

ORDINANCE NO. 355-D

AN ORDINANCE REPEALING ALL OF CHAPTER 3 OF THE CODE OF ORDINANCES (ORDINANCE NO. 355-C) REGARDING ANIMAL CONTROL WITHIN THE CITY AND REPLACING WITH A NEW CHAPTER (ORDINANCE) AS FOLLOWS:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST ORANGE, TEXAS THAT ANIMAL CONTROL BE ADDRESSED IN THE FOLLOWING MANNER:

ANIMAL CONTROL CHAPTER III

ARTICLE I. IN GENERAL

3.1 Establishment of Office

There shall be and is hereby created the office of animal control officer of the City of West Orange together with such assistants as may be needed from time to time to carry out the functions of this office.

3.2 Duties of This Office

It shall be the duty of the animal control officer to enforce the provisions of this chapter and any state laws governing the regulation of animals in the State of Texas.

3.3 Penalty For Violation

The penalty for any violation of this chapter may be up to the maximum allowed by state law.

3.4 Abandonment

It shall be unlawful for any person to abandon, dispose, or otherwise dump any dog, cat or other domestic or wild animal within the City of West Orange.

3.5 Inhumane Treatment

It is a violation of this chapter to treat any wild or domestic animal in an inhumane manner to include, but not limited to, inflicting unjustified or unwarranted pain or suffering, withholding food or water, causing or permitting animals to fight for sport or entertainment, or to pen up in small or unsanitary conditions.

3.6 Noise Control

It shall be unlawful for anyone to keep any animal in a manner that the animal by braying, stamping, kicking, bleating, barking, yelping, neighing, crowing or other utterance or noise causes a disturbance to any neighbor of reasonable sensibilities.

3.7 Definitions

Animal: means any animal living or dead, wild or domestic except human beings.

At Large: means an animal off of the premises of the owner and not restrained by some physical means. An animal is not considered at large if it is controlled by means of a leash or chain of proper length and strength to control the animal, or is contained in a fenced area with the property owner's permission, or enclosed in a cage or vehicle.

Bees: means any stage of the common domestic honey bee, *Apis Mellifera* species

Cats: means all male and female of the feline kind.

Cattle: means all bovine and ruminant animals including sheep, goats and buffalo.

Dangerous Dog: means a dog that makes an unprovoked attack on a person that causes bodily injury, or causes a person to reasonably believe that the dog will attack, and the act occurs in a place other than an enclosure in which the dog was being kept.

Dogs: means all male and female of the canine kind.

Domestic Animal: means all dogs, cats, rabbits, horses, swine, goats, sheep, cattle or fowl if kept for the pleasure of the owner or for a source of food.

Fowl: means all chickens, ducks, turkeys, geese or any domestic gallinaceous birds.

Hogs: means all swine animals.

Horses: means all equine animals to include mules and donkeys.

Owner: means any person, firm, partnership, association or corporation owning, keeping or harboring any animal or animals for a period of 72 hours or more.

Vaccination: means an injection for rabies, approved by U.S.D.A. and administered by a licensed veterinarian.

Wild Animal: means any animal not considered a domestic animal.

ARTICLE II DOGS & CATS

3.10 Vaccination Required

All dogs and cats 3 months of age or older which are kept, harbored or maintained within the City of West Orange shall be vaccinated against rabies. Proof of vaccination shall be evidenced by a certificate of vaccination issued by a licensed veterinarian showing the date of vaccination and the period of time the vaccination is effective.

3.11 Running at Large And Impoundment

Any dog or cat running at large or any dog not wearing a collar with a valid proof of rabies vaccination tag attached may be picked up by the animal control officer and impounded. All impounded animals will be held for a period of 72 hours. Every reasonable effort will be made to locate and notify the owner during that time. If the animal is reclaimed by the owner during that time an impoundment fee plus a boarding fee must be paid as established from time to time by the City Council. If no owner reclaims the animal during that time the animal may be disposed of in a humane manner.

If the animal is claimed by the owner and does not have the required rabies vaccination, the owner is required to show proof of vaccination within 72 hours of release of the animal.

Animals that have bitten or scratched a person other than the owner must be quarantined for a period of 10 days from the date of the incident either at the animal control shelter, with a licensed veterinarian or by consent of the animal control officer at the owners property.

3.12 Adoption

If an impounded animal is not reclaimed by the owner, the animal may be placed for adoption. Adoption fees will be established from time to time by the City Council. The new adopting owner must agree to have the animal spayed or neutered and receive all required vaccinations within 10 days of adoption. Only animals that the Animal Control Officer deems old enough and healthy enough will be offered for adoption. This however, does not guarantee or certify the health of the animal.

3.13 Kennels and Enclosures

All kennels, dog runs and enclosures must be at least 5 feet from adjacent property lines and at least 25 feet from habitable buildings other than the owners. The minimum size for a kennel is 70 square feet for the first dog and 30 additional square feet for each additional dog and the kennels least dimension shall be no less than 7 feet. All kennels will be kept in a sanitary condition and cleaned at least weekly. No kennel, dog run or any other restraint should deny an animal access to food or water.

3.14 Number of Animals at One Location

It shall be unlawful for any person to own, possess or control a total of more than 3 dogs and/or cats over the age of 4 months of age at any location in the City of West Orange, except a licensed business dealing with the commercial care of animals.

3.15 Dangerous Dogs

The Animal Control Officer acting on a third party complaint or on personal observation may request a hearing in Municipal Court to have a dog declared a dangerous dog as defined in this chapter. If after proper notice and hearing the Municipal Court Judge finds the dog to be a dangerous dog the owner shall have 30 days to provide a secure enclosure for the dog with signage on the enclosure indicating it contains a dangerous dog, and provide a certificate of liability insurance in the amount of \$100,000.00 naming the City of West Orange as a certificate holder. If the owner of a dangerous dog fails to comply the Municipal Judge will order the dog seized and impounded for 11 days, during which time the owner may show compliance. If after the 11 days have elapsed and the owner has not complied the Judge may order the dog destroyed. The owner shall pay all fees, costs or assessments as the City Council may from time to time establish for such seizure.

**ARTICLE III
OTHER DOMESTIC ANIMALS**

3.20 Prohibited Animals

It shall be unlawful to own, possess or harbor any swine whether standard or hybrid in the City of West Orange.

3.21 Cattle and Horses

Horses and cattle may be kept on tracts of land three (3) acres or greater in size in enclosures that limit the animal to being no closer than 50 feet to any habitable building other than that of the owner.

3.22 Fowl and Rabbits

Fowl and rabbits may be kept on tracts of land one (1) acre or greater in size in coops, cages or hutches located no closer than 100 feet from any habitable building other than that of the owner. All coops, cages and hutches shall be kept in a clean sanitary condition and be cleaned at least weekly.

**ARTICLE IV
EXOTIC OR WILD ANIMALS**

3.30 Prohibited Animals

It shall be unlawful to own, possess or harbor any of the following types of animals in the City of West Orange: bears, lions, tigers, venomous snakes, apes, foxes, coyotes, wolves, raccoons, bobcats, ringtails, martens or any wild or exotic animal that is capable or inclined to attack or injure a person or other animal.

3.31 Bees

In each instance in which any colony is situated within twenty-five (25) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest establishment, the beekeeper shall maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in vicinity of the apiary. It is a defense to prosecution under this section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least twenty-five (25) feet from the property line of the apiary tract.

PASSED, APPROVED AND ADOPTED this 18th day of July 2022.

RK Branch
Randy Branch, Mayor

ATTEST:

Theresa Van Meter
Theresa Van Meter, City Secretary

APPROVED:

Ch Leavins
Christopher Leavins, City Attorney

