

ORDINANCE NO. 23-00456

AN ORDINANCE OF THE CITY OF MUSTANG RIDGE, TEXAS PROVIDING FOR THE CONFINEMENT AND CONTROL OF ANIMALS IN THE CITY; PROVIDING FOR AN ANIMAL CONTROL OFFICER AND FOR FINES FOR NONCOMPLIANCE; PROHIBITING CERTAIN ANIMALS; PROVIDING FOR DANGEROUS DOGS AND THE QUARANTINE OF POTENTIALLY RABID ANIMALS; AND OTHER PROVISIONS.

WHEREAS, citizens of Mustang Ridge have complained about animals running loose in the City and have encountered dangerous dogs and other animals which posed a threat to them and/or their own pets; and

WHEREAS, the City Council deems it to be in the best interest of the City to enact this Animal Control Ordinance providing for the confinement and control of animals, for the registration and control of dangerous dogs; for the prohibition of certain animals; for the registration of certain animals; and providing fines and penalties for noncompliance;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSTANG RIDGE, TEXAS:

ANIMAL CONTROL

Definitions

With regard to this Ordinance, the following words and terms shall have the meaning set forth, unless the context indicates otherwise:

Abandon. The dumping, deserting, or leaving of any animal on public or private property with the intent of terminating any further responsibility for the animal; or failing to properly redeem any animal impounded or quarantined by the city.

Animal. Any living creature, including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowls, and livestock, but specifically excluding human beings.

Animal control officer. The chief of police or person(s) designated by the chief of police to represent and act for the city to enforce the provisions of this chapter.

Cat. A domesticated animal that is a member of the Felidae (feline) family, but does not include a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other wild animal of this family or hybrids.

Collar. Any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.

Dangerous dog. A dog that

- (1) Makes an unprovoked attack which causes bodily injury to a person, and where the attack occurred in a place other than the dog's enclosure, which was reasonably certain to prevent the dog from escaping on its own;
- (2) Commits an unprovoked act which causes a person to reasonably believe that the dog will attack and cause bodily injury to that person, and where the unprovoked act occurred in a place other than the dog's enclosure, which was reasonably certain to prevent the dog from escaping on its own; or
- (3) Without provocation, has attacked and bitten another animal on one (1) previous occasion.

Dog. A domesticated animal that is a member of the Canidae (canine) family, but does not include a wolf, jackal, fox or other wild animal of this family or hybrids.

Dog tethering. Using a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system.

Fowl. Chickens, turkeys, pheasants, quail, geese, ducks, ostriches, emus or similar feathered animals, regardless of age, sex or breed.

Guard dog. A dog which has been trained for the purpose of protecting property by a guard dog company which is required to be licensed pursuant to V.T.C.A., Occupations Code Chapter 1702, as amended.

Hybrid. A product of the mating of two (2) different species of animals, regardless of the number of generations born since the original mating.

Licensed veterinarian. A person licensed to practice veterinarian medicine.

Livestock. Any horses, mules, donkeys, ponies, cattle, bulls, sheep, goats, hogs, and pigs of any and all kinds, regardless of sex.

Local rabies control authority. The person designated by the city council in accordance with V.T.C.A., Health and Safety Code section 826.017.

Miniature swine. Any member of the swine family which has, through selective breeding, been genetically manipulated so as to attain a maximum height of eighteen (18) inches at the shoulder and a maximum weight of sixty (60) pounds.

Owner. Any person owning, possessing, harboring, keeping or sheltering any animal. An animal shall be deemed to be harbored if it is fed or sheltered for five (5) consecutive days or more.

Person. Any individual, firm, partnership, association, corporation or other legal entity.

Prohibited animal.

- (1) Any animal, regardless of its state or duration of captivity, which poses a potential physical or disease threat to the public or which is protected by international, federal or state regulations, including but not limited to the following:
 - (A) Class Reptilia: Family Helodermatidea (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); Family Elapidae (coral snakes, cobras, mambas, and other elapids); the following listed species of Family Colubridae - Dispholidus typus (Boomslang), Hydrodynastes gigas (water cobra), Boiga (mangrove snake), and Thelotomis (African twig snake) only; Order Phidia, Family Boidae (racers, boas, water snakes, and pythons); and Order Crocodilia (crocodiles, alligators, caimans, and gavials);
 - (B) Class Aves: Order Falconiforms (such as hawks, eagles, and vultures); Subdivision Ratitae (such as ostriches, rheas, cassowaries, and emus); and Order Strigiforms (such as owls);
 - (C) Class Mammalia: Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), except commonly accepted domesticated cats; Family Canidae (such as wolves, wolf-dog hybrids, dingos, coyotes, and jackals), except domesticated dogs; Family Mustelidae (such as weasels, skunks, martens, mink, and badgers), except ferrets; Family Procyonidae (raccoon); Family Ursidae (such as bears); Order Marsupialia (such as kangaroos and common opossums); Order Edentata (such as sloths, anteaters, and armadillos); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees, and gorillas); Order Rodentia (such as porcupines); and Order Ungulata (such as antelope, deer, bison, and camels); and
 - (D) Animals not listed: The animal control officer may declare any species of animal not listed in this subsection as "prohibited" if the confinement of the animal within the city can be shown to constitute a threat to public health and safety.
- (2) This definition does not apply to:
 - (A) Birds which are not regulated by international, federal or state law and are kept in a cage or aviary; or
 - (B) Common domestic species which include gerbils, hamsters, guinea pigs or laboratory mice or rats.

Properly fitted. With respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.

Restraint. A leash, lead, cord, rope, tether, cable, chain, or other device that attaches a dog to a stationary object or trolley system, and it may not come closer than fifteen (15) feet to a public walkway or sidewalk when the restraint is stretched to full length.

Running at large. An animal not completely confined by a building, wall, or fence of sufficient strength or construction to restrain it, except when such animal is either on a leash, or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the owner's private property. Any animal confined within an automobile or other vehicle shall not be deemed running at large.

Secure enclosure. A fenced area or structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the animal control officer.

Serious bodily injury Any physical injury that involves a substantial risk of death, disfigurement, or impairment of any part of the body, including but not limited to a broken bone or a laceration requiring either multiple stitches or cosmetic surgery.

Unprovoked. Any action by an animal that is not:

- (1) In response to being tormented, abused, or assaulted by any person;
- (2) In response to pain or injury; or
- (3) In protection of itself or its food, kennel, immediate territory, or nursing offspring.

Vaccination. An injection of the United States Department of Agriculture approved rabies vaccine administered by a licensed veterinarian.

Vicious animal. Any animal that has had on two (2) previous occasions without provocation attacked or bitten any person or other animal, or any animal which the animal control officer or a licensed veterinarian has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

Wild animal. Any animal except the common domestic species (dogs, cats, horses, livestock, and other common farm animals), regardless of the state or duration of captivity.

Enforcement

- (a) The chief of police may designate an employee(s) as animal control officer(s).
- (b) Enforcement of this chapter and any state laws regulating animal control shall be the responsibility of the chief of police or designated animal control officer.
- (c) The provisions of subchapter D, chapter 822 of the Texas Health and Safety Code (V.T.C.A., Health and Safety Code section 822.041 et seq.), as amended, are incorporated into this chapter, and the animal control officer is hereby the animal control authority for purposes of administering and enforcing that subchapter.
- (d) Any animal control officer, peace officer or contract (animal control) service provider shall have the right of ingress on any property within the City of Mustang Ridge in order to carry out the provisions of this ordinance, and to determine the condition of any animal, bird or fowl, but in no event shall any such person enter a structure used for human habitation without the consent of the occupant(s) thereof unless first securing a search or arrest warrant.
- (e) Any animal control officer, peace officer or contract (animal control) service provided shall have the authority and right to do any and all of the following:
 - (1) Impound any animal in violation of this ordinance;
 - (2) Issue citations for any violation of this ordinance or applicable state law.
- (f) No person shall interfere with any animal control officer or any authorized representative in the performance of their duties.
- (g) Except when required otherwise by state law, all fees and charges required under this ordinance shall be established by resolution of the city council from time to time.

Exemptions

This chapter does not apply to a peace officer or person employed by the state or a political subdivision of the state, or other governmental agency, that trains or uses dogs for law enforcement or correction purposes.

Running at large

It shall be unlawful for an owner, regardless of their mental state, to fail to keep the animal from running at large. A violation of this section shall be considered a Class C misdemeanor punishable by: (1) first offense – a warning or a fine up to fifty dollars (\$50.00) upon conviction; (2) each subsequent offense – by a warning or fine up to \$500.00 upon conviction.

Any animal control officer in the city or the city judge may issue a citation/summons to a person or persons in violation of this section. Said summons shall contain a written promise to appear in the municipal court of Mustang Ridge within ten (10) days of the date of issuance to answer the charge made in the summons.

If any animal is found running at large in the city in violation of this section, and the owner has previously received at least two (2) citations on the animal, and the animal cannot be safely caught and impounded, then animal may be put down on the street by the use of such force as is deemed necessary after consideration of public health and safety.

Restraint required; unlawful restraint of dog

- (a) It shall be unlawful for an owner or person in control of an animal to fail to keep the animal under restraint in a securely enclosed or confined area and in a manner that will isolate the animal from the public and other animals except for animals owned or under the control of the owner.
- (b) It shall be unlawful for an owner to fail or refuse to exercise diligent care and control of his or her animal to prevent such animal from becoming a public nuisance.
- (c) It shall be unlawful for a person to use a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system.
- (d) It is an affirmative defense to a violation of subsection (c) that the dog tethering:
 - (1) Is during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity;
 - (2) Is required to protect the safety or welfare of a person or the dog, and the dog's owner maintains direct physical control of the dog;
 - (3) Occurs on the owner's premises and:
 - (A) While the dog is within the owner's direct physical control; and
 - (B) Prevents the dog from advancing to within fifteen (15) feet of the edge of any public street.
- (e) The affirmative defenses provided in subsection (d) are only available if the following specifications are met:
 - (1) The chain, rope, tether, leash, cable, or other device is attached to a properly fitted collar or harness worn by the dog;
 - (2) The chain, rope, tether, leash, cable, or other device is not placed directly around the dog's neck;
 - (3) The chain, rope, tether, leash, cable, or other device does not exceed 1/10th of the dog's body weight;

- (4) The chain, rope, tether, leash, cable, or other device, by design and placement, allows the dog a reasonable and unobstructed range of motion without entanglement; and
- (5) The dog has access to adequate shelter and clean and wholesome water.
- (f) A person commits an offense if the person fails to comply with this section.
 - (1) An offense under this section is a class C misdemeanor. If a person fails to comply with this section with respect to more than one (1) dog, the person's conduct with respect to each dog constitutes a separate offense.
 - (2) An offense under this section is punishable by a fine not to exceed one thousand dollars (\$1,000.00).
- (g) This section does not prohibit a person from walking a dog with a hand-held leash.

Rabies Vaccinations

The owner of a dog or cat shall have the animal vaccinated against rabies by a licensed veterinarian by the time the animal is four (4) months of age. The animal must receive a booster within the twelve (12) month interval following the initial vaccination. Every animal must be re-vaccinated against rabies at least once every three (3) years based on the type of vaccine administered by the veterinarian.

Guard dogs

All guard dogs shall be registered annually with the animal control officer prior to use as guard dogs. The city license tag for a guard dog shall be securely attached to the collar or harness on the animal and worn at all times. Guard dogs shall be restrained by a chain or leash not exceeding six (6) feet in length and humanely muzzled when off the premises where used.

Quarantine of suspected rabid animals

- (a) Any animal that has rabies or symptoms which could reasonably indicate rabies or that bites, scratches or otherwise creates a condition which may expose or transmit the rabies virus to a human being shall be impounded immediately. Upon notification, the owner shall surrender the animal to the animal control officer for quarantine at the city's designated animal shelter, or with approval from the animal control officer deliver the animal to a state-approved veterinarian quarantine facility for quarantine at the owner's expense. Quarantine shall be for a minimum of ten (10) days beginning on the date the incident occurred or longer as the animal control officer may deem necessary. Animal quarantine shall be in accordance with any applicable rules and regulations adopted by the department of state health services.
- (b) Quarantine shall be subject to the following conditions:
 - (1) The quarantined animal showing clinical signs of rabies shall be immediately destroyed and the head or brain submitted to the nearest department of state health services laboratory for testing.
 - (2) The animal placed in quarantine shall not be released without prior notification to and written approval from the animal control officer.

- (3) Home quarantine at the residence of the owner, if approved by the animal control officer, must satisfy the following conditions:
 - (A) Secure facilities are available and approved by the animal control officer.
 - (B) The animal is currently vaccinated against rabies.
 - (C) A licensed veterinarian must observe the animal on the first and last days of the quarantine period.
 - (D) The owner of the animal shall notify the animal control officer if the animal escapes, becomes or appears to become sick, or dies; and, in case of death of the animal while under quarantine, shall immediately surrender the dead animal to the animal control officer for diagnostic purposes.
 - (E) The animal was not running at large at the time of the incident.
 - (F) The animal is isolated from all other animals and human beings other than the individual(s) who own the animal.
- (c) A person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid, shall report the incident or animal to the animal control officer. The report shall include the name and address of the victim and the owner of the animal, and any other information relating to the incident or animal.
- (d) The owner shall submit for quarantine an animal that:
 - (1) Is reported rabid or to have exposed an individual to rabies;
 - (2) The owner knows or suspects is rabid or has exposed an individual to rabies; or
 - (3) Has bitten, scratched or otherwise created a condition which may have exposed or transmitted the rabies virus to any human being.
- (e) When submitted for quarantine, the owner shall provide the name, address and any other relevant information about the animal.
- (f) The owner of a quarantined animal shall pay all reasonable costs of the quarantine and disposition of the animal, including charges for shipment of animal tissues, if required, to the department of state health services laboratory for testing.
- (g) An animal that has been quarantined may be released by the animal control officer after a licensed veterinarian determines that the quarantined animal does not show clinical signs of rabies and under the following conditions:
 - (1) At the end of the observation period upon proof of vaccination prior to release from quarantine.
 - (2) When all applicable fees have been paid.
 - (3) If the animal is not being held for legal proceedings.
 - (4) If appropriate city license registration has been obtained.

- (h) It shall be unlawful for any person to interrupt the observation period or otherwise interfere with quarantine.
- (i) It shall be unlawful for any person to destroy or remove from the city any animal that has bitten a person or other animal or that has been placed under quarantine, except when necessary to protect the life of any person or other animal or otherwise approved by the animal control officer.
- (j) The carcass of a dead animal exposed to rabies or suspected of having been rabid shall, upon demand, be surrendered to the animal control officer.
- (k) Wild animals shall not be placed in quarantine. Wild animals shall be humanely destroyed in such a manner that the brain is not mutilated. The brain will then be submitted to a department of state health services laboratory for testing.
- (l) No person shall fail or refuse to surrender an animal for quarantine or for destruction when ordered by the animal control officer.

Nuisances

The following shall be considered a public nuisance and shall be unlawful:

- (1) The keeping of an animal in such a manner as to endanger the public health by the accumulation of animal waste which causes foul and offensive odors considered to be a hazard to other animals or human beings.
- (2) To permit or allow any animal to defecate upon private or public property other than the property of the owner of said animal, and to fail to remove and dispose of in a sanitary manner any feces left by such animal.
- (3) Property not kept free from carrion or other putrescible material.
- (4) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger the health and safety of others.
- (5) The keeping of an animal which causes loud and unusual barking, howling or other noise that disturbs the peace and quiet of any person of ordinary sensibilities.
- (6) Persistent laxness in cat supervision so that their running at large results in an unreasonable disturbance to a person or persons.

Keeping wild, wild-hybrid or prohibited animals

- (a) It shall be unlawful to own, possess, keep or harbor any wild, wild-hybrid, or prohibited animal within the city.
- (b) It is a defense to prosecution under this section that the owner or possessor:
 - (1) Holds a valid prohibited animal permit issued under this section; or
 - (2) Is a governmental entity.

- (c) A permit for possession of a prohibited animal may be issued to:
- (1) A public zoo;
 - (2) A public or private primary or secondary school; or
 - (3) An animal exhibition, rodeo, or circus of which the animal is an integral part, if the animal is restrained from inflicting injury upon persons, property, or other animals.

Dangerous dogs

- (a) Nuisance declared. It is hereby declared to be a public nuisance that an owner harbors, keeps or maintains a dangerous or vicious dog in the city unless the owner complies with the requirements of this section and state statutes regulating dangerous/vicious dogs.
- (b) Requirements for owner.
- (1) Not later than the thirtieth (30) day after a person learns that the person is the owner of a dangerous or vicious dog, the person shall:
 - (A) Register the dangerous dog with the animal control officer;
 - (B) Provide animal control with two (2) colored pictures of the animal and have the animal microchipped;
 - (C) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;
 - (D) Obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by a dangerous dog causing bodily injury to a person.
 - (2) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:
 - (A) The owner knows of an attack described in the definition of "dangerous dog";
 - (B) The owner is informed by the animal control officer that the dog is a dangerous dog; or
 - (C) The owner receives notice that the municipal court has found that the dog is dangerous.
 - (3) If a person reports an incident described in the definition of "dangerous dog," the animal control officer may investigate the incident. After receiving sworn statements from any witnesses, the animal control supervisor shall determine whether the dog is a dangerous dog and shall notify the owner of that determination.
 - (4) The owner, not later than the fifteenth day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control officer to the municipal court. The owner shall confine the dog during the pendency of an appeal in a manner satisfactory to the animal control officer. An owner may appeal against a decision of the municipal court in the same manner as appeal for other civil cases. The determination of the animal control officer is final if the owner does not timely appeal.

- (5) The animal control officer shall provide written notice of the date, time and location of the hearing to the owner of the dangerous dog and to any complainant, either in person or by certified mail, return receipt requested. At the hearing, all interested persons shall be given the opportunity to be heard.

(c) Registration.

- (1) The animal control officer shall annually register a dangerous dog if the owner:
 - (A) Presents:
 - (i) Proof of liability insurance or financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.
 - (ii) Proof of current rabies vaccination of the dangerous dog.
 - (iii) Proof of a secure enclosure in which the dangerous dog will be kept.
 - (B) Pays an annual registration fee established by resolution of the city council from time to time.
 - (C) Provides two (2) color identification photographs of at least three (3) inches by three (3) inches of each dangerous dog with one (1) photograph showing the frontal view and the other photograph showing the side view of each dog.
 - (D) Provides the name, general description, including sex, weight, color, predominate breed, height and length and any other discernible features of the dangerous dog.
- (2) The animal control officer shall provide to the owner registering a dangerous dog a registration tag, which shall be placed and maintained on the dog's collar at all times.
- (3) If the owner of a dangerous dog sells or moves the dog to a new address, the owner, not later than the fourteenth day after the date of sale or move, shall notify the animal control authority for the area in which the new address is located. If the dangerous dog has been sold or given away, the former owner shall provide the animal control officer with the name, address and telephone number of the new owner. If the new owner resides in the city or if the animal is kept in the city, the animal control officer shall notify the new owner in person or by certified mail, return receipt requested, that a determination has been made that the dog is dangerous and provide the new owner with a copy of the requirements for the owner of a dangerous dog. It shall be unlawful for the new owner to fail to comply with such requirements.
- (4) The owner of a registered dangerous dog shall immediately notify the animal control officer if the dangerous dog is running at large, has bitten or attacked a human being or another animal, has died, or has been sold or given away.

(d) Attack by dangerous dog.

- (1) A person commits an offense if the person is the owner of a dangerous dog, and the dog makes an unprovoked attack on a person or another animal outside the dog's enclosure and causes bodily injury to a person or another animal.
- (2) An offense under this subsection is a class C misdemeanor.
- (3) If a person is found guilty of an offense under this section, the court which hears the case may order the dangerous animal destroyed by a licensed veterinarian or a person authorized by state law.

(e) Violations. A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any requirements for ownership of a dangerous dog. An offense under this subsection is a class C misdemeanor. If the owner of any dog determined to be dangerous under this section fails or refuses to comply with the requirements of this section, the dog shall be seized by the animal control officer and humanely destroyed.

(f) Defenses.

- (1) It is a defense to prosecution under subsection (d) or (e) of this section that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals, and
- (2) has temporary ownership, custody and control of the dangerous dog in connection with that position.
- (3) It is a defense to prosecution under subsection (d) or (e) of this section that the person is an employee of the institutional division of the state department of criminal justice or a law enforcement agency and trains or uses dogs for law enforcement or correction purposes.
- (4) It is a defense to prosecution under subsection (d) or (e) of this section that the person is a dog trainer or an employee of a guard dog company under the Private Security Act, V.T.C.A., Occupations Code Chapter 1702, as amended.

Livestock and fowl

- (a) Swine prohibited. It shall be unlawful for any person to keep any swine within the city.
- (b) Cows or horses. It shall be unlawful for any person to keep a cow or horse on any premises, the overall area of which is less than one-fourth (1/4) of an acre for each cow or horse kept or keep more of said animals than can be cared for under sanitary conditions. The total number of cows or horses permitted shall not exceed one (1) adult per one-fourth (1/4) acre for the first acre, and two (2) adults per acre for each additional acre of a single tract of land.
- (c) Enclosures generally. Livestock pens, stables, corrals, or enclosures shall be capable of preventing the escape of the livestock.

(d) Location of enclosures.

- (1) It shall be unlawful for any person to keep any horse, cow, cattle, sheep or goat or any other livestock within fifty (50) feet of any residence or occupied building.
- (2) Any enclosure, pen, corral, or other restrictive area for livestock may not be located within ten (10) feet of any industrial, commercial, or residence zoned property or any property used for residential purposes.

(e) Fowl. It shall be unlawful for any person to keep any fowl, such as chickens, ducks, turkeys, geese, pigeons or guineas, except when the same are kept more than fifty (50) feet from any property line.

(f) Selling or displaying animals in certain places prohibited. It shall be unlawful for any person to sell, trade, barter, lease, rent, give away or display for any purpose any live animal on any roadside, public right-of-way, commercial parking lot or flea market.

(g) Defenses. It is a defense to prosecution under this section that the person is:

- (1) A veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with animals, and has temporary ownership, custody and control of the animal in connection with that position.
- (2) Keeping livestock or fowl on a tract of land owned by a public or private school containing a minimum of ten (10) acres, and the keeping of livestock or fowl is considered to be for educational purposes.

Sanitary requirements

The owner or person who has custody or control of any animal shall comply with the following standards:

- (1) All manure and other animal waste shall be removed from pens, corrals, cages, yards, or other enclosures twice a week to an approved disposal site;
- (2) Food shall be placed in impervious containers on impervious surfaces;
- (3) Refuse on the premises shall be removed and disposed of by means approved by the animal control officer;
- (4) Watering troughs or tanks shall be equipped with adequate facility for draining the overflow so as to prevent breeding of flies, mosquitoes or other insects;
- (5) No putrid material shall be allowed to accumulate on the premises, and all such material used to feed which is unconsumed shall be removed and disposed of by sanitary means.

Animal care; cruelty

- (a) The owner or person who has custody or control of any animal shall provide:
 - (1) Sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal in good health;
 - (2) Clean and wholesome water, served to the animal in a clean container, such water to be available to the animal at all times;
 - (3) Adequate shelter and protection from the weather at all times; and
 - (4) Veterinarian care as needed to prevent suffering.
- (b) It shall be unlawful for an owner or other person having custody or control of any animal to abandon such animal.
- (c) No person other than a licensed veterinarian shall crop a dog's ears.
- (d) The operator of any motor vehicle which strikes or injures a domesticated animal shall stop and immediately render aid and report such incident to the animal control officer and the police.
- (e) It shall be unlawful for any person to beat, starve or overwork or to otherwise abuse any animal.

IMPOUNDMENT

Generally.

- (a) The following animals may be impounded:
 - (1) Cats, dogs, or ferrets not exhibiting evidence of vaccination or registration.
 - (2) Any animal kept under conditions which can endanger the public or animal health.
 - (3) Any animal that has rabies or symptoms thereof or that a person could reasonably suspect of having rabies or that bites, scratches or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being or animal, or that requires observation for rabies as determined by the animal control officer.
 - (4) Any animal running at large.
 - (5) Any animal treated in a manner determined to be in violation of V.T.C.A., Penal Code section 42.09, as amended.
 - (6) Any animal in violation of any provision of this chapter.
 - (7) Any animal reasonably suspected of having inflicted bodily harm on any human being or animal that poses a threat to public safety or constitutes a public nuisance.
 - (8) Any prohibited animal.

- (b) If any animal is found on the premises of any person, that person may confine such animal in a humane manner until the animal control officer impounds such animal. When so notified, it shall be the duty of the animal control officer to have such animal impounded.
- (c) The chief of police shall select and establish a facility for the impoundment, quarantine, maintenance, and destruction of animals.
- (d) Reasonable effort shall be made by the animal control officer to contact the owner of any animal impounded which is wearing a current registration tag.

Redemption of impounded animal.

- (a) The owner may redeem an impounded animal upon payment of all applicable impoundment fees, handling fees, and any veterinarian bills or other cost incurred by the city for the impoundment, care and welfare of the animal and upon proof of compliance with the vaccination/registration requirements of this chapter. Any animal being held under quarantine or observation for rabies shall not be redeemed until released from quarantine.
- (b) Impounded animals shall be held for three (3) days after the date of impoundment. If the owner of an impounded animal does not redeem it within the period of impoundment, disposition will be in accordance with this chapter.

Disposition of impounded animals.

- (a) Except as provided herein, any animal not redeemed within the above-stated time periods after impoundment, or release from quarantine, shall become the property of the city and shall at the direction of the animal control officer be placed for adoption, transferred to a bona fide humane society or humanely destroyed.
- (b) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by a court of competent jurisdiction.
- (c) Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide care for the baby may be immediately destroyed to prevent further suffering. Any impounded animal that appears to be suffering from extreme injury or illness may be immediately and humanely destroyed to prevent further suffering.
- (d) Any owner who no longer wishes responsibility for an animal or believes the animal to be ill or injured may sign a written waiver supplied by the animal control officer allowing the animal to be immediately destroyed by the city. The owner of such animal shall be charged a fee for this service.

Fees/Miscellaneous


Fees – Unless otherwise provided, any violation of this ordinance shall be a Class C misdemeanor punishable by a fine not to exceed \$500.00 for a first offense; and \$1,000.00 for any subsequent offense. The fees provided in this ordinance may be amended from time to time by a duly approved resolution of the city council of the City of Mustang Ridge.

Partial Invalidity - If any part of this ordinance or its application is for any reason held to be unconstitutional, invalid or unenforceable, the unconstitutionality, invalidity, or unenforceability of any such part shall in no way affect, impair, or invalidate the remaining parts of this ordinance, but as to such remaining parts, this ordinance shall remain in full effect.

Effective Date - Because prompt action is in the public interest, this ordinance shall be effective immediately upon its passage, effective as of this date.

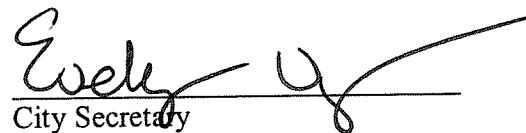
Publication - The descriptive caption of this ordinance is hereby ordered to be published in the official newspaper of the City of Mustang Ridge immediately.

PASSED by the City Council of Mustang Ridge, Texas, on the 14th day of August, 2023.



Mayor David Bunn

ATTEST:



City Secretary

