

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, PROVIDING FOR THE CONTROL OF ANIMALS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR RABIES CONTROL; PROVIDING A VIOLATION FOR RUNNING AT LARGE; PROVIDING FOR IMPOUNDMENT; PROVIDING FOR FEES; PROVIDING FOR QUARANTINE; PROVIDING FOR PROHIBITION OF CERTAIN ANIMALS; PROVIDING FOR CONTROL OF VICIOUS ANIMALS; PROVIDING FOR SANITARY CONDITIONS; PROVIDING FOR A PENALTY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE THEREOF.

WHEREAS, the Weston ordinances do not provide for the adequate control of animals; and

WHEREAS, the Weston City Council is of the opinion that an ordinance for the control of animals should be adopted for the health, welfare, and safety of the citizens of Weston.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS:

SECTION 1. DEFINITIONS.

1.1. Domestic Animals shall include all species of animals commonly accepted as being domesticated.

1.2. Animals shall mean any living creature including, but not limited to, dogs, cats, horses, birds, fish, mammals, reptiles, insects, fowl, and livestock, but specifically excluding human beings.

1.3. Pet Animal shall include dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal that are sold or retained as a household pet but shall not include skunks, nonhuman primates, and any other species of wild, exotic, or carnivorous animal that may be further restricted in this law.

1.4. Wild Animal shall mean any poisonous or dangerous reptile or any other species of animal that commonly exists in a natural, unconfined state and is usually not domesticated including, but not limited to, foxes, opossums, raccoons, squirrels, leopards, panthers, tigers, lions, lynx, unless certified for medical, biological, herpetological, or other scientific research or study. This definition shall apply regardless of state or duration of captivity.

1.5. Vicious Animal shall mean any individual animal or any species that has on one previous occasion, without provocation, attacked or bitten any person or other animal, or any individual animal that the local health authority or supervisor of animal control has reason to believe has a dangerous disposition, or any species of animal that the local health authority or supervisor has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

1.6. Animal Control Officer shall mean any person or agency designated by the supervisor of animal control of the City of Weston to enforce the provisions of this ordinance.

1.7. Small Livestock shall mean all types of domesticated swine, sheep, and goats.

1.8. Large Livestock shall mean horses or any member of the domesticated horse family including, but not limited to, mules, donkeys, and ponies; and all types and varieties of cattle.

1.9. Owner shall mean any person, firm, or corporation having title to any animal; or a person who has, harbors, keeps, or causes or permits to be harbored or kept, any animal in his care, or who permits an animal to remain on or about his premises.

1.10. Supervisor of Animal Control shall mean the person designated by the City Council of the City of Weston to supervise all aspects of animal control.

1.11. Running at Large shall mean not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal, or not on a leash or held in the hands of the owner or keeper, or not under direct personal supervision of the owner within the limits of the owner's private property.

1.12. Animal Control shall mean the animal control function of the City of Weston.

1.13. Commercial Stable shall mean a facility where a fee is charged to house, pasture, or rent horses or other livestock.

1.14. Dog shall mean any live or dead dog (Canis Familiaris).

1.15. Cat shall mean any live or dead cat (Felis Catus).

1.16. Harboring shall mean the act of keeping or caring for an animal or of providing a premise to which the animal returns for food, shelter, or care for a period of three (3) consecutive days.

1.17. Stray Animal shall mean any animal for which there is no identifiable owner or harborer.

1.18. Vaccinated shall mean properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the State of Texas.

1.19. Currently Vaccinated shall mean vaccinated and satisfying the following criteria:

- (a) The animal must have been at least three (3) months of age at the time of vaccination.
- (b) At least thirty (30) days have elapsed since the initial vaccination.
- (c) No more than twelve (12) months have elapsed since the most recent vaccination.

1.20. Local Health Authority shall mean a person or agency designated by the City of Weston to receive reports of animal bites, investigate bite reports, insure quarantine of possible rabid animals, and otherwise carry-out provisions of the Texas law pertaining to control and eradication of rabies.

SECTION 2. RABIES CONTROL.

2.1. Vaccinations: Every owner of a dog or cat three (3) months of age or older shall have such animal vaccinated against rabies. All dogs or cats vaccinated at three (3) months of age or older shall be revaccinated at one (1) year of age and annually thereafter. Any person moving into the City from a location outside of the City shall comply with this section of this ordinance within thirty (30) days after having moved into the City. If the dog or cat has inflicted a bite on any person or another animal within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten (10) day observation period.

2.2. Certificate of Vaccination: Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat, as evidence thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. 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 rabies tag; and
- (e) The breed, age, color, and sex of the vaccinated dog or cat.

2.3. Rabies Tags: Concurrent with the issuance and delivery of the certificate of vaccination referred to in Section 2.2, the owner of the dog or cat shall cause to be attached

to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate number, and bearing the year of issuance, and the name of the issuing veterinarian and his address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by his dog or cat at all times.

2.4. Duplicate Tags: In the event of loss or destruction of the original tag provided in Section 2.3, the owner of the dog or cat shall obtain a duplicate tag. Vaccination certificates (and tags) shall be valid only for the animal for which it was originally issued.

2.5. Proof: It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this ordinance.

2.6. Harboring Unvaccinated Animals: It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

2.7. Animals Exposed to Rabies: Any person having knowledge of the existence of any animal known to have been or suspected of being exposed to rabies must immediately report such knowledge to the local health authority, giving any information that may be required. For any animal known to have been or suspected of being exposed to rabies, the following rules must apply:

- (a) Animals having a current vaccination must be revaccinated immediately and confined according to the method prescribed by the local health authority for a period of not less than ninety (90) days; and
- (b) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the local health authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than six (6) months. A revaccination shall be done one (1) month prior to release from quarantine.

SECTION 3. REPORTING CASES OF HUMANS BITTEN BY ANIMALS SUSCEPTIBLE TO RABIES.

The following procedures shall apply to reporting cases of humans bitten by animals susceptible to rabies:

3.1. Any person having knowledge of an animal bite to a human will report the incident to the police or local health authority as soon as possible, but not later than twenty-four (24) hours from the time of the incident.

3.2. The owner of the biting animal will place that animal in quarantine under the supervision of the local health authority as prescribed in Section 4.

3.3. Utilizing standardized reporting forms provided by the Texas Department of Health ("TDH"), the local health authority will investigate each bite incident.

3.4. Human bites from rodents, rabbits, birds, and all cold-blooded animals are excluded from the reporting requirements of this section.

SECTION 4. QUARANTINE PROCEDURE FOR ANIMALS.

4.1. When an animal that has bitten a human is identified, the owner is required to produce the animal for ten (10) days confinement at the owner's expense. Refusal to produce said dog or cat or other animal constitutes a violation of this section and each day of such refusal constitutes a separate and individual violation. The ten (10) day observation period will begin on the day of the bite incident. The animal must be placed in the animal control facilities specified for this purpose, if available. However, the owner of the animal may request permission from the local health authority for home quarantine if the following criteria can be met:

- (a) Secure facilities must be available at the home of the animal's owner and must be approved by the local health authority.
- (b) The animal is currently vaccinated against rabies.
- (c) The animal control officer, local health authority, or licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the local health authority must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing.
- (d) The animal was not in violation of any laws at any time of the bite.
- (e) If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to a TDH certified laboratory for rabies diagnosis.

4.2. It shall be unlawful for any person to interrupt the ten (10) day observation period.

4.3. No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a TDH certified laboratory for rabies diagnosis.

SECTION 5. PROHIBITION AGAINST RUNNING AT LARGE OR HARBORING OF ANIMALS THAT DISTURB THE PEACE.

5.1. It shall be unlawful for any dog or other animal possessed, kept, or harbored, other than a cat, to run at large as is defined in Section 1.11 of this ordinance.

5.2. The animal control officer is authorized to impound such animal running at large, other than a cat, and may impound a cat under conditions specified in Section 6 of this ordinance, or when he has received a complaint that the cat has caused a nuisance or hazard to the health or welfare of human or animal population.

5.3. Harbor any animal which by loud, frequent, or habitual barking, howling, yelping, or other noise or action, disturbs any person of ordinary sensibility for more than thirty minutes in any twenty-four (24) hour period.

SECTION 6. IMPOUNDMENT.

6.1. The following animals may be impounded:

- (a) Cats and dogs not exhibiting evidence of being vaccinated or registered as described in Section 2;
- (b) Any animal infected with rabies or kept under conditions that could endanger the public or animal health;
- (c) Any animal found running at large, as described in Section 5;
- (d) Any animal treated in a manner determined by an animal control officer to be cruel and inhumane;
- (e) Any animal that has bitten a human being or needs to be placed under observation for rabies determination, as determined by an animal control officer;
- (f) Any animal violating any provisions of this ordinance.

6.2. If any of the animals named in this ordinance are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify an animal control officer to retrieve the animal for impoundment. When so notified, it shall be the duty of the animal control officer to impound such animal as herein provided.

6.3. Reasonable effort shall be made by an animal control officer to contact the owner of any animal impounded that is wearing a current registration tag; however, final responsibility for location of an impounded animal is that of the owner.

6.4. The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees, and any veterinarian bills incurred by animal control for the welfare of the animal, and upon compliance with vaccination and registration provisions of this code, except where prohibited in subsections 6.5 and 6.6 of this section.

6.5. Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.

6.6. If any animal is being held in quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.

6.7. The Weston City Council shall select and establish a place for impounding animals under any provisions of this ordinance.

6.8. Any animal not reclaimed by the owner may be humanely euthanatized after being impounded for three (3) working days, except that any animal wearing a current registration certificate tag shall be impounded for not less than six (6) days.

6.9. Any impounded vicious or wild animal, unless there is reason to believe it has an owner, may be immediately disposed of as may be deemed appropriate by the supervisor of animal control.

6.10. Any nursing baby animal impounded without its mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanatized to prevent further suffering.

6.11. Any impounded dog or cat not wearing a registration certificate tag may be given up for adoption after three (3) working days of impoundment, except those under quarantine. Any impounded dog or cat wearing a current registration tag may be given up for adoption on the seventh (7th) day of confinement.

6.12. An owner who no longer wishes responsibility for an animal, or believes the animal to be in an ill or injured condition, may sign a written waiver supplied by animal control allowing the animal to be immediately euthanatized in a humane manner, providing that no warm-blooded animal that has bitten a human being shall be euthanatized before expiration of the ten (10) day quarantine period.

6.13. Any impounded animal that appears to be suffering from extreme injury or illness may be euthanatized or given to a non-profit humane organization for the purpose of veterinary care, as determined by the supervisor of animal control.

SECTION 7. IMPOUNDMENT FEES.

7.1. Class A: Dogs and Cats. Impoundment fees for each dog or cat spayed or neutered (sterilized) shall be set by resolution from time to time by the City Council.

7.2. Class B: Small Livestock shall include goats, sheep, lambs, swine, calves, foals, and animals of the same approximate size and weight. Fees shall be set by the county in accordance with Chapter 142 of the Texas Agriculture Code a/k/a The Texas Estray Act.

7.3. Class C: Large Livestock shall include cattle, horses, ponies, mules, and animals of the same approximate size and weight. Fee shall be set by the county in accordance with The Texas Estray Act.

7.4. Class D: Animals not listed herein above shall be disposed of at the discretion of the animal control division.

7.5. In addition to the impoundment fees set out above, a daily handling fee shall be charged for every day, or fraction thereof, that an animal is at the animal shelter. Said fee shall be based upon the class of animal enumerated in Class A above. Class A animals shall be charged Three Dollars (\$3.00) per day per animal and Class D animals shall be charged Five Dollars (\$5.00) per day per animal. (Class B and Class C animals are impounded by the county in accordance with The Texas Estray Act.)

7.6. The owner of any Class A animal held in quarantine for observation purposes shall be charged a fee for each day or fraction of a day an animal is at an animal shelter. The owner of a Class D animal shall be charged a fee for each day or fraction of a day the animal is quarantined at the animal shelter. This is in addition to impoundment and daily handling fees.

SECTION 8. SANITARY CONDITIONS REQUIRED.

8.1. The owner or person in possession of animals shall keep yards, pens, and enclosures in which such animals are confined in such a manner as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity or to breed or attract flies, mosquitoes, or other noxious insects, or in any manner, to endanger the public health or safety, or to create a public nuisance.

8.2. All persons keeping such animals shall comply with the following regulations:

- (a) Manure and droppings shall be removed from pens, stables, yards, cages, and other enclosures as necessary to maintain sanitary conditions and handled or disposed of in such manner as to keep the premises free of any nuisances.
- (b) Mound storage of droppings or manure between such removals shall be permitted only under such conditions as to protect against the breeding

of flies and to prevent migration of fly larvae (maggots) into the surrounding soil.

- (c) Watering troughs or tanks shall be provided that are equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes, and other insects.
- (d) No putrescible material shall be allowed to accumulate on the premises, and all such material used to feed that is unconsumed shall be removed and disposed of by burial or other sanitary means.

SECTION 9. HUMANE TREATMENT OF ANIMALS REQUIRED.

The following requirements are established for pet and animal care and not intended to contravene with the provisions for animal cruelty as provided in the Texas Penal Code.

9.1. No owner shall fail to provide his animal(s) with sufficient good wholesome food and water, proper shelter, and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

9.2. 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 or between animals and humans.

9.3. No owner of an animal shall abandon such animal.

9.4. Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and render such assistance as may be possible and 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.

9.5. The use of steel jaw traps shall be prohibited.

SECTION 10. PENALTY.

The designated representative of the City may cite any person who violates any provision of this ordinance and, if convicted in municipal court, shall be fined not more than Two Hundred Dollars (\$200.00) and each and every day the provisions of this ordinance are violated shall constitute a separate offense.

SECTION 11. ENFORCEMENT.

11.1. Enforcement of this ordinance shall be the responsibility of the local health authority or an animal control officer.

11.2. The local health authority or animal control officer shall have the authority to issue citations for any violation of this ordinance.

11.3. If the person being cited is not present, the local health authority or animal control officer may send the citation to the alleged offender by registered or certified mail.

11.4. It shall be unlawful for any person to interfere with the local health authority or animal control officer in the performance of duties.

11.5. The local health authority and animal control officer are given the right to go onto any private property in the City of Weston for the purpose of determining whether or not any provision of this ordinance has been violated and to impound any animal kept or harbored in violation of any terms of this ordinance.

SECTION 12. PUBLICATION.

The caption of this ordinance shall be published one (1) time in a newspaper having general circulation in the City of Weston, Texas.

SECTION 13. CONFLICTS.

All ordinances and provisions of the City of Weston, Texas, that are in conflict with this ordinance shall be and the same are hereby repealed, and all ordinances and provisions of ordinances of said City not so repealed are hereby retained in full force and effect.

SECTION 14. SEVERABILITY.

It is the intent of the City Council that if any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance shall be held invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part held to be invalid or unconstitutional.

SECTION 15. EFFECTIVE DATE.

This Ordinance shall take effect upon publication.

ADOPTED by the Weston City Council this 14 day of June, 1998.

APPROVED:

Kenneth R. Cowan
Kenneth Cowan, Mayor

ATTEST:

Gayle Boer
Gayle Boer, City Secretary

APPROVED AS TO FORM:

John E. Rapier
John E. Rapier, City Attorney

ORDINANCE 98-06-04

AS AMENDED NOVEMBER 9, 1999

BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, DO HEREBY APPROVE THE AMENDMENT OF ORDINANCE 98-06-04 FOR ANIMAL CONTROL WITHIN THE CORPORATE LIMITS OF THE CITY OF WESTON, TEXAS TO INCLUDE SECTION X - ENFORCEMENT TO READ AS FOLLOWS:

SECTION X

Enforcement

1. Enforcement of this Ordinance shall be the responsibility of the Local Animal Control Liaison.
2. The Local Animal Control Liaison or the Municipal Animal Control Agent shall have the authority to issue citations for any violations of said Ordinance.
3. If the person being cited is not present, the Local Animal Control Liaison or Municipal Animal Control Agent may send the citation to the alleged offender by registered or certified mail.
4. It shall be unlawful for any person to interfere with the Local Animal Control Liaison or Municipal Animal Control Agent in the performance of duties.
5. The Local Animal Control Liaison or Municipal Animal Control Agent is given the right to go onto private property in the City of Weston for the purpose of determining whether or not any provision of this Ordinance has been violated and to impound any animal kept or harbored in violation of any terms of this Ordinance.



Kay Hodges, Mayor

ATTEST:



Michele Smith, City Secretary



The Law Offices of
JOHN EDWARD RAPIER, P.C.

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John E. Rapier
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E-Mail: rapier@airmail.net

June 17, 1998

Cliff Moore
Animal Services of Texas
P. O. Box 1447
Van Alstyne, Texas 75495

Re: City of Weston
Ordinance No. 98-06-04
Providing for Animal Control

Dear Mr. Moore:

Enclosed is a true and correct copy of the City of Weston's Animal Control Ordinance which was adopted on June 9, 1998. This is being forwarded to you pursuant to the City Council's request. If you have any questions, please feel free to call the City Attorney, Mr. John Rapier at the numbers above or Mayor Kenneth Cowan at 972-924-3669. Thank you for your assistance in this matter.

Very truly yours,



Kay Drescher
Office Manager

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enclosure
w\anim-srv.ltr
cc: City of Weston

ORDINANCE NO. 1998-06-04

AS AMENDED ON MAY 13, 2003

BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, DO HEREBY APPROVE THE AMENDMENT OF ORDINANCE 1998-06-04 FOR ANIMAL CONTROL WITHIN THE CORPORATE LIMITS OF THE CITY OF WESTON, TEXAS TO INCLUDE SECTION 6 – VICIOUS ANIMALS TO READ AS FOLLOWS:

SECTION 6 VICIOUS ANIMALS

6.1 Any vicious animal found running at large may be destroyed by any peace officer or Animal Control Officer in the interest of public safety.

6.2 The Animal Control Officer may order any Owner or person having care, control or custody of any vicious animal to remove such animal permanently from the City. This animal must be removed immediately following receipt of such an order, even if an appeal is initiated. This order may be appealed in writing within ten (10) days to the municipal judge. The municipal judge may uphold, reverse or modify the Animal Control Officer's order and may stipulate restrictions on the animal as a condition to allowing the animal to remain in the City. If the municipal judge upholds the Animal Control Officer's order, the Owner or person having care, control or custody shall not bring the animal back inside the City Limits.

6.3 If the Owner or person having care, custody or control of a vicious animal fails to remove such animal as provided for in Section 7, such animal may be impounded and/or destroyed.

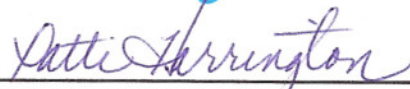
6.4 The Owner or person having care, custody or control of a vicious animal must report the disposition and relocation of such animal to the Animal Control Officer in writing within ten (10) days after the expiration date for removal of such animal from the City. Each day thereafter such information is not provided shall constitute a separate offense.

6.5 The Animal Control Officer shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the City for being vicious has not been so removed.

NOW THEREFORE:

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

PASSED AND APPROVED this 13th day of May, 2003



Patti Harrington, Mayor

ATTEST:



Michele Smith, City Secretary

