

CITY OF CAMPBELL, TEXAS

ORDINANCE NO. 22-06-001

AN ORDINANCE REGULATING THE KEEPING OF ANIMALS WITHIN THE LIMITS OF THE CITY OF CAMPBELL, PROVIDING FOR DEFINITION OF WORDS AND PHRASES, REQUIRING VACCINATION AGAINST RABIES, PROVIDING A SAVINGS CLAUSE, PROVIDING A PENALTY, SPECIFICALLY REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

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

SECTION 1: DEFINITIONS.

AS USED IN THIS ORDINANCE, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM:

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 designated by the Mayor of the City of Campbell on a full or part-time basis or intermittently, as the person 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*: An 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. *DANGEROUS ANIMAL*: 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.

G. *DOG*: Means any member of the animal species canis familiaris.

H. *FOWL*: Any bird, poultry, or fowl, domestic or wild.

I. *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.

J. *LIVESTOCK*: Includes any cattle, horses, mules, donkeys, goats, sheep, swine, or any other livestock.

K. *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.

L. *POULTRY*: All domesticated fowl, game, or other birds which are kept in captivity.

M. *RUNNING AT LARGE*: Any animal not under the control of the owner or agent.

SECTION 2: 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, or upon any vacant lot or lots within the city.

SECTION 3: 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 24 hours after such death. Failure to comply with this section shall be declared a nuisance.

SECTION 4: 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 acre in area. The enclosure shall not be within 30 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 such animal per one-half acre (21,780 sq. ft.) of land contained within said enclosure.

Exception from livestock regulation. There shall be an exemption for 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 12 months after issue.

SECTION 5: 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. Pot bellied pigs are excluded.

SECTION 6: REGULATIONS RELATED TO KEEPING OF RABBITS AND POULTRY.

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

- (1) 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.

- (2) 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 30 feet of any occupied building or dwelling.
- (3) This section is not to be construed to prevent owners from keeping pet animals, fowl, or poultry within or inside their residence.
- (4) It shall be the duty of every person raising or harboring any rabbit, poultry, or birds to keep the enclosure required therefor in a clean and sanitary condition, so that the same shall not at any time become foul or offensive to the public.
- (5) Failure to comply with this section shall be deemed a nuisance.

SECTION 7: 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 months of age and at regular intervals of 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 dog's or cat's neck, and on such tag there shall be stamped evidence that the dog or cat has been vaccinated for rabies, the date of the 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, predominate 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.

SECTION 8: DOGS-RESTRAINT REQUIRED; VALID LICENSE TAG REQUIRED FOR ALL UNRESTRAINED CATS.

(a) It shall be declared a nuisance for the owner of any dog to permit or to 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.

(b) 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.

SECTION 9: 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 Campbell.

SECTION 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.

SECTION 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 months of age. Exception: If a pet owner desires to keep more than the maximum number of four the owner shall make application to the City. Upon receipt of the application the Mayor or his designee shall inspect the premises to ensure the area is sufficient to house additional pets and will not likely result in a nuisance. City staff may promulgate regulations, with input from the public regarding said inspection requirements for the permit. This section shall not apply to veterinary clinics or hospitals or humane society spay/neuter clinic.

SECTION 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.

SECTION 13: 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 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. However, the owner or custodian of such animal may make a request to the animal control officer or his designee for home quarantine, if the following criteria can be met:

- (1) Secure facilities must be available at the home of the animal's owner or custodian.
- (2) The animal is currently vaccinated in accordance with this ordinance.
- (3) A 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 license veterinarian must be notified by the person having possession of the animal in quarantine. At the end of the quarantine period, the release from quarantine must be accomplished in writing by the animal control officer or his designee.
- (4) The animal was not a stray at the time of the bite or wound.

(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 humans 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 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.

SECTION 14: DISPOSITION OF ANIMALS EXPOSED TO RABIES.

(a) Unvaccinated animals which have been bitten, wounded, or directly exposed by physical contact with a rabid animal or its flesh tissues shall:

- (1) Humanely killed, or
- (2) If sufficient justification for preserving the animal exists, the exposed animal shall be immediately vaccinated against rabies, placed in quarantine for strict isolation for 90 days, and given booster vaccinations against rabies during week three and week eight of its quarantine. If the animal is under three months old at the time of the second vaccination, an additional booster shall be given when that animal reaches three months of age.

(b) Currently vaccinated animals which have been bitten, wounded, or otherwise directly exposed to a rabid animal shall be:

- (1) Humanely killed, or
- (2) If sufficient justification for preserving the animal exists, the exposed vaccinated animal shall be given a booster rabies vaccination immediately and placed in quarantine for strict isolation for 45 days.

(c) These provisions apply to animals for which rabies vaccine is available.

SECTION 15: CRUELTY TO ANIMALS; CERTAIN ACTION UNLAWFUL.

(a) It shall be unlawful for any person to intentionally or knowingly:

- (1) Torture, maim, harm, seriously overwork, or cause serious bodily injury to an animal.
- (2) Fail unreasonably to provide necessary food, care, or shelter for an animal in his custody.
- (3) Abandon unreasonably an animal in his custody.
- (4) Transport or confine an animal in a cruel manner.
- (5) Kill, injure, or administer poison to an animal belonging to another without legal authority or the owner's effective consent.
- (6) Cause, permit, or encourage one animal to fight with another.
- (7) Use a live animal in dog training or in coursing for race training.

(b) It is a defense to prosecution under this section that the person was engaged in a bona fide experimentation for scientific research.

(c) An offense to this section of this ordinance is a class A misdemeanor.

(d) It is a defense to prosecution of this under this section that the animal was discovered on the person's property in the act of or immediately after killing or injuring a persons animals or fowl and that the person killed or injured the animal at the time of this discovery

SECTION 16: PENALTY FOR VIOLATION OF THIS ORDINANCE.

Any person who violates or fails to comply with any provision of this ordinance shall be deemed guilty of a Class "C" misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$500.00.

PASSED AND APPROVED this 20 day of June, 2022.

APPROVED:

Terry Trapp
Mayor

ATTEST:

[Signature]
City Secretary