

ORDINANCE NO. 01-07-02

AN ORDINANCE OF THE CITY OF COOPER, TEXAS, AMENDING SECTION 3, "ANIMALS," PROVIDING DEFINITIONS FOR GENERAL WORDS AND PHRASES, REGULATING THE KEEPING OF ANIMALS IN THE CITY OF COOPER, PROVIDING A PENALTY, PROVIDING FOR A SAVINGS CLAUSE AND SETTING AN EFFECTIVE DATE.

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

SECTION 1. That Section 3, City of Cooper Code of Ordinances, be and the same is hereby amended to read as follows:

§ 3 ANIMALS

- § 3.01. Definitions
- § 3.02. Livestock, Animal or Fowl not to Run at Large
- § 3.03. Disposal of Dead Animals
- § 3.04. Keeping of Livestock Restricted
- § 3.05. Keeping of Swine or Pigs Prohibited
- § 3.06. Regulations Related to Keeping of Rabbits and Poultry
- § 3.07. Vaccination Against Rabies
- § 3.08. Dogs--Restraint Required; Valid License Tag Required for Unrestrained Cats
- § 3.09. Dangerous Dogs
- § 3.10. Noises
- § 3.11. Limitation on the Number of Dogs and Cats
- § 3.12. Harboring
- § 3.13. Killing of Animals
- § 3.14. Procedure when a Person is Bitten or Wounded by an Animal
- § 3.15. Liability of Owners of Impounded Animals
- § 3.16. Authority of Individuals to Impound
- § 3.17. Penalty for Violation

§ 3.01. Definitions.

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

- A. **Animals:** Any mammal or marsupial, domestic or wild, other than man, that may be affected by rabies or other communicable type disease.
- B. **Animal Control Officer:** The person or agent of the City of Cooper responsible for the care, seizure, custody, impoundment and disposal of animals.

- C. **Animal Shelter:** A licensed facility, public or private, used to confine and impound animals seized, lost, abandoned, or given by owners.
- D. **Animal Wound:** Animal bite, scratch, abrasion, or break in the skin of a human caused or inflicted by an animal.
- E. **Cat:** Any member of the animal species felis catus.
- F. **Dog:** Any member of the animal species canis familiaris.
- G. **Fowl:** Any bird, poultry or fowl, domestic or wild.
- H. **Harboring:** The act of keeping or caring for an animal, including but not limited to, the providing of food, shelter, or medical attention for the animal.
- I. **Livestock:** Includes cattle, horses, mules, donkeys, goats, sheep, swine or any other livestock.
- J. **Owner:** Any person having right to property in an animal, who has an animal in his care or custody, or who knowingly permits an animal to remain on or about any premises occupied by him.
- K. **Poultry:** All domesticated fowl, game or other birds which are kept in captivity.
- L. **Running at Large:** Animal not under the control of the owner or agent.
- M. **Dangerous Animal:** Includes any mammal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.

§ 3.02. Livestock, Animal or Fowl not to Run at Large.

It shall be declared a nuisance for any person to allow and to permit any animal, fowl, or any livestock of any character to run at large upon the streets, alleys, public highways, public parks, public lands, private land other than the owners, or upon any vacant lot or lots within the City. (State law references: Vernon's Annotated Civil Statutes, Articles 6938-6940, 6954, et seq.)

§ 3.03. Disposal of Dead Animals.

The carcass of any animal dead of disease or any other cause shall be removed and/or disposed of by the owner if known, and if not known, the owner of the premises where such animal is found, at his own expense within twenty-four (24) hours after such death. Failure to comply with this section shall be declared a nuisance.

§ 3.04. Keeping of Livestock Restricted.

It shall be declared a nuisance for any person or persons within the City limits to keep or pen any livestock in any enclosure less than one (1) acre in area. The enclosure shall not be within fifty (50) feet of any building or structure used for sleeping, dining, living and/or business, except such a building or structure belonging to the owner of such livestock. The keeping of livestock in such an enclosure is further restricted to no more than one (1) such animal per one-half (½) acre (21,780 sq. ft.) of land contained within said enclosure. Exception: If adjoining property owner or owners find odors offensive, the City shall have the right to ask the owner of the livestock to remove the animal(s).

Exception from Livestock Regulation:

There shall be an exemption from the regulations outlined herein for young persons who are members of recognized youth organizations or accredited school projects who are required to maintain livestock projects. This exemption shall become effective only after a permit application has been submitted and approved to the leader of each organization who will in turn provide the Code Enforcement Officer or Animal Control Officer with a copy of each permit issued. The permit shall expire twelve (12) months after issue, and said permit will require signatures from all landowners adjoining petitioner's property.

§ 3.05. Keeping of Swine or Pigs Prohibited.

It shall be declared a nuisance to keep, harbor, or raise any hog or other member of the swine specie of animals within the City. The provisions of this section shall not be construed to prohibit any person engaged in operating any packing house or other similar institution from keeping hogs for a temporary period of time awaiting their use in connection with the operation and maintenance of such packing house or similar institution.

§ 3.06. Regulations Related to Keeping of Rabbits and Poultry.

The following regulations shall govern the keeping of rabbits, poultry and birds in the City:

- A. It shall be the duty of any person owning or having within their management or control any rabbits, chickens, turkeys, geese, or other poultry, to keep same in an enclosure upon their own premises at all times. Enclosure shall mean a house or building, or in case of a fence or structure or pen, it must have sides, top and a secure bottom. The structure or pen shall provide protection from the weather.
- B. No rabbits, chickens, turkeys, geese, other poultry, or birds shall be kept in any enclosure within the City if any part of that enclosure is located within fifty (50) feet of any occupied building or dwelling.
- C. This section is not to be construed to prevent owners from keeping pet animals within or inside their residence.

- D. It shall be the duty of every person raising or harboring any rabbit, poultry or birds to keep the enclosure required thereof in a clean and sanitary condition, so that the same shall not at any time become foul or offensive to the public.
- E. Failure to comply with this section shall be deemed a nuisance.

§ 3.07. Vaccination Against Rabies.

- A. It shall be the duty of the owner or keeper of each and every dog or cat kept in the City to have such dog or cat vaccinated against rabies by a licensed veterinarian by the time the animal is three (3) months of age and at regular intervals of twelve (12) months thereafter.
- B. All vaccinations of dogs and cats for rabies shall be done by a licensed veterinarian. Upon vaccination, the veterinarian shall give the owner a suitable tag to be placed on a collar around the neck of the dog or cat, and on such tag there shall be stamped evidence that the dog or cat has been vaccinated for rabies, the date of that vaccination, the clinic number, and the name and serial identification number.
- C. The veterinarian shall issue to the owner of each dog and cat a rabies vaccination certificate that shall include the following information:
 - 1. The owner's name, address and telephone number
 - 2. Animal identification: species, sex, age, size, predominant breed and color(s)
 - 3. Vaccine used, producer, expiration date, and serial number
 - 4. Date vaccinated
 - 5. Rabies tag number
 - 6. Veterinarian's signature or signature stamp and license number
- D. Any dog or cat found in the City without a current vaccination tag will be declared a nuisance and shall be impounded as provided herein.

§ 3.08. Dogs--Restraint Required; Valid License Tag Required for Unrestrained Cats.

It shall be declared a nuisance for the owner of any dog to permit or allow such dog to run or be at large upon any public street, highway, alley, court, square, park, sidewalk, public ground or property, public place, or any unfenced public or private land within the corporate limits of the City. If ownership can be determined, said owner shall be issued a citation.

It shall be declared a nuisance for the owner of any cat to permit or allow such cat to run unrestrained unless a valid license tag is obtained and maintained by the owner or on a breakaway collar.

§ 3.09. Dangerous Dogs.

Subchapter D to Chapter 822 of the Health and Safety Code, Vernon's Annotated State Statutes, as hereinafter amended, styled Dangerous Dogs, including the requirements for registration, restraint, liability insurance, penalties, and all other requirements set out therein, shall apply to all dogs located within the corporate limits of the City of Cooper. All dogs deemed as pit bulldogs or pit bull terriers and Rottweiler breed shall not be permitted to be kept inside city limits.

§ 3.10. Noises.

It shall be declared a nuisance for any person to harbor or keep on his premises, or any premises under his control, any animal which shall cause the peace and quiet of the neighborhood or the occupants of the adjoining premises to be disturbed in any manner or at any time of day or night.

§ 3.11. Limitation on the Number of Dogs and Cats.

It shall be declared a nuisance for any person, owner, or family to harbor or maintain more than four (4) dogs or cats or any combination thereof, over six (6) months of age. This section shall not apply to veterinary clinics or hospitals or the humane society spay/neuter clinic.

§ 3.12. Harboring.

The harboring of any animal, including dogs and cats, in any enclosure, unless said enclosure is maintained in a clean and sanitary condition free of offensive odors, shall be declared a nuisance.

§ 3.13. Killing of Animals.

The member of the Delta County Sheriff's Office or a duly authorized agent are authorized to kill any animal of any kind when it is necessary for the protection of any person or property.

§ 3.14. Procedure When a Person is Bitten or Wounded by an Animal.

- A. When an animal which has bitten or wounded a human has been identified, the owner or custodian of the animal shall be required to place the animal in quarantine for a minimum of ten (10) consecutive days. Any unvaccinated animals should not be vaccinated during the quarantine period. The quarantine period shall begin on the day of the bite or wound. The animal shall be quarantined in a facility approved by the Texas Department of Health and specified by the local health authority.
- B. An animal which has bitten or wounded a human and has been designated by the Animal Control Officer or his designee as unclaimed may be humanely killed in such a manner that the brain is not mutilated and remains in tact. The brain shall be submitted to a Texas Department of Health-certified laboratory for rabies diagnosis.
- C. If the biting or wounding animal is a high-risk animal, it shall be humanely killed and the brain submitted for testing.

- D. If the biting or wounding animal is a low-risk animal, neither quarantine nor rabies testing will be required, unless the Animal Control Officer or his designee has cause to believe that the biting or wounding animal has rabies or any communicable or infectious disease, in which case said animal shall be humanely killed and submitted for testing.
- E. The Animal Control Officer or his designee may require an animal which has inflicted multiple bites, wounds, punctures or lacerations to a human's face, head or neck to be humanely killed and the brain submitted for testing.
- F. If the biting or wounding animal is not included in the above requirements of this section, said animal shall be humanely killed and the brain tested, or the Animal Control Officer or his designee may require that the biting or wounding animal be confined or quarantined for a period of thirty (30) days for the purpose of observation as an alternate method to killing and testing.
- G. Any animal required to be quarantined or confined under this section which cannot be maintained in a secure, safe and healthy manner shall be humanely killed and the brain tested.

§ 3.15. Liability of Owners of Impounded Animals.

The payment of pound fees shall not exempt the owner, or person in control, of any animal impounded from prosecution under the provisions of this Chapter.

§ 3.16. Authority of Individuals to Impound.

If any animal or fowl shall be found running at large upon the premises of any person other than the owner's, the owner or occupant of such premises shall have the right to confine such animal or poultry until such time as he can notify the Animal Control Officer or his designee to come to said premises and impound the same, provided, however, the same shall be done within a reasonable time. When so notified, it shall be the duty of the Animal Control Officer or his designee to cause such animal or fowl to be impounded at once.

§ 3.17 Penalty for Violation.

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding TWO HUNDRED AND NO/100 (\$200.00) DOLLARS.

[End of § 3]

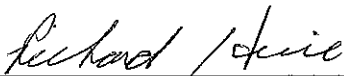
SECTION 2. That if any section, provision, subsection, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions

of this Ordinance, and the City Council of the City of Cooper, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby expressly repealed.

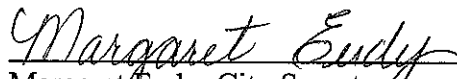
SECTION 4. This Ordinance shall be in full force and effect from and after its publication in the official newspaper of the City of Cooper.

PASSED AND APPROVED, this the 8 day of July, 2002.



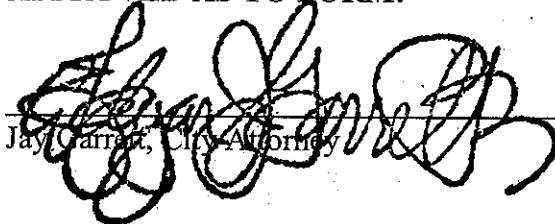
Richard Huie, Mayor

ATTEST:



Margaret Eudy, City Secretary

APPROVED AS TO FORM:



Jay Garrett, City Attorney