

**ORDINANCE NO. 23-06
ANIMAL CONTROL ORDINANCE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRONTE, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 19-15 OF THE CITY OF BRONTE, TEXAS REGULATING THE KEEPING OF NONINDIGENOUS SNAKES; REGULATING THE KEEPING OF DOMESTIC ANIMALS; REQUIRING REGISTRATION AND VACCINATION; DEFINING STANDARDS OF CARE AND PUBLIC NUISANCES; PROVIDING FOR IMPOUNDMENT AND REDEMPTION; REGULATING DANGEROUS DOGS; PROVIDING RABIES CONTROL; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS it is the intent and purpose of this Ordinance to provide a safe and healthy environment within the corporate city limits of the City of Bronte, Texas, for both domestic animals and the citizens of our community. While a person may own and keep domestic animals within the city, the conduct of the animal's owner and the conditions that the animals are kept in should be safe and healthy and not infringe on the surrounding homes and inhabitants. The State of Texas has set many State Laws and Statutes regarding domestic animals and the treatment of such, as well as criminal penalty for violations. The City Council of the City of Bronte, Texas finds that it is necessary to set regulations and policy for the ownership of any domestic animal and nonindigenous snake in the corporate city limits of the City of Bronte. The City of Bronte has set forth easy to read regulations for the public as set forth by this municipality, and hereby declares the municipality will adopt and enforce any and all provisions of The State of Texas and its laws and statutes regarding animals.

WHEREAS, set standards for care and treatment of animals within the City of Bronte are necessary to protect the health, safety, and welfare of the citizens of the City of Bronte and all domestic animals and nonindigenous snakes.

I. GENERAL ADMINISTRATION

SECTION 1 – INTERFERENCE WITH ANIMAL CONTROL OFFICIAL

- (A) This provision may be enforced by Animal Control Official and such other persons as are designated by the city.
- (B) It shall be unlawful for any person to interfere with, obstruct, resist, or oppose any animal control official or other person authorized to enforce the provisions of this Ordinance while such person is apprehending an animal or performing other duties. It shall be unlawful to take or attempt to take any animal from any animal control official or from any vehicle used by the official to transport any animal or to take or attempt to take any animal from the confinement area used to impound an animal.
- (C) In all instances of a violation of any provision in this Ordinance, whether the animal is impounded or not, the owner or keeper of such animal may be cited by the Animal Control Official who has the authority enforce this Ordinance for any violation.
- (D) Animal control official shall have the authority to shoot any animal to protect themselves, to protect a third party or to protect another animal from attack or threat of imminent injury or to prevent such animal from enduring further pain or suffering as a result of disease or injury. They shall also have the authority to tranquilize or trap any animal, fowl, livestock, or wildlife.

SECTION 2 – RECORDS

It shall be the duty of the Animal Control Official, the City of Bronte, or their designee, to keep or cause to be kept, accurate and detailed records of:

- (A) Impounding and Disposition. Impoundment and disposition of all animals coming into his custody. Such records shall be kept for a period of at least three (3) years and shall give the description of all animals impounded, date of impounding, date of sale, or other disposition, the amount of money received from the sale, and the name and address of the purchaser.
- (B) Bite Cases. All known animal bite cases shall be recorded by the Animal Control Official and the City of Bronte.
- (C) Monies Received. Records regarding monies received under the provision of this Section shall be open to inspection at reasonable times by persons responsible for similar records of the city and shall be audited by the city auditor annually in the same manner as other city records are audited.

SECTION 3 – TEXAS CODE THAT GOVERN DOMESTIC PETS AND THEIR CARETAKERS.

THE FOLLOWING LIST ARE SPECIFIC STATE LAWS, BUT NOT LIMITED TO THAT WILL BE ENFORCED.

- SB 476 — Relating to requirements for and municipal regulation of dogs in an outdoor dining area of a food service establishment. *Effective September 1, 2019.* Enables food service establishments to permit customers to bring dogs into an outdoor dining area if certain requirements are met such as proper signage and proper entry/exit points for the dog. The new law does not affect the rights of those with service animals.
- Texas Parks and Wildlife Code, Chapter 43, Subchapter V. This section sets out the “Controlled Exotic Snake Permit aka Nonindigenous Snake Permit” and criminal offense for not obtaining a permit and for release of such.
- Texas Health and Safety Code, Chapter 821. This chapter, "Treatment of Animals," discusses the treatment of animals that are impounded or seized, outlining the process when local officials seize an animal due to cruel treatment. This section also describes acceptable euthanasia methods and unlawful restraint of dogs.
- Texas Health and Safety Code, Chapter 822. This chapter, "Registration and General Regulation of Animals," discusses how local governments are permitted to regulate animals and also explains the law of dangerous dogs. Subchapters A, B, C, D and E.
- Texas Health and Safety Code, Chapter 823. This chapter, "Animal Shelters," explains standards and regulation of local animal shelters.
- Texas Health and Safety Code, Chapter 826. This chapter, "Rabies Control," explains which animals are required to be vaccinated for rabies, regulation at the local level, including reporting and quarantining requirements. It also stipulates that local governments may adopt regulations requiring the restraint of dogs and cats.
- Texas Health and Safety Code, Chapter 828. This chapter, "Dog and Cat Sterilization," describes occasions when sterilization is required.
- Texas Penal Code, Chapter 42, Section 42.092. This section sets out the criminal offense known as "Cruelty to Non-livestock Animals." The definition for the word "animal" as used in this statute includes "a domesticated living creature, including any stray or feral cat or dog."
- Texas Penal Code, Chapter 42, Section 42.10. This section sets out the criminal offense known as "Dog Fighting."
- Local Government Code Chapter 240, Chapter A. This subchapter allows counties to regulate the keeping of wild animals.

SECTION 4 – DEFINITIONS (Subchapter E. Sec. 821.101)

Abandonment means abandoning any animal in the person's custody without making reasonable arrangements for assumption of custody by another person.

Animal Control Official means any person designated by the City of Bronte.

Dangerous Dog a domesticated animal that is a member of the canine family, including a wolf or a wolf-hybrid, that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving its enclosure on its own and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person.

Local Health Authority means any person, Animal Control Official, or local authority designated by the City Council of Bronte, Texas, or Municipal Judge.

Nonindigenous Snake. Means (not native to Texas) a venomous snake or constrictors: African rock python, Asiatic rock python, green anaconda, reticulated python, or southern African python.

Owner means any person who owns, keeps, harbors, controls, feeds, shelters, or aids any animal; or any person who is the owner's agent left in charge of an animal or any person who states that he will be responsible for an animal.

Quarantine means isolation and close observation of animals to prevent transmission of certain diseases.

Restrain. Any animal shall be deemed to be restrained when it is:

- (1) Confined on the premises of the owner within a fenced enclosure, capable of confining the animal, and pursuant to and in compliance with all applicable city ordinances regarding such fenced enclosures.
- (2) Under the control of a person by a leash of at least five, and not more than ten feet in length, and of enough strength to control the animal while the animal is being walked; or
- (3) Within a vehicle being driven or parked.

Unlawful Restraint of dog (Subchapter E. Sec. 821.102)

(a) An owner may not leave a dog outside and unattended by use of a restraint less the owner provides the dog access to:

- (1) adequate shelter;
- (2) an area that allows the dog to avoid standing water and exposure to excessive animal waste;
- (3) shade from direct sunlight; and
- (4) potable water.

(b) An owner may not restrain a dog outside and unattended by use of a restraint that:

- (1) is a chain;
- (2) has weights attached;
- (3) is shorter in length than the greater of:
 - a. Five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - b. 10 feet; or
- (4) is attached to a collar or harness not properly fitted.

(c) A person commits an offense if the person knowingly violates this section. The restraint of each dog that is in violation is a separate offense.

(d) An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted under this section.

- (e) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

In accordance with Title 10. Health & Safety of Animals; Chapter 821 Subchapter E as defined by State Law.

Wild animal means any animal of a wild nature or living in a state of nature and not ordinarily tame or domesticated. This includes any animal which is a wildlife hybrid.

II. KEEPING OF DOMESTIC ANIMALS

SECTION 1 – NUMBER OF DOGS AND CATS LIMITED

- (A) It is unlawful for any household to own or keep a total of no more than four (4) dogs or cats on any private premises within the corporate city limits of the City of Bronte. The total number of dogs is four (4) or the total number of cats is four (4), or a combination thereof, but the total number is four (4) domestic animals upon any private premises, with the exception that a litter of pups or a litter of kittens, or a portion thereof, may be kept for a period of time not exceeding three (3) months, and no more than one (1) litter of dogs or cats at the same time.
- (B) This provision does not include veterinary hospitals or clinics, pet shops, kennels, circuses, or animal shelters.

SECTION 2 – NUMBER OF NONINDIGENOUS SNAKES LIMITED

- (A) It is unlawful for any household to own or keep a total of no more than two (2) nonindigenous snakes or specifically legally owned pythons in the corporate city limits of the City of Bronte. Texas Parks and Wildlife requires a permit to own said snake (similar as to obtaining a hunting or fishing license), and if the proper permit has not been obtained it is a Class C Parks and Wildlife Code misdemeanor.
- (B) A person may not intentionally, knowingly, recklessly, or with criminal negligence release or allow the release from captivity of a snake covered by this ordinance. Such an act shall be a Class A Parks and Wildlife Code misdemeanor.
- (C) All venomous snakes are prohibited as domestic pets.

SECTION 3 – REGISTRATION OF DOMESTIC ANIMALS

- (A) Each dog and each cat must be registered with the City of Bronte. The initial application for registration shall include the name and address of the applicant, description of the animal, proof of rabies vaccination (certificate of vaccination of rabies and rabies vaccination tags), Statement of Sterilization (spay or neuter) or non-sterilization and pay the registration fee set by the City Council in the Fee Schedule Ordinance. A more detailed provision regarding rabies vaccination and vaccination tags are described in Section 4 and Section 5 herein.
- (B) The animal owner must register, with the City of Bronte, any dog or cat that is over three (3) months of age and said owner will have thirty (30) days to comply. If your dog or cat is not registered and proper documentation of vaccination of rabies is not provided, then a summons will be written and filed with the Municipal Court. Any new resident will have thirty (30) days to register each dog and each cat with the same provisions.
- (C) Any registration can be denied or revoked for failure to comply with this ordinance or any other ordinance of the City of Bronte, prior abandonment or surrender of another animal to the City of Bronte, conviction of a noise disturbance or nuisance, providing false information, and any conviction of animal cruelty.

- (D) All nonindigenous snakes must be registered with the City of Bronte. The registration of each snake will be required yearly. The initial application for registration includes the name and address of the applicant, description of the animal, proof of the proper permit with the Texas Parks & Wildlife as to Park and Wildlife Code, Chapter 43, Sub-Chapter 5, and payment of the registration fee established by the City Council in the Fee Schedule Ordinance.

SECTION 4- VACCINATIONS

No person shall own, keep, or harbor a dog or cat over the age of three (3) months within the city limits unless the dog or cat has been vaccinated with an anti-rabies vaccine by a licensed veterinarian. All such animals shall be vaccinated at one (1) year intervals (EVERY YEAR), from the date of which such animal was vaccinated or required to be vaccinated. A rabies vaccination certificate will be signed by a veterinarian licensed to practice in the state, declaring that an animal has been vaccinated against the rabies virus. Any person who owns, keeps, or harbors a dog or cat over the age of three (3) months will have to provide this vaccination certificate yearly to the City of Bronte when registering your pets along with the below mentioned vaccination tags.

SECTION 5- VACCINATIONS TAGS

- (A) Upon compliance with the provision in Section 4, there shall be issued to the owner a numbered metallic vaccination tag stamped with the number and year issued, which shall be securely fastened on such vaccinated dog or cat. Said tag shall be issued by the veterinarian administering the required vaccine.
- (B) It shall be unlawful for any person to make use of a stolen, counterfeit, or forged rabies vaccination certificate, vaccination tag, or other type license.
- (C) It shall be unlawful for any person to use any rabies tag for any dog or cat other than the dog or cat for which such tag was originally issued.

III. DETERMINED PUBLIC NUISANCE- DOMESTIC ANIMAL

This Chapter has set provisions for all domestic animal ownerships. Any domestic animal owner must always abide by these terms. A pet is the owner's responsibility to take care of and it is a serious responsibility. The following general requirement should be a standard mind set for pet owners: The provisions of this Section will be enforced and hereby declared a public nuisance. It shall be unlawful for any person to intentionally, knowingly, recklessly, or with negligence allow a domestic animal owned by them to create a public nuisance-as defined in law. The following acts shall constitute a public nuisance.

- (A) Failure to legally restrain an animal.
- (B) An animal that molests or chases pedestrians, passersby or passing vehicles, including bicycles.
- (C) An animal that makes unprovoked attacks on other animals of any kind.
- (D) An animal that is repeatedly at large, specifically, three (3) or more times in a 12-month period.
- (E) Public or private property damage caused by an animal.
- (F) An animal that defecates on property not belonging to or under the control of its owner.
- (G) It shall be unlawful to permit an animal to bark, whine, howl, or make any other noise excessively and for more than ten (10) consecutive minutes to the discomfort of the people and quiet of the neighborhood, or which makes any unreasonably loud, disturbing and unnecessary noise which is offensive to the ordinary sensibilities of the inhabitants of the city and which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

IV. CARE OF ANIMALS

It shall be unlawful for any person owning or caring for an animal to violate any of the following sections:

SECTION 1 – ADEQUATE FOOD, WATER AND SHELTER

- (A) Must maintain a sanitary environment for all animals.
- (B) Excretion must be promptly removed from the property and all shelters as often as necessary to prevent contamination of the inhabitants and to reduce disease, hazards, odors, and flies.
- (C) Must keep all water and food free of contamination and receptacles clean and sanitary.
- (D) Water must always be available, and containers shall be filled as needed.
- (E) Adequate supplies of food must be provided for all animals.
- (F) All shelters must be constructed in such a manner as to protect the animals from any form of overheating, cold or inclement weather, must provide adequate ventilation, and must enable the animals to remain dry and clean.
- (G) It shall be unlawful for any person to maintain or feed a dog or cat on any property not owned by them without the written consent and agreement of the property owner. Any person maintaining or feeding a dog or cat on property not owned by them must assume all liabilities as to this Ordinance. The property owner must also agree to be responsible and assume all liabilities as per this Ordinance.

SECTION 2 – TREATMENT OF ANIMALS

- (A) It is unlawful for any person to in any manner to tease, annoy, disturb, or irritate an animal that is confined to the owner's premises.
- (B) Brutal and inhumane treatment of any animal is prohibited. This includes, but is not limited to: hitting, slapping, kicking, dragging (with ropes, wires, or hands), tying to close together or to trees, or to vehicles to prevent lying down or reaching water, or tying with tight collars or ropes and wires, or tying an animals feet together or any other inhumane treatment on purpose or accident.
- (C) No person shall leave any animal in any standing vehicle in such a way as to intentionally, knowingly, recklessly or with criminal negligence endanger the animal's health, safety, or welfare. An Animal Control Official is authorized to use reasonable force to remove the animal from the vehicle whenever the animal's health, safety and 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 City for impoundment or to a veterinarian if the animal is in distress. A written notice bearing the name of the Official removing the animal, a telephone number where he 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 provision 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 the vehicle.
- (D) It shall be unlawful for any person to recklessly or with criminal negligence injure another's animal by leaving a poisonous substance of any kind in any place within the city. Exception: this provision shall not apply to a licensed exterminator using poisons as part of a pest control program, nor shall it apply to persons using commercial insecticides and rodent baits used to control insects and wild rodents.
- (E) It is unlawful for any person to intentionally, knowingly, recklessly or with criminal negligence use, or allow to be used, property that he owns or has control over for the purpose of conducting animal fights.
 - (1) Animal fighting equipment means any equipment used for training, handling, housing, feeding, or transporting fighting animals. The terms animal fighting equipment also includes animals being used, trained, or bred for fighting or intended to be used, trained, or bred for fighting.
 - (2) It shall be unlawful for any person to possess animal fighting equipment within the city.

SECTION 3 – RUNNING OVER ANIMALS

Any person operating a motor vehicle that strikes a domestic animal must immediately report such injury or death to the animal's owner. In the event the owner is unavailable or unknown, then such report shall be made to the City of Bronte or their designee.

V. RESTRAINT AND CONFINEMENT

SECTION 1 - RESTRAINT OF DOMESTIC ANIMALS

Restraining a dog means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

- (A) The only time a dog may be restrained is if the owner is physically present outside with the dog, or it is being restrained for veterinary treatment, grooming, training, or law enforcement activity.
- (B) Dogs are required to be on a leash held by a responsible person who has the ability to control the dog when not confined to the property by a fence. Dogs running at large are strictly prohibited. Nothing in this section authorizes an owner to allow a dog to run at large or to fail to provide appropriate restraint or enclosure.
- (c) Dogs are required to be on a leash when not confined to the property by a fence. Dogs running at large are strictly prohibited. Nothing in this section authorizes an owner to allow a dog to run at large or to fail to provide appropriate restraint or enclosure.

SECTION 2 – CONFINEMENT OF DOMESTIC ANIMALS

- (A) Dogs confined outdoors must be in a fenced yard or other pen or structure that can prevent the dogs' escape; has at least 150 square feet of space per adult dog; and provides the dog access to the inside of a building, doghouse, or other type of shelter.
- (B) Any owner of any female dog or cat in heat must keep such animal confined in a building or in a veterinary hospital or boarding kennel, in such a manner that another dog or cat cannot come into contact with it, except for controlled breeding purposes.
- (C) Dogs confined outdoors must be in a fenced yard or other pen or structure that can prevent the dogs' escape; has at least 150 square feet of space per adult dog; and provides the dog access to the inside of a building, doghouse, or other type of shelter.
- (D) It shall be unlawful for any owner of any female dog or cat in heat to fail to keep such animal confined in a building or in a veterinary hospital or boarding kennel, in such a manner that another dog or cat cannot come into contact with it, except for controlled breeding purposes.

VI. GUARD DOGS

This section applies to the placing of guard dogs irrespective of ownership of the property or the dog.

It shall be unlawful for any person owing or caring for an animal to violate any of the following requirements:

The dogs shall be confined to an enclosed area adequate to ensure they will not escape.

- (a) The dogs shall be confined to an enclosed area adequate to ensure they will not escape; or the dogs shall always be under the control of a handler when not securely enclosed and the owner or other persons in control of a premises upon which a guard dog is maintained shall post a warning sign at each entrance to the area under guard with lettering clearly visible from a distance of 50 feet, and shall additionally, in the case of the nonresidential or multifamily land uses, contain a telephone

number where some person responsible for controlling such guard dog can be reached 24 hours a day.

- (b) Prior to the placing of guard dogs on any nonresidential or multifamily property, the person responsible for the placing shall inform the City of Bronte in writing of its intention to post such dogs, the number of dogs to be posted, the location where dogs will be posted, and the approximate length of time the dogs will be guarding the area.
- (c) Guard dogs must be registered with the City of Bronte with proof of rabies vaccination.

VII. DANGEROUS DOGS

- (A) As a public safety requirement, no person may keep or harbor any dangerous dog, as defined in this Ordinance, within the corporate limits of the City of Bronte without complying with Vernon; s Texas Codes Annotated (V.T.C.A)., Health and Safety Code sec. 822.042, as amended. In addition, the owner must comply with each of the following local requirements, at the owner's expense.

It shall be unlawful for any person owing or caring for an animal to violate any of the following:

- (1) Obtain liability insurance coverage or showing financial responsibility set forth in chapter 822.042 in the Health and Safety Code to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person or for damages to any person's property resulting from the keeping of such dangerous dog. A certificate of insurance or other evidence of meeting the above requirements shall be filed with the City of Bronte or their designee. The policy must require the company to give advance notice to the city of cancellation or non-renewal of the policy.
- (2) Register with the city by providing:
 - (a) The name and address of the owner.
 - (b) The breed, age, sex, color, and any other identifying marks of the dog.
 - (c) The location where the dog is to be kept, if it is not at the address of the owner; and
 - (d) Two color photographs that clearly identify the dangerous dog.
- (3) Have the dog sterilized.
- (4) Construct a cage, pen, or enclosure for the dangerous dog that has secure sides; a secure top attached to the sides; and a secure bottom which is either attached to the sides or else the sides of the structure must be embedded in the ground no less than two feet. The pen or enclosure must be completely encircled by a fence constructed in such a manner as to prevent a person or child from being able to reach the dog's pen or enclosure.
- (5) Not allow the dog to go outside of its cage, pen, or enclosure unless the dog is under physical restraint. No person shall permit a dangerous dog to be kept outside of its cage, pen, or enclosure on a chain, rope, or other type of leash unless a person is in physical control of the chain, rope, or other type of leash and the person is of competent strength to control the dog at all times. Dangerous dogs shall not be leashed to inanimate objects, such as trees, posts, buildings, etc. All dangerous dogs outside its cage, pen, or enclosure must be securely fitted with a muzzle that will not cause injury to the dog nor interfere with its vision or respiration but shall prevent the dog from biting other animals or human beings.
- (6) Post signs giving notice of a dangerous dog on the premises in which such dog is confined. Such signs shall be conspicuously posted at both the front and rear property entrances and shall bear letters not less than two inches high, stating "dangerous dog on premises." Such signs shall also

display a symbol, which is understandable by small children, which warns of the presence of a dangerous dog.

- (7) Attach a fluorescent orange tag provided by the City of Bronte to the dog's collar that is worn at all times so that the dog can be easily identified.
- (8) Pay the appropriate dangerous dog permit fee, as set by the City Council in the Fee Schedule Ordinance, annually, not later than five (5) business days prior to the annual expiration renewal date.
- (9) Pay the impoundment and daily care fees, as set by the City Council in the Fee Schedule Ordinance, accrued during the investigation and any appeal of the dangerous dog determination process; and
- (10) Present proof of current vaccination of rabies.

If the dangerous dog is impounded for an incident qualifying the dog as a dangerous dog, these requirements must be fulfilled before release. In the event the owner or keeper fails or refuses to timely comply with these requirements in accordance with state law, then the animal control officials shall humanely destroy the dangerous dog.

If the dog is not impounded, the owner must comply with these requirements within 30 days after learning that the dog committed an act which qualifies the dog as a dangerous dog under this Ordinance.

(B) Complaint. When a person reports a dangerous dog to the Animal Control Official, City of Bronte, or their designee, the authorities shall investigate the report and notify the owner of the report, and shall obtain a sworn written statement from at least one witness, describing at a minimum:

- (1) The dog.
- (2) The facts of the complaint.
- (3) Identity of any other known witness; and
- (4) Other information necessary or helpful to the investigation.

(C) Investigation. The Animal Control Official, City of Bronte, or their designee shall conclude the investigation no longer than ten (10) days after receipt of the report or sworn statement, whichever occurs later. Upon completion of investigation the animal control authorities shall either:

- (1) Close the case if it is determined that the report or complaint is unsubstantiated; or
- (2) Declare the dog to be a dangerous dog.

(D) Notice. The Animal Control Official, City of Bronte, or their designee shall promptly notify the owner or keeper of the dog of his determination on the dangerousness of the dog, by a written notice mailed to or posted on the front door of the last known address of the owner or keeper or other means reasonably calculated to give actual notice of the determination to the owner.

(E) Appeal.

- (1) The owner may appeal the dangerous dog determination by filing a written notice of appeal to municipal court within 15 days after the determination, for a trial de novo. The consequences of the determination shall be suspended pending the municipal court judge's final decision, but the animal control authority shall retain the custody and care of the dog until all appeals are exhausted. An owner may appeal a decision of the municipal court to the county court or county court at law, in

accordance with V.T.C.A., Health & Safety Code Sec. 822.0421, as amended. Following a final judicial determination that the dog is dangerous, each day the owner fails to comply with subsection (a) of this section shall constitute a separate violation of this chapter.

- (2) The municipal court judge may compel the attendance of complainant, any known witnesses, the dog owner against whom the complaint was filed, and the Animal Control Official or his representative who investigated. The city shall be represented by the city attorney or assistant in all appeals of a dangerous dog determination.

VIII. KEEPING OR HARBORING

- (A) It shall be unlawful to keep, harbor or maintain within the city limits the following:
 - (1) Any animal designated by the state department of health as an animal with a high-risk of having rabies.
 - (2) Any wild animal.
- (B) This section shall not apply to or prohibit the following:
 - (1) A publicly or privately-owned zoo maintained or operated by a nonprofit organization or governmental entity.
 - (2) A publicly or privately maintained circus, traveling show or rodeo, which does not remain in the city longer than fifteen consecutive days.
- (C) In the event a wild animal allowed within the city limits, pursuant to one of the exceptions found in this section, should escape from its cage, confinement, or other restraint, then the owner or person in custody of the wild animal shall immediately notify either the Animal Control Official, City of Bronte, or their designee. It is unlawful to fail to immediately make this notification.

IX. IMPOUNDMENT AND REDEMPTION

SECTION 1 – IMPOUNDMENT OF ANIMALS

The Animal Control Official, City of Bronte, or their designee may remove and impound any wild animal found within the corporate city limits; any excepted wild animal that escaped and is at large; or any livestock at large, found within the corporate city limits in violation of either this Chapter or V.T.C.A., Agriculture Code Chapter 142, or successor statute.

SECTION 2 – IMPOUNDMENT OF DOMESTIC ANIMALS

The City of Bronte or Animal Control Official may remove and impound any domestic animal or nonindigenous snake found within the corporate city limits.

SECTION 3 – DISPOSITION OF UNCLAIMED IMPOUNDED ANIMALS

Any impounded animal which is not timely reclaimed or adopted; or found to be infected with rabies; or seriously injured; or determined by the Animal Control Official, City of Bronte, or their designee, to be unsalable or unadoptable, shall forthwith be destroyed. The Animal Control Official and the City of Bronte shall make all decisions as to the condition, status, and disposition of such an animal.

SECTION 4 – CONFINEMENT OF ANIMAL BY OWNER OR PRIVATE PREMISES

If any animal is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal, temporarily pending its release of the Animal Control Official, City of Bronte, or to the true owner of such animal or their designee.

SECTION 5 – NOTICE OF VIOLATION

Where the ownership of an animal found not restrained properly is known, a summons or a warning may be issued by the Animal Control Official. Upon issuance of a summons the Animal Control Official must file the summons with the municipal court.

SECTION 6 – NOTICE TO OWNER OF TAGGED ANIMALS

Upon impounding animals found with current vaccination or other identifying tags, the Animal Control Official, City of Bronte, or their designee shall make a reasonable effort to notify the owners of such animals so impounded, and of the conditions whereby they may regain possession of such animals.

SECTION 7 – REDEMPTION REQUIREMENT

- (A) Payment of Impoundment Fees. Any animal impounded under the provisions of this Chapter may be reclaimed by the owner upon the payment of all impoundment fees, as set by the City Council in the Fee Schedule Ordinance.
- (B) Unvaccinated Animals. Any animals over the age of three (3) months which does not have a current rabies vaccination tag attached may not be redeemed, transferred, or adopted until it has been vaccinated as required in this Chapter.

SECTION 8 – DISPOSITION OF UNCLAIMED OR UNREDEEMED ANIMALS

After the requirements of Notice, as set forth in Section 5 and Section 6 of this Chapter, and the expiration of the seventy-two (72) hour holding period, any impounded animals that is unclaimed or unredeemed shall become the property of the City of Bronte which shall have the following powers:

- (A) Authority to Transfer Ownership. The City of Bronte, or their designee, may transfer ownership of any impounded animal that is unclaimed or unredeemed. In the event of such transfer of ownership, the person or agency to whom ownership is transferred, must pay for the animal's food and care while confined, and must comply with the applicable vaccination requirements. Furthermore, it is important to note that Texas Health and Safety Code, Chapter 826 stipulates that all pet owners must have each pet vaccinated for rabies yearly. Since the animal does not have proper vaccination tags, vaccination certificate and the owner has not come forward or found, the rabies vaccination must be performed prior to any redemption, transfer or adoption, or a sworn statement, signed that the pet will be vaccinated for rabies within fifteen (15) days of transfer of adoption. It is a violation of this Ordinance for a person to fail to vaccinate a transferred animal as stated herein.
- (B) Donated, Sick, Not Weaned or Injured Animals. The City of Bronte, or their designee, may destroy any animal by a humane method if the animals are not weaned, so sick or injured that its cure is impracticable, or its death is imminent. In any such events, such destruction may be done immediately without Notice or any waiting period.
- (C) Stray or Wild Animals. Any stray or wild animal for which no owner is found after reasonable efforts to locate same will become the City of Bronte's property after the 72-hour holding period and shall be humanely disposed of or, in the case of a stray, may be placed for adoption in a suitable home.

**X. REPORT BITE CASES, QUARANTINE REGULATIONS AND KILLING AND
REMOVAL OF RABID ANIMALS**

SECTION 1 – PHYSICIANS AND GENERAL PUBLIC MUST REPORT ALL BITE CASES

- (A) It shall be the duty of every physician or other practitioner to report to the Animal Control Official the names and addresses of persons treated for bites inflicted by animals; together with such other information as will be helpful in rabies control.
- (B) It shall be the duty of every person owning or having possession of an animal which has bitten a person, or another animal, to report the same to the Animal Control Official or the City of Bronte. At the discretion of the Animal Control Official, the animal must be confined in an enclosure, or to securely hold the animal in a closed, padlocked cage for observation and examination. As an alternative to the observation and examination phase, the Animal Control Official or the City of Bronte, shall take the animal to a licensed veterinarian for the purpose of determining whether such animal has rabies. No person having custody or possession of such animal shall fail, refuse, or neglect to allow the authorities to inspect or examine such animal for the purpose of determining whether such animal has rabies.

SECTION 2 – QUARANTINE REGULATION PATHOLOGICAL EXAMINATION

- (A) The Animal Which Bit a Victim. Observation Period. Every animal which bites a person or another animal, or which is suspected of having bitten a person shall be promptly reported to the Animal Control Official or City of Bronte and shall thereupon be securely quarantined for a period of ten (10) days.
- (B) Quarantine Places. Quarantine shall be secured at the following options:
 - (1) A state approved rabies quarantine facility in which case the owner of the animal suspected of having rabies, shall pay the usual impoundment fees.
 - (2) A licensed veterinary hospital, upon the owner's request and at his expense.
 - (3) Home quarantine is subject to the approval of the Animal Control Official or the City of Bronte with the following requirements:
 - (a) The owner of the animal is a resident of the City of Bronte and has proper confinement facilities at his residence.
 - (b) The owner of the suspect animal agrees that he will have the animal inspected by a licensed veterinarian immediately following the ten (10) day period and agrees to furnish the Animal Control Official and the City of Bronte with a Certificate of Health showing the animal to be free of rabies; and
 - (c) The animal was not in violation of any laws or ordinances at the time of the possible exposure; and
 - (d) The animal is currently vaccinated; and
 - (e) The local authority can observe the animal daily.
- (C) Surrendered by Owner. Expense. Upon demand made by the Animal Control Official, City of Bronte, or their designee, it shall be unlawful for the owner to fail to surrender any animal which has bitten a person or another animal, or which is suspected of having been exposed to rabies, for quarantine. The expense of such quarantine will be to the owner of the animal who has bitten a person or another animal.
- (D) Release to the Owner. The owner may reclaim the quarantined animal when it is adjudged free of rabies, upon payment of the impoundment fees, quarantine fees and another other expense related to the incident, and upon compliance with the vaccination requirement of this Chapter.
- (E) Pathological Examination- Local Authority Notified. When an animal under quarantine is diagnosed by a licensed veterinarian as being rabid or suspected of being rabid or dies while under observation, it shall be humanely destroyed, and the local authorities shall immediately send the head of such animal to the State Health Department for pathological examination. The Animal Control Official

shall notify the proper public health official with the reports of human contact and the diagnosis made of the suspected animal from the pathological examination.

- (F) Animal Bitten by Rabid Animals. Any unvaccinated animal bitten by another animal suspected of having rabies or known to be rabid, shall be immediately destroyed, or shall be surrendered to the Animal Control Official or Home Quarantine for a period of ten (10) days, and shall be vaccinated immediately, plus revaccinated. Any animal suspected of being or known to be rabid shall be immediately vaccinated and surrendered to the Animal Control Official for a period of ten (10) days of quarantine. In the event, the biting animal is found not to be rabid, the bitten animal shall be released. Said animal shall be quarantined at the owner's expense and said expense shall be paid in advance for each day the animal is in quarantine, or the animal shall become the property of the City of Bronte, and shall be immediately disposed of in a humane manner; provided however, that the Animal Control Official, City of Bronte, or their designee may permit the quarantine of the bitten animal for the required period in a licensed veterinary facility, at the owner's option and expense.

SECTION 3 – CITY WIDE QUARANTINE

- (A) Condition Quarantine Period. The City Council of the City of Bronte, upon the recommendation of the Animal Control Official, City of Bronte, or their designees, a city-wide quarantine shall be invoked for a period of thirty (30) days, after the City Council has been notified by the State Health Department of a positive diagnosis of rabies of an animal or after an investigation has determined there is an existing immediate threat of rabies.
- (B) Extended Time Limit. In the event there are additional positive cases of rabies occurring during said thirty (30) day period of the existing city-wide quarantine, such period of quarantine may be reasonably extended for an additional period, or a reasonably determined duration.
- (C) Animals in Public. It shall be unlawful for any person to permit any animal to be at large or for any person to have an animal in a public place during the time of the quarantine.

SECTION 4 – KILLING A RABID ANIMAL AND REMOVING FROM THE CITY LIMITS

It shall be unlawful for any person to kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a person or another animal or suspected of biting a person or another animal. It is also unlawful to remove the same from the corporate city limits of Bronte without written permission from the Animal Control Official or the City of Bronte. Any carcass of any dead animal suspected of having been exposed to rabies shall, upon demand, be surrendered to the Animal Control Official, City of Bronte, or their designee. It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine, destruction, or disposal as required when the local authorities make demand.

XI. VIOLATIONS AND PENALTIES

Any person, firm, or corporation found guilty of violating any of the provisions or terms of this ordinance shall be subject to a fine not to exceed the maximum set by state law for each offense; together with all costs associated with such prosecution. Each and every day the offense continues shall be deemed to constitute a separate offense. In addition to and cumulative of all other penalties, the City of Bronte shall have the right to seek injunctive relief for any and all violations of the Ordinance.

XII. REPEALER

All provisions of ordinances or parts of ordinances of the City of Bronte in conflict with the provision of this ordinance are and by the terms of this ordinance shall be deemed amended and repealed and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

XIII. SEVERABILITY

If any section, paragraph, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the Ordinance as a whole or any part of provision thereof, other than the part so deemed to be invalid or unconstitutional.

XIV. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the City Council and after publication as required by the Texas Local Government Code.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRONTE THIS THE 17TH DAY OF AUGUST 2023.

Paul Gohman

Paul Gohman, Mayor

ATTEST:

Teresa Ballard

Teresa Ballard, City Secretary

