALTH HAZARD

Any person who shall harbor or keep animals or his/her premises, or in or about a premises under his/her control, and who allows such premises to become a hazard to the general health and welfare of the community, or shall allow such premises to give off obnoxious or offensive odors due to the activity or presence of such animals, shall be guilty of a Class "C" misdemeanor.

SECTION 4.12 TAMPERING WITH TRAPS AND EQUIPMENT

No person shall remove, alter, damage or otherwise tamper with a trap or equipment belonging to or set out by the Animal Control Officer. All suspected violations of the above will be immediately reported to the Police Department for further legal procedures.

SECTION 4.13 EXCESSIVE NOISE

Any person who shall harbor or keep on his premises, or in about any premises under his control, any animal or poultry which by loud, continual or unusual noise of any kind shall cause peace and quiet of the neighborhood or the occupant of adjacent premises to be disturbed, shall be guilty of a Class "C" misdemeanor, and a separate offense shall be deemed committed each day during or on which such violation occurs or continues; provided that where only **one rooster is kept in compliance with this ordinance, the crowing of such rooster shall not be a violation of this section.**

SECTION 4.14 RESTRAINING OR TETHERING OF ANIMALS

The restraint of animals is regulated by Chapter 821, Subchapter D of the Texas Health and Safety Code, and the provisions of said Chapter 821, Subchapter D are hereby adopted and incorporated in this Ordinance as though the same were fully set out herein. Any future modifications of such statutes of the State of Texas shall automatically be incorporated herein.

Any person restraining or tethering an animal in the City of Gorman, Texas shall comply with the provisions of said Chapter 821, Subchapter D of the Texas Health and Safety Code. The Animal Control Officer shall issue a citation for violation of such law beginning 180 days after the effective date of this Ordinance.

Additional, no animal may be tethered to any water or electric meter, or tethered so near to a meter as to endanger or hinder a meter reader or other city personnel in the course of their duties. **The penalty for violation of this restraint provision shall be a fine of not less than \$100.00 nor more than \$500.00.**

ARTICLE FIVE-NONREGISTRABLE DANGEROUS DOGS

SECTION 5.01 NONREGISTRABLE DANGEROUS DOGS

No person shall own or harbor a nonregisterable dog within the City. Such an animal may be impounded as a public nuisance. If impoundment of such a nonregisterable dangerous dog is being attempted away from premises of the owner and the impoundment cannot be made safely, the animal may be destroyed without notice to the owner or harborer. If an attempt is made to impound a nonregisterable dangerous dog from the premises of the owner or harborer will be given 24 hour notice that if the animal is not surrendered to the Animal Control Officer for impoundment within the 24 hour period, the animal will be destroyed wherever it is found. After this notice, the

nonregisterable dangerous dog may be destroyed during an attempt to impound, if the impoundment cannot be made with safety. Notice under this ordinance may be verbal or in writing. A written notice left at the entrance to the premises where the nonregisterable dangerous dog is harbored will be considered valid notice under this ordinance.

SECTION 5.02 DETERMINATION OF NONREGISTERABLE DANGEROUS DOG

A dog is determined to be nonregisterable dangerous dog if it commits acts set forth in Section 1.02.

ARTICLE SIX - DANGEROUS, WILD AND EXOTIC ANIMALS

SECTION 6.01 EXHIBITIONS OF CERTAIN ANIMALS PROHIBITED

No person shall keep, or permit to be kept, on his premises any wild or dangerous animal for display of or exhibition purposes, whether gratuity or for a fee. This section shall not be construed so as to apply to a theatrical exhibit or circus , as defined in Section 1.

SECTION 6.02 PROHIBITED ANIMALS

No person may possess a venomous reptile, non-venomous reptile over six feet in length, alligator, crocodile, elephant, rhinoceros, skunk, raccoon, fox, coyote, bat, wolf, or any hybrid of these animals or such other class of animals as may be determined to be dangerous by the Animal Control Officer or any other dangerous animal that may be added in the future to the list as a high risk animal in the Texas Rabies Control Act.

SECTION 6.03 RESTRICTED ANIMALS

No person may possess any individual species and/or subspecies of the following animals: antelope, lions, tigers, ocelots, cougars, leopards, cheetah, jaguars, hyenas, bears, lesser pandas, ferrets, from natural habitats, binturong, miniature pigs, Vietnamese pot belly pigs, apes, or such other non-domesticated species of animal not common to this area without a permit issued through the Animal Control Officer.

SECTION 6.04 PERMIT REQUIREMENT FOR RESTRICTED ANIMAL OWNERSHIP

- A. The owner must apply for such permit annually and provide the following information and documentation.
 - 1. A health certificate from a licensed veterinarian stating that the animal is free from infectious disease or is under treatment. A new health certificate is required annually.
 - 2. Copies of applicable State or Federal permits or licenses as required by either of those entities for the keeping of the particular animal
 - 3. Information relating to the owner including emergency telephone numbers and the telephone numbers of their veterinarian in case of emergency.

4. Present proof of liability insurance or financial responsibility in the amount of \$100,000.00 to cover damages from an escape or attack by the animal to be permitted.
5. Agreement to allow Animal Control Officer reasonable access for inspection.
6. Documentation of compliance with all other City ordinances, including, but not limited to, building and planning and zoning.

B. Before a permit is issued, the Animal Control Officer shall inspect the facility where the animal is to be kept, which must meet the following criteria:

1. Each enclosure must provide adequate sleeping quarters and exercise area;
2. Proper temperature control and ventilation for the particular species must be provided in both areas.
3. Each enclosure must be kept locked and designed so that no one can enter a place or appendage in the enclosure.
4. Each enclosure must be constructed to prevent the animal from escaping.
5. Each enclosure must be kept in good repair to prevent both escape and injury to the animal.
6. Each enclosure must have a water container which is secured to prevent it being overturned.
7. Each enclosure must be cleaned daily.

C. Each animal must be provided with continuous clean drinking water and be fed a diet approved by licensed veterinarian.

D. Any animal which has bitten or scratched someone must immediately be surrendered to the Animal Control Officer for euthanasia and testing by the Texas Department of Health. A live test approved by the Texas Department of Health may be substituted for euthanasia.

E. Fees for a restricted animal permit shall be set by the City Commission, and the permit shall expire one year from the date of issuance and shall not be transferable. A City license shall be issued and must be worn at all times by the animal.

SECTION 6.05 VIOLATIONS OF PERMIT REQUIREMENTS

Failure to comply with the permit requirements shall constitute a violation of this ordinance and each day of noncompliance shall constitute a separate offense.

SECTION 6.06 EXEMPTIONS

A. This article does not apply to:

1. Zoological parks accredited by the American Association of Zoological Parks and Aquariums.
2. Federally licensed research institutions.
3. Any government agency or its employee who uses the animal for an agency related to education, propagation, or behavior program.

B. Anyone holding a valid rehabilitation permit from the Texas Parks and Wildlife Department, but only for animals which are in rehabilitation and scheduled to be released to the wild.

ARTICLE SEVEN - COMMERCIAL ANIMAL ESTABLISHMENTS

SECTION 7.01 REGULATION OF COMMERCIAL ANIMAL ESTABLISHMENTS

1. PERMIT REQUIRED. A permit is required in order to operate a commercial animal establishment within the corporate city limits of the city.
2. PERMIT APPLICATION. An application on a form provided by the City accompanied by the permit fee as set out in Section 8.01
3. PERMIT FEE.

A. The fees related to a commercial animal establishment permit are as follows:

- i. The owner of a commercial animal establishment must pay an annual permit fee of \$500.00 to operate the commercial animal establishment.
- ii. A permit transfer fee of \$75.00 must be paid to transfer a permit for a commercial animal establishment to a new owner.
- iii. A reapplication fee of \$100.00 must be paid if reapplication is made as a result of a permit denial.

B. All fees paid under this section are non-refundable.

C. No permit fees are required of any government operated zoological park or any veterinary hospital or clinic; however, facilities exempted from permit fees are not exempt from requirement to obtain a permit.

D. A receipt for all fees paid under this Ordinance shall be furnished to the person paying the fee.

4. TERM OF PERMIT

- A. Permits expire one year from issue date.
- B. Upon change of ownership or operation of a commercial animal establishment, the new owner must have an existing current permit

transferred to the new owner or operators name. The transferred permit expires one year from issue date.

- C. Renewal of existing permits must be issued on or before the expiration of current permit.

5. MINIMUM STANDARDS. All commercial animal establishments within the City shall meet and maintain the following minimum standards;

- A. Except for fully enclosed indoor pet store or fully enclosed pet grooming facility, an establishment that has the capacity to house fifteen (15) or more animals may not be located closer than 200 feet from any:
 - 1. Building used for residential purposes by anyone other than the person maintaining the commercial establishment or the person's immediate family; or
 - 2. School, hospital, church, public park, restaurant, or food store.
- B. Maintain premises and surrounding grounds in a clean and sanitary manner, in order to keep them free from accumulations of manure, decaying food, and refuse;
- C. Utilize airtight receptacles or containers for storage of manure, decaying food, and refuse;
- D. Dispose of solid waste in a manner that is not offensive or unsanitary.
- E. Be constructed and maintained in order to prevent infestation by rats or other rodents or vermin. The presence of such infestation in a commercial animal establishment is prima facie evidence that the establishment is maintained in violation of the Ordinance.
- F. In addition to the requirements of the section, all commercial animal establishments must comply with the City Zoning Ordinance and all other applicable Ordinances, laws, and governmental rules and regulations.

6. INSPECTIONS. It is a condition of the issuance of any permits authorized by this Ordinance that the Animal Control Officer is permitted, at any time, to inspect the commercial animal establishment, its animal, and the property on which such establishment is located.

7. PERMIT REFUSAL OR REVOCATION. A new or renewed permit may be refused, or an existing permit revoked if:

- A. Permission for an inspection in accordance with the provisions of Subchapter (F) above is refused;
- B. Upon inspection, the premises of a commercial animal establishment are found:
 - 1. Not to be in compliance with the minimum standards establishment in Subsection (5) above; or
 - 2. To be in an unsanitary or offensive condition or in any condition affecting the health, safety or general welfare of the public or the animals being maintained on the premises.

- C. The person has falsified any information on the application for a permit.
- D. The person had been convicted in a court having jurisdiction over these matters of:
 - 1. The offense of cruelty to animals;
 - 2. Any violation of this Ordinance;
 - 3. Any other law governing the protection and and keeping of animals.

8. NOTICE OF REFUSAL OR REVOCATION.

- A. Any person who is denied a permit or whose permit is revoked must be given notice of the denial or revocation.
- B. The notice must:
 - a. Be dated and in writing;
 - b. State the reason for denial or revocation;
 - c. Advise that a written request for an informal hearing to show cause why the permit should not have been denied or revoked must be made within five working days of the date of the notice by posting the request to:

City of Gorman Commissioner Court
116 South Kent St.
Gorman, Texas 76454

- C. Advise, if applicable, that the person must remove all animals within five (5) days from the date of the notice.

9. HEARING

- a. Timely filing of a written request for an informal hearing stays the denial or revocation of a permit until final action is taken by the City Commissioner's Court
- b. A permit will not be denied or revoked if after a hearing by the City Commissioner's Court it is determined that the Owner was not in violation of the Ordinance.
- c. Upon the written request of an addressee of a notice in this Section, the City Commissioner's Court shall conduct an informal hearing.
- d. Written notice of the place, date, and time of such hearing shall be given to the person requesting the hearing, and the person must be given the opportunity to present any evidence that may be pertinent to the hearing.
- e. The City Commissioner's Court must determine, after reviewing the evidence presented, whether the addressee was in fact in violation of the ordinance, and make his or her ruling as set out in this subsection.

10. RECORDS REQUIRED. The Animal Control Officer shall maintain for each commercial animal establishment coming under the purview of this Ordinance:

- a. A file that includes but is not limited to a record of all pertinent names, addresses, and date(s); copies of all correspondence, notices, applications, permits and certificates; and a record of all other related activities;
- b. An accurate accounting of all fees and charges and of the funds and payments collected, including date of payment and identification of payee.

ARTICLE EIGHT - SCHEDULE OF FEES FOR LICENSE. PERMITS AND OTHER

SECTION 8.01 Licensing Fees

A. All fees contained in this ordinance shall be set by the City Commission of the City of Gorman.

B. Fees for dogs and cats are set for a two year period except number 10.

- 1 For each unneutered male dog \$10.00
- 2 Foreach neutered male dog \$2.00
- 3 For each unsprayed female dog \$10.00
- 4 For each spayed female dog \$2.00
- 5 A duplicate license for any of the above \$2.00
- 6 Dangerous/Restricted Animal Permit \$500.00/yr.

SECTION 8.02 Other Fees

- 7 Animal Pickup Fee \$25. 00
- 8 Daily Upkeep Fee \$15.00
- 9 Estray Daily Upkeep Fee \$10.00
- 10 Euthanizing Fee \$75.00
- 11 Return Transportation Fee \$10.00
- 12 Commercial Animal Establishments Permit S500.00/yr.

ARTICLE NINE -MISCELLANEOUS

SECTION 9.01 REPEAL OF ORDINANCE #355 D

Ordinance 335 D is repealed in it's entirety and replaced by this ordinance.

SECTION 9.02 SEVERABILITY

If any provision, section, subsection, clause or phrase of this Ordinance, or the application of some to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intention of the City Commission in adopting this Ordinance that no portion be inoperative or fail by any unconstitutionality, voidness, or invalidity of any other portions hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 9.03 EFFECTION DATE

This Ordinance shall, upon final passage, be published in the official newspaper of the City as required by law and shall become effective ten (10) days after the date of the last publication.

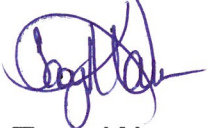
SECTION 9.04 COMPLIANCE WITH OPEN MEETING ACT

That is hereby officially found and determined that the meetings at which this Ordinance was passed, was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED ON FIRST READING ON THIS THE 1ST DAY OF
JUNE, A.D.,2023.


David Perry, Mayor

ATTEST:



Tacy Warren, City Secretary