

**ORDINANCE NO. 856**

***'Amended Animal Control Ordinance'***

**AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS, PROVIDING FOR THE AMENDMENT OF CHAPTER 4 (ANIMALS), AND APPENDIX B (SCHEDULE OF FEES AND CHARGES), SECTION K (ANIMAL CONTROL FEES) OF THE CITY OF GRANITE SHOALS CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; SAVINGS; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the City Council of the City of Granite Shoals, Burnet County, Texas (“Council”) seeks to provide for the public health, safety, and welfare of its citizens; and

**WHEREAS**, the Council seeks to impose reasonable regulations regarding the keeping of animals within the corporate limits of Granite Shoals; and

**WHEREAS**, the Council finds that instances involving animals running at large within the city limits create a public health and safety hazard, particularly to children; and

**WHEREAS**, the Council finds that a citizen who harbors an animal has the primary responsibility for its care, safety, and behavior; and

**WHEREAS**, the Council finds that it is in the best interest of the citizens of Granite Shoals to enact reasonable regulations for the care and safe management of animals within the City; AND

**WHEREAS**, the City Council finds that the following amendments are necessary to ensure that the City will recover its actual costs for provision of services; and,

**WHEREAS**, the Council is authorized to regulate animal control pursuant to Chapters 822 and 826 of the Texas Health and Safety Code and section 2.01 of the City Charter;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:**

**SECTION I – FINDINGS OF FACT.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION II - AMENDMENTS TO ANIMAL CONTROL ORDINANCE.** Chapter 4 (Animal Control) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

**“Sec. 4-1 Definitions**

**§ 4-1 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandon* includes abandoning an animal in the person's custody without making reasonable arrangements for assumption of custody by another person.

*Animal.* Every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings.

*Animal control facility.* A facility operated or used by the city for the purposes of impounding animals as prescribed in this chapter.

*Animal control officer.* The person duly designated to carry out the duties of animal control officer as prescribed in this chapter. Unless otherwise specifically designated by the city manager, the chief of police of the city shall be the animal control officer.

*At-large.* Off the premises of the owner and not under the direct physical control of the owner or handler.

*Cat.* Each and every domestic mammal of the feline species, regardless of age or sex.

*Commercial animal establishment.* Any commercial operation which is reasonably calculated to provide shelter, care, maintenance, training, breeding, treatment of, or the provision of services to six or more animals over the age of 16 weeks at one time. This definition does not include a ranch operation engaged in the raising or keeping of livestock or poultry.

*Community Cat.* A member of the domestic mammal of the feline species that is free-roaming and that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are not wildlife.

*Community Cat Caregiver.* A person who, during the course of providing care to a community cate, is not acting in his or her capacity as an employee, agent, or officer of the City, and in accordance with and pursuant to a good faith effort to participate in a Trap-Neuter-Return program as described in this Chapter, provides care, including, food, shelter, or medical care to a community cat, while not being considered the owner, harbinger, controller, or keeper of a community cat.

*Cruelty to animals.* Any action that would constitute an offense within the meaning of V.T.C.A., Penal Code sec. 42.09, cruelty to livestock animals, or V.T.C.A., Penal Code sec. 42.092, cruelty to nonlivestock animals, including, but not limited to, the treatment of any animal in a cruel manner that causes or permits unjustifiable or unwarranted pain or suffering.

*Dangerous and/or vicious animal.* Any animal that is known to carry or be susceptible to the rabies virus and that cannot be effectively vaccinated against that virus with any vaccine approved by the department of state health services. Also included in the definition of "dangerous and/or vicious animal" is any animal or any pet that has attacked, bitten, or physically injured a human, other

domestic animal or pet animal, and/or livestock without adequate provocation, or that, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being, pet animal, domestic animal and/or livestock shall be prima facie presumed to be dangerous and/or vicious.

Dangerous dog. A dog that is:

(1) Not tame or gentle, but is of a wild nature or disposition and which, because of its size, nature, or other characteristics, would constitute a danger to human life or property if it were not kept or maintained in a safe manner or in secure quarters; or

(2) A “dangerous dog” as that term is defined by V.T.C.A., Health and Safety Code sec. 822.041, as amended.

Direct physical control. Control by leash, cord, chain, or other similar means of physical restraint of a maximum length of 25 feet when the animal is off the premises of its owner or within an enclosure adequately constructed and maintained to ensure continuous physical restraint.

Dog. Each and every domestic mammal of the canine species, regardless of age or sex.

Domestic animal. Includes dogs, cats, domesticated horses, fowl, confined hares and rabbits, and other birds and animals raised and/or maintained in confinement, any animal whose physiology has been determined or manipulated through selective breeding and that does not occur naturally in the wild, any animal that can be vaccinated against rabies with an approved rabies vaccine, and/or any animal which has an established rabies quarantine observation period.

Eartipping. The removal of the distal one-quarter of a community cat’s left ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.

Estray. Includes, but is not limited to, any stray horse, stallion, mare, gelding, filly, colt, mule, jenny, jack, jennet, hog, sheep, and goat, normally confined and domesticated hares and rabbits, and any species of cattle, as well as other animals that are generally found in agricultural habitats.

Exotic species. Monkeys, alligators, crocodiles, poisonous snakes, reptiles, or birds, born or whose natural habitat is considered to be outside the continental United States, including nonvenomous reptiles, or any other animal (other than domestic cats and dogs) that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals generally found in agricultural habitats.

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

Keep. To retain on the premises by any means; to harbor, control, own, or have custody or possession of an animal for a period of three (3) days or longer.

Maintain. To feed, shelter, protect, provide for and/or bear expense of.

Microchip implant. A passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for the purposes of animal identification and recovery by the animal's owners.

Owner. Any person, corporation, or entity having temporary or permanent custody of owning, keeping, sheltering, in charge of controlling, maintaining, having property rights to, or harboring one or more animals covered by this chapter. The temporary feeding of a pet at the pet owner's request while the owner is unable to feed such pet does not cause the individual temporarily feeding the pet to become an owner for purposes of this definition.

Permit. A printed or written certificate issued by the designated representative of the city authorizing the holder to operate a commercial animal establishment within the corporate limits of the city.

Poultry/fowl.

(1) All domesticated poultry and fowl; and

(2) All game/undomesticated poultry, fowl and birds that are kept in captivity, but excluding poultry, fowl and birds that are protected animals, as that term is defined herein.

Prohibited animals. Any or all animals, including but not limited to venomous reptiles, nonvenomous reptiles over six feet (6') in length, alligators, crocodiles, caimans, elephants, rhinoceroses, skunks, raccoons, nonhuman primates, foxes, coyotes, bats, wolves, bears, or any hybrid of these listed animals. Any individual species and/or subspecies of the following animals: antelope, lions, tigers, ocelots, cougars, leopards, cheetahs, jaguars, hyenas, bears, bobcats, lesser pandas, ferrets born in natural habitats, binturong, ostriches, emus, miniature pigs, apes, llamas, alpacas or such other nondomestic species of animal not common to this area are also a prohibited animal for purposes of this chapter.

Protected animals. Any poultry, fowl, or birds that are harbored in any city park or park area.

Public nuisance. Includes any animal that:

(1) Molests passersby or passing vehicles;

(2) Acts in a threatening manner in any location other than the property of its owner toward any person other than its owner;

(3) Attacks or chases another animal, other than on the property of the animal's owner or custodian;

(4) Causes trash or garbage to be removed from a trash or garbage container;

(5) Defecates on public property or on the property of a person other than the animal's owner;

(6) Trespasses on school grounds;

(7) Is at-large, other than a community cat;

- (8) Damages public property or private property other than the property of the animal's owner;
- (9) Causes an odor that is offensive to a person of ordinary sensibilities and tastes and that is detectable across the property line of the owner; or
- (10) Continually barks, howls, or makes other noises that are disturbing and/or offensive to a person of ordinary sensibility and that are detectable across the property line of the owner.
- (11) A community cat could be considered a public nuisance at the discretion of the animal control officer based on consideration of the above factors, other than (7).

Quarantine. A period of ten (10) days, which time is generally used for observation of a domestic pet or other animal to determine the health status of that animal in relation to the rabies virus.

Quarantine by owner. Quarantine by an animal owner, with the permission of the city, under the following conditions:

- (1) The animal must have a current rabies vaccination and be registered with the city.
- (2) The animal must either be inside a secure enclosed structure, i.e., house or garage, and must remain there for a minimum of ten (10) days; or if the animal is maintained outside, it must be contained within an enclosure from which it cannot escape (e.g., either a fenced area, or inside a covered pen or kennel from which it cannot escape).
- (3) The animal must be kept away from any other animal(s) and all people, except those who must care for it during its quarantine period.
- (4) The animal may not be removed from the municipal limits of the city while under quarantine, except if the removal is done by an authorized state, county or local official, or by the owner for the purpose of veterinary examination as required in paragraph (7).
- (5) The owner shall notify animal control officer and/or the police department immediately if the quarantined animal becomes sick or displays any behavioral changes.
- (6) The owner shall not subject the quarantined animal to any medical procedure(s) during the quarantine period without first notifying the animal control department. This includes providing the quarantined animal, with any vaccination(s).
- (7) The quarantined animal must be examined by a licensed veterinarian, by no later than the close of business on the first day of home quarantine, and again on the final day of quarantine. The veterinarian shall be informed of the animal's quarantine status. The owner shall be responsible for producing proof of the required veterinarian examinations of any quarantined animal in compliance with this code.
- (8) No animal that is at-large or unleashed at the time of exposure related to the rabies virus may be quarantined by owner. Rather, such animals must be quarantined by the city or its designee(s).
- (9) The owner must allow the city's animal services department, after giving reasonable notice, to view and confirm the health of the animal during the home quarantine period.

Rabies vaccination. The vaccination of a dog, cat or other animal (domestic or otherwise) with an anti-rabies vaccine, as approved by the department of state health services and as administered by a veterinarian licensed by the state.

Registered dangerous dog. A dog that has been determined to meet the criteria of being a dangerous dog as per section 4-10 of this code, and/or state law, as amended from time-to-time, and after such dogs have been registered, by obtaining a city registration, pursuant to section 4-10 of this code.

Restraint. (1) The securing of any dog or cat by a leash, cord, chain or other similar means while the owner or custodian is in direct physical control.

(2) The dog or cat is confined by an adequately constructed and properly maintained fenced area or structure within the real property limits of its owner. The fence or structure must be a minimum of 150 square feet, per animal, in size. Shade, clean shelter, adequate food and clean water are required at all times.

(3) A dog or cat may be restrained by a properly maintained wireless electronic device; provided, however, that the owner of the wireless electronic device shall place signage on the property that is clearly readable from the adjacent street and that reads: "Electronic Pet Fence in Use."

Secure enclosure.

A fenced area or structure that is:

(1) Locked;

(2) Capable of preventing the release or escape of an animal;

(3) Capable of preventing the entry of the general public, including children;

(4) Tall enough or covered so that the animal cannot climb out; and

(5) Has a perimeter structure that prevents the animal from digging out or going under the side fence or wall.

Serious injury. Includes, but is not limited to, bodily injury resulting from severe attack or severe bite from an animal that produces severe pain, trauma, or loss of blood or tissue, and that would cause most prudent and reasonable people to seek medical care for treatment for the injury.

Service animal. Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals.

Severe attack. Includes, but is not limited to, an attack in which the animal repeatedly bites, scratches, or vigorously shakes its victim and the victim, or a person intervening, has extreme difficulty terminating the attack.

Severe bite. A puncture, scratch, or laceration made by an animal's teeth, that breaks 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 consideration of rabies prevention alone.

Sterilization. The surgical removal of the reproductive organs of an animal or the use of nonsurgical methods and technologies approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce.

Stray animal (including estrays). Any animal, for which there is no identifiable owner or harborer, that is found to be at-large within the corporate limits of the city.

Trap-Neuter-Return. The process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning a community cat to its original location. It may also include trapping and providing medical care to a community cat.

Unlawful restraint. The meaning prescribed by V.T.C.A., Health and Safety Code ch. 821, subsec. D.

Vaccination. Rabies vaccination, or other vaccinations required by law, for an animal or animals.

Veterinarian. Any practitioner of veterinary medicine licensed by the state to practice in the state.

Wild animal. Any live monkey, deer, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal that can normally be found in the wild state. The term “wild animal” does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm or agricultural animals, and captive-bred species of common cage birds and rodents.

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#### **Sec. 4-7 Impoundment of Animals**

(a) Proper facility. Notwithstanding any other provisions of this chapter, the city shall not impound any animal unless there is a proper facility in which to keep the animal. For the purposes of this section, a proper facility is one that adequately provides for the needs of the animal and for the protection of the public.

(b) General authority.

(1) The animal control officer or the animal control officer’s designated representative may order impoundment of an animal, if the animal:

- a. Is running at-large within the city and is not an eartipped cat;
- b. Has bitten or injured any person within the city;
- c. Is considered dangerous, vicious, or wild and is not securely confined in such a manner that it cannot come in contact with or do harm to any person or other animal;
- d. Has suffered cruelty to animals or is injured;
- e. Will not be able to be attended to by its owner within a reasonable amount of time because its owner has been arrested for a criminal offense;

f. Will not be able to be attended to by its owner within a reasonable amount of time because its owner has been transported by emergency medical services;

g. Will not be able to be attended to by its owner within a reasonable amount of time because its owner may be hospitalized for longer than 24 hours;

h. Will not be able to be attended to by its owner within a reasonable amount of time due to an emergency.

(2) Should the owner of an animal fail or refuse to allow the impoundment of the animal as provided by this subsection or attempt to interfere with such impoundment, the animal control officer shall contact the police department to help accomplish the impoundment.

(3) In lieu of and including impoundment of an animal, the animal control officer, based on the reasonable belief that the owner is in violation of this chapter, may issue a citation to the owner of the animal.

(c) Notice of impoundment.

(1) When the owner of an impounded animal is known by the animal control officer or reasonably thought by the animal control officer to be identifiable, the animal control officer shall give written notice of the impoundment to the owner.

(2) The notice must contain the following information for animals impounded for any reason:

a. A date of notice;

b. Date and location of an animal's impoundment;

c. Reason for impoundment;

d. Reasonable description of the animal; and

e. Location of impoundment facilities and hours during which an animal can be retrieved by the owner.

(3) The owner of an impounded animal may not take possession of the impounded animal until the owner has provided satisfactory evidence to the animal control officer that the animal has a current rabies vaccination. If the animal does not have a current rabies vaccination, the owner will receive a citation and must bring papers verifying vaccination to the animal control officer within 15 days from the date on which the owner retakes possession of the impounded animal.

(4) The owner of an impounded animal may not take possession of the impounded animal until fees and charges incurred during the impoundment have been paid in full.



a. The owner has the right to an informal hearing before the municipal judge to show cause why the owner should not be subjected to fees for return of the animal;

b. A written request for an informal hearing must be sent to and received by the city's municipal court within three working days of the date of the notice. The request must be addressed to:

ATTN: Municipal Judge  
City of Granite Shoals  
2221 N. Phillips Ranch Road  
Granite Shoals, Texas 78654

(5) The owner of an impounded animal may not take possession of the impounded animal until the animal has a current registration as required by section 4-11.

(d) Fees/fines imposed; collected.

(1) The following fees/fines will be charged by the city and collected at the cashier window at city hall in accordance with this chapter for each animal impounded hereunder:

a. An impoundment fee for an unregistered animal (or as shown in appendix B to this code for an animal that is registered in the city) for the first and second offense within a 12-month period;

b. After an animal has been impounded twice during the previous 12-month period, the fee for an unregistered animal shall be as shown in appendix B to this code.

c. A fee of as shown in appendix B to this code for each day an animal remains impounded;

d. Actual cost for the preparation and posting or mailing of each notice required under this chapter. The actual cost shall be as shown in appendix B to this code;

e. Charges for long distance telephone calls in connection with the administration of this section;

f. The cost of additional personnel and specialized equipment necessary during an animal's apprehension and impoundment;

g. Medical costs, including but not limited to veterinarian fees, vaccines, and other specialized care and equipment;

h. Any other expenses incurred incidental to the impoundment of an animal hereunder;

i. Court cost as determined by the municipal judge;

j. Voluntary surrender. The owner of an animal who chooses to relinquish custody of that animal to the city must pay a surrender fee as shown in appendix B to his code for one or more animals at the time of surrender. The owner of the animal must fill out, sign and date voluntary surrender paperwork.

(2) If no one accepts responsibility for an animal in the custody of the city or the contract facility the animal control officer or his/her designee will take the animal to the contracted shelter.

(3) Fees collected.

a. All fees and charges incurred under this section will be charged against and are the obligation of the owner of an impounded animal, regardless of the disposition of the animal;

b. Except as otherwise specifically provided herein, the owner, adopter or purchaser may not take possession of an impounded animal until the fees and charges incurred during the impoundment of the animal have been paid in full;

c. A receipt for all fees paid under this chapter shall be furnished to the person paying the fees.

(e) Hearing.

(1) Upon the written request of an addressee of a notice under this section for a hearing, the municipal judge or a designated representative shall conduct an informal hearing.

(2) 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.

(3) The municipal judge must determine, after reviewing the evidence presented, whether the addressee was in fact in violation of this chapter.

(4) Timely filing of a written request for an informal hearing stays the proceedings under this chapter until final action is taken by the municipal judge or a designated representative.

(5) The fees and charges imposed under subsection (c) of this section shall not be imposed if, after a hearing, the municipal judge determines that the owner was not in violation of this chapter or that the animal should not have been impounded under the provisions of this chapter.

#### **Sec. 4-9 Disposition of Animals.**

(a) The city may engage the services of a contract shelter facility to be the holding facility for all impounded animals (dogs or cats) that are not an eartipped cat, licensed/registered with the city, or microchipped. Once an animal has been released into the custody of the contract facility by the

animal control officer or police officer any and all business regarding fines, requirements and reclaims will be conducted directly between the animal's owner and the contract facility.

(b) All owned animals (dogs and cats) must at all times display a city license/registration tag (see section 4-11) and be microchipped. If impoundment is required and the animal is not an eartipped cat, microchipped, or displaying a license/registration tag the animal will be taken to the contract facility at the end of that business day.

(c) If impoundment is required, and the animal is displaying a license/registration tag and microchipped, the animal will be held at the local animal control facility (ACF) for no less than 24 hours and no more than 72 hours in the attempt to reach the animal's owner and arrange for the reclaim or voluntary surrender of the animal, depending on available space at the ACF. Certain fees will be imposed and received before the animal is released to the owner. (See section 4-7(d).)

(d) No animal may be released to a person other than the owner or the owner's authorized representative until the requirements of V.T.C.A., Health and Safety Code ch. 828, which relates to sterilization of dogs and cats, have been satisfied, unless the owner has a written agreement with the animal control officer, or his designee.

(e) Cats found running at large that are not microchipped, eartipped, or wearing an identification tag are presumed to be unowned or unharbored and may immediately be subject to a Trap-Neuter-Return program, adopted to a person, transferred to an animal rescue or shelter, or otherwise disposed of in a humane manner to alleviate the pain and suffering of the cat where there is no other reasonable remedy or relief.

(f) If the city takes custody of an animal or animals because the owner of the animal has been arrested, and the owner does not designate an authorized representative to take custody of the animal(s), the animal(s) will be held for up to no later than 72 hours after the impoundment before being transported to the contracted animal shelter designated by the city.

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#### **Sec. 4-12. Registration of animals.**

##### (a) Dogs and cats.

(1) The owner of a dog or cat that is over the age of 16 weeks within the city limits shall register the animal and its microchip number, if any, with the city. The business of filing paperwork, payment and receipt of registration shall be conducted at the cashier window at city hall or at such other location as directed by the city manager.

(2) Registration shall not be required of a nonresident who keeps a dog or cat within the city for no longer than 30 consecutive days.

(3) At the time of registration, the owner shall provide proof of current rabies vaccination by showing a certificate of vaccination signed by a licensed veterinarian.

(4) The city shall issue to the owner a registration certificate for each animal owned. This certificate shall contain the following information as a minimum for identification:

- a. The owner's name, address and telephone numbers;
- b. The animal's name, sex, sterilization status, color, type, breed and any other distinct characteristics;
- c. The veterinarian or animal clinic's name and rabies tag number, fee information and total amount collected;
- d. Signature of person issuing the registration, expiration date of registration and registration tag number. The animal control officer will retain a copy of each certificate of registration.

(5) Each animal receiving a registration number may be photographed by the animal control officer for further purposes of identification.

(6) Within 30 days of any change of ownership of a registered animal the new owner shall transfer the registration certificate to the new owner's name. The new owner shall also notify the animal control officer of the transfer and must obtain a new certificate of registration as provided by this section.

(b) Tag.

(1) The city shall issue a metal registration tag for each animal registered upon request of the owner if the animal is not microchipped. The tag shall bear a serial number plainly inscribed thereon for each dog or cat for which the city issues a registration certificate. The tag is to remain with the animal for its lifetime.

(2) The tag will be delivered to the owner at the time of registration.

(3) The owner shall attach the tag to a collar or harness that is to be worn by the animal when it is off of the owner's property.

(4) If the tag is lost or destroyed the owner shall apply to the city for a new tag by presenting the registration certificate and proof of rabies vaccination. The owner will then be issued a new registration with the original date of the lost or destroyed tag. This new registration will be free of charge if proof of the lost or destroyed tag's registration is provided.

(c) Fees.

A one-time registration fee shall be charged for each animal registered.

(1) All owned domestic animals (dogs and cats): as shown in appendix B to this code per animal.

(2) In the event that an individual dog has been designated by a court of law to be a dangerous dog, the owner of the dog shall register the animal for a fee as shown in appendix B to this code per year.

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#### **Sec. 4-15 Prohibitions**

(a) General. It is a violation of this chapter to:

(1) Maintain a public nuisance as defined by section 4-1.

(2) Fail to keep an animal, other than an eartipped cat, under restraint and to exercise proper care and control of that animal to prevent it from becoming a public nuisance.

(3) Tamper with any trap or animal catching device set out by the animal control officer or a designated representative.

(4) Keep within the city an animal that is over the age of 16 weeks and fail to:

a. Maintain a current rabies vaccination.

b. Affix around the animal's neck a collar or harness with a current rabies tag and city registration tag attached when the animal is not on the property of the owner or have the animal implanted with a microchip.

(5) Harbor more than a total of five domesticated animals on the same premises excluding aviaries and eartipped cats. Animals less than 16 weeks of age are not included in this count.

(6) Fail to register an animal as required by section 4-11(a).

(7) Secure a dog by means of an unlawful restraint.

(8) Own or operate a commercial establishment without having in force or effect a permit issued in accordance with this chapter.

(9) Intentionally, knowingly, or recklessly:

(a) torture an animal or in a cruel manner kill or cause serious bodily injury to an animal;

(b) without the owner's effective consent, kill, administer poison to, or cause serious bodily injury to an animal;

(c) fail unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody;

(d) abandon unreasonably an animal in the person's custody, except if the actor released or returned a stray or animal which is not a wild living creature pursuant to a TNR program, or released or returned a previously trapped wild living creature in accordance with Texas wildlife laws and regulations;

(e) transport or confine an animal in a cruel manner;

(f) without the owner's effective consent, cause bodily injury to an animal;

(g) cause one animal to fight with another animal, if either animal is not a dog;

(h) use a live animal as a lure in dog race training or in dog coursing on a racetrack; or

(i) seriously overwork an animal.

(10) Do any act that is otherwise prohibited in this chapter.

(b) Confinement of female dogs and cats during estrus.

The owner/harbinger of any unneutered female dog or cat in the state of estrus (in heat) shall confine the animal that is in heat during such period of time, by enclosing the animal in a house, building, or other secure enclosure. The area of enclosure shall be so constructed that no other dog or cat may gain access to the confined animal(s), except for the purpose of intentional breeding of the animal by the owner/harbinger. An owner/harbinger who is not compliant with this requirement shall be ordered to immediately remove the animal that is in heat from any other person's property or from public property, and to place the animal in confined quarters. Failure to comply with the removal order of the animal services department shall be a violation of this article and the dog or cat that is in heat, but is not confined, may be impounded as prescribed in this chapter. All expenses incurred as a result of this confinement shall be paid by the owner/harbinger of such animals.

(c) Animals at-large.

(1) Except as provided for in section 4-17 of this chapter, it shall be unlawful for any person owning and/or harboring an animal to permit such animal, other than an eartipped cat, to run at-large as that term is defined in this chapter.

(2) Any officer or citizen of the city is authorized to take up and deliver to the animal services department any animal, other than an eartipped cat, found running at-large that may be found at-large in the corporate limits of the city, subject to the applicable provision of the law.

(3) The animal control officer or his agent(s) and city peace officer(s) are authorized to impound any animal, other than an eartipped cat, that is believed to be in violation of this chapter. In the event the animal, other than an eartipped cat, is on private property or property of the animal's owner, the animal control officer, his/her agent, or peace officer may enter 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 chapter and other applicable laws.

(d) Running at-large.

It is unlawful for any owner or person in control of any domestic animal other than an eartipped cat to permit any such animal to run at-large on land that is not owned or otherwise controlled by the owner or harbinger (e.g., via a lease or permit), or on any street, alley or other public property or place within the city's corporate limits.

(e) Unauthorized removal of animal from confinement; interfering with officers.

(1) Removal of animal from confinement. It shall be unlawful for any person to remove or allow to escape from any place of confinement any dog, cat, or other animal which has been ordered to be confined by the animal services department, without the express consent of the animal services department.

(2) Interfering with officers. It shall be unlawful for any person to interfere or attempt to interfere with the animal control officer or police officer, or to interfere or attempt to interfere with any person acting for the city in the taking up, handling, and/or impounding of animals in the city.

(f) Safety of animals in motor vehicles.

(1) A person may not transport an animal in a motor vehicle on public roadways or areas open to the public unless:

- a. The animal is enclosed within the vehicle; or
- b. If the animal is transported in an unenclosed vehicle, including a convertible, pickup truck, flatbed truck, or motorcycle, the animal shall be confined in a secure and appropriately sized vented container or confined in a manner that prevents the animal from falling or jumping from the vehicle or otherwise being injured.

(2) It shall be unlawful for any person to leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety, or welfare. An animal control officer or police officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety, or welfare is or will be endangered if the owner of the vehicle cannot be located after reasonable attempts. The animal shall be taken to the animal shelter or to a veterinarian if the animal is in distress. A written notice bearing the name of the officer removing the animal, a telephone number where he or she can be contacted, and the location where the animal may be claimed by the owner shall be attached to the vehicle. Any person violating this section shall bear the full cost and expense incurred by the city in the care, medical treatment,

impoundment cost and disposal of the animal, including the removal from a vehicle in addition to any criminal penalty that may be imposed under this section.

a. A peace officer or animal control officer who removes an animal from a vehicle or enclosed space in accordance with this subsection shall not be liable for damage caused to the vehicle and/or property contained therein.

(3) During instances where occupants of motor vehicles are involved in a traffic accident or other vehicle-related incidents that result in animals being left uncontrolled or unattended, animal control officers or police officers of the city are authorized to take welfare custody of such unattended animals. In the interest of the health, safety, or welfare of such animals, officers are authorized to transport such animals to the city's animal shelter, a veterinarian, humane shelter, or an animal emergency clinic. Information shall be provided to the animal's owner as to the animal's disposition. Animal owners shall bear full cost and expense incurred by the city in the care, medical treatment, impoundment costs, or other associated costs of the animal.

(4) Duty of motor vehicle operator to report an accident involving animals.

a. Any person who, as the operator of a motor vehicle within the city, strikes any animal shall report the accident to the police department within a reasonable time if the stricken animal is on or near the roadway so that it constitutes a potential traffic hazard. It shall be an affirmative defense to any violation under this section that the incident occurred while the operator was responding to an emergency and that the incident was reported as soon as possible.

b. Any person who, as the operator of a motor 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.

(g) Offenses related to dangerous dogs.

(1) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person or another animal outside the dog's secure enclosure, which attack causes bodily injury to the other person or animal.

(2) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with the regulations contained in this article.

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**Sec. 4-17 Management of community cat population; Permitted acts.**

(a) Permitted Acts. The following actions shall be permitted as part of Trap-Neuter-Return:



(1) Trapping, for the purpose of sterilizing, vaccinating for rabies, providing medical care to, and eartipping community cats, in compliance with any applicable federal or state law, and under the supervision of a veterinarian, where applicable.

(2) An eartipped cat received by animal control facility or other shelter will be returned to the location where trapped unless veterinary care is required. A trapped eartipped cat will be released on site unless veterinary care is required.

(3) Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of carrying out Trap-Neuter-Return and/or returning eartipped community cats to their original locations.

(4) A community cat caregiver who returns a community cat to its original location while conducting Trap-Neuter-Return is not deemed to have abandoned the cat.

(5) Trap-Neuter-Return shall be the preferred disposition for impounded community cats. Animal control is authorized and encouraged to conduct Trap-Neuter-Return or to direct impounded community cats to a Trap-Neuter-Return program.

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**Appendix B, Section K. Animal Control Fees.**

<b>Registration fee</b>	
Per domestic animal (dogs and cats) – Lifetime of animal	\$35.00
Dangerous dog registration	\$250.00 per year
<b>Holding fee</b>	
<u>Unregistered animal</u>	
First and second offense (within a 12-month period)	\$45.00
After an animal has been impounded twice during the previous 12-month period	\$45.00 x the number of times the animal has been impounded during the previous 12-month period but not to exceed \$500.00

<u>Registered animal</u>	
First and second offense (within a 12-month period)	\$20.00
After an animal has been impounded twice during the previous 12-month period	\$20.00 x the number of times the animal has been impounded during the previous 12-month period but not to exceed \$500.00
<b>Voluntary surrender fee</b>	\$225.00
<b>Each day an animal remains impounded</b>	\$15.00
<b>Preparation and posting or mailing of each notice (unless after a hearing, the municipal judge finds otherwise)</b>	\$5.00
<b>Commercial animal establishment</b>	
Annual permit fee	\$75.00
Permit applications made during the second half of a fiscal year	\$37.50
Permit transfer fee	\$75.00
Reapplication fee	\$100.00

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**SECTION III – SAVINGS.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

**SECTION IV – SEVERABILITY.** If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of

the Mayor in approving this ordinance, that no other portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

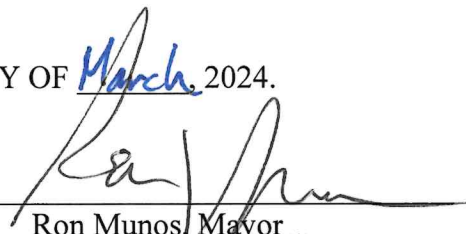
**SECTION V – REPEALER.** The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**SECTION VI – EFFECTIVE DATE.** This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**SECTION VII – NOTICE AND MEETING.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

READ, PASSED, AND ADOPTED THIS 26<sup>th</sup> DAY OF March, 2024.

By:

  
Ron Munos, Mayor

ATTEST:

  
Dawn Wright, City Secretary



APPROVED AS TO FORM:

  
Joshua Katz, City Attorney