

## **ORDINANCE NO. 09-307**

AN ORDINANCE REPEALING ORDINANCE NO. 198; ESTABLISHING LICENSING REQUIREMENTS FOR DOGS AND CATS; PROVIDING FOR A MEANS OF PREVENTING CRUEL TREATMENT OF ANIMALS, INCLUDING RESTRAINT OR TETHERING; ESTABLISHING PROVISIONS FOR RABIES CONTROL; CREATING IMPOUNDMENT PROCEDURES; ESTABLISHING PROCEDURES RELATING TO DANGEROUS DOGS; ESTABLISHING PROVISIONS RELATING TO WILD ANIMALS AND LIVESTOCK; PROVIDING FOR PENALTIES AND ENFORCEMENT; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of Mason, Texas has determined that in order to respond to the changes in State statutes governing animal control and protection, and in order to better protect the health, safety and welfare of the citizens of the City of Mason, Texas, the existing animal control Ordinance of the City should be repealed and a new Ordinance should be enacted;

**NOW, THEREFORE**, be it ordained by the City Commission of the City of Mason, Texas that Ordinance No. 198 be and it is hereby repealed, and that Ordinance No. 09-307 be and is hereby adopted and enacted as follows:

### **SECTION 1 - DOG AND CAT LICENSES, VACCINATIONS AND TAGS**

Every person owning, possessing, keeping or harboring a dog or cat over four months of age shall obtain a license for such animal by contacting the Animal Control Officer (hereinafter referred to as ACO) at the Mason City Hall. Licenses will be issued upon verification of a rabies vaccination certificate. Licenses shall be co-terminus with rabies vaccination certificates and shall in no instance be valid for more than three years. The ACO shall create and issue tags for each dog and cat which is licensed after the owner has paid the established fee per animal, which shall initially be \$3.00 per animal. Licenses and tags shall only be valid for animals with a valid vaccination certificate, and are not transferrable between animals.

The ACO shall issue a citation for any animal determined to be unlicensed beginning 180 days after the effective date of this Ordinance. The penalty for owning, possessing, keeping or harboring an unlicensed dog or cat shall be not less than \$50.00 nor more than \$500.00. The ACO shall also issue a citation to every person owning, possessing, keeping or harboring a dog or cat over four months of age for which evidence of rabies vaccination is not provided. The penalty for an unvaccinated animal shall be not less than \$50.00 nor more than \$500.00.

New residents of the City shall comply with the foregoing requirements within 30 days of taking up residence in the City of Mason, and shall thereafter be subject to the same penalties set out above.

The ACO may revoke any dog or cat license after a hearing in Municipal Court for any one or more of the following reasons:

(1) Impoundment of the animal by the ACO more than three times during a twelve month period; (2) If the animal in question has been involved in a conviction for violating the provisions of this Section more than three times; or (3) Any combination of the foregoing subsections (1) and (2) totaling three incidents.

## **SECTION 2 - DOGS AND CATS AT LARGE**

No dog or cat shall be allowed to run loose in the City of Mason, Texas. Upon locating a dog or cat that is at large, the ACO shall take one of the following actions:

- (1) Impound said dog or cat; or
- (2) Issue citation to the owner of the dog or cat at large; or
- (3) Impound the animal and issue citation to the owner; or
- (4) Return the dog or cat to its owner without impounding or issuing citation, but only if the owner contacted the ACO asking for assistance in locating the animal immediately prior to such animal being located by the ACO.

An at large cat shall be any cat that is trapped by the ACO after a call is received from a citizen complaining of a nuisance activity such as spraying, fighting, animal waste depositing or property destruction, and the ACO then determines that the cat does not reside at the location where trapped.

The penalty for allowing a dog or cat to be at large in the City shall be a fine of not less than \$50.00 per occurrence, nor more than \$500.00 per occurrence.

Reasonable efforts must be made by the ACO to promptly notify the owner of any impounded dog or cat or the holder of a vaccination certificate for such animal by telephone, personal service, or ordinary mail addressed to the owner of such animal at the place listed on the vaccination certificate, or at the owner's last known address. At a minimum, the officer will call the telephone number of the last known owner of the animal, if such telephone number is available.

The owner shall be entitled to redeem an animal that is impounded but not under quarantine by paying the established impoundment fees and daily boarding fees, and establishing compliance with vaccination requirements; provided that application for redemption and payment of all fees is made within 120 hours after impoundment if the animal is wearing a tag as required by this Section or within 72 hours after impoundment if the animal is not wearing a tag. Any dog or cat impounded and not timely reclaimed by the owner may be humanely destroyed after being held for at least 120 hours if the animal is wearing a tag, and 72 hours after impoundment if such animal is not wearing a tag. If the ACO determines that any unclaimed dog or cat is reasonably healthy, currently vaccinated against rabies, and does not constitute a threat to the public, the ACO may offer the animal for adoption. If the animal is not adopted, it will be humanely

destroyed.

### **SECTION 3 - RESTRAINING OR TETHERING OF ANIMALS**

The restraint of animals is regulated by Chapter 821, Subchapter D of the Texas Health and Safety Code, and the provisions of said Chapter 821, Subchapter D are hereby adopted and incorporated in this Ordinance as though the same were fully set out herein. Any future modifications of such statutes of the State of Texas shall automatically be incorporated herein.

Any person restraining or tethering an animal in the City of Mason, Texas shall comply with the provisions of said Chapter 821, Subchapter D of the Texas Health and Safety Code. The ACO shall issue a citation for violation of such law beginning 180 days after the effective date of this Ordinance.

Additionally, no animal may be tethered to any water or electric meter, or tethered so near to a meter as to endanger or hinder a meter reader or other city personnel in the course of their duties. The penalty for violation of this restraint provision shall be a fine of not less than \$50.00 nor more than \$250.00.

### **SECTION 4 - ABANDONMENT OF ANIMALS**

It shall be unlawful to dump or otherwise abandon an animal in the City of Mason, Texas. The penalty for abandoning an animal shall be a fine of not less than \$50.00 nor more than \$500.00 per occurrence.

### **SECTION 5 - DANGEROUS DOGS**

A dangerous dog is defined as a dog that:

(1) Makes an unprovoked attack on a person that causes bodily injury, or that injures another animal, and that occurs in a place other than in an enclosure in which the dog was being kept and was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

The provisions of Sections 822.001 through 822.005 (Subchapter A), Section 822.011, (Subchapter B), and Sections 822.041 through 822.047 (Subchapter D) of the Texas Health and Safety Code are hereby adopted and incorporated in this Ordinance as though the same were fully set out herein. Any future modifications of such State statutes shall automatically be incorporated herein.

A dangerous dog may be destroyed during an attempt to seize or impound the animal, without

liability to the owner, if impoundment cannot be made with safety to the ACO or to any other person, or if there is an imminent threat to any other animal.

## **SECTION 6 - RABIES CONTROL**

No person shall fail or refuse to surrender any animal for quarantine or destruction as required in this Ordinance or by State statute when demand is made therefor by the ACO.

It shall be the duty of every physician and all other medical practitioners to report to the ACO the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

It shall be the duty of every licensed veterinarian in Mason County, Texas to report to the ACO any animal suspected to have rabies.

Every animal that bites a person shall be promptly reported to the ACO and shall thereupon be securely quarantined at the direction and control of the ACO for a period of ten (10) days and shall not be released from such quarantine except by written permission of the ACO or by the personal direction or action of the ACO. The ACO shall complete an Animal Bite Report on every recorded dog or cat bite incident that occurs in the City of Mason, within 72 hours of the reported incident.

The owner of an animal which has bitten a human shall surrender said animal to the ACO to be quarantined. The owner of an animal suspected of having rabies or suspected of having been exposed to rabies shall surrender said animal to the ACO to be quarantined. The owner shall bear the expense of the quarantine of the animal. Such animal, if determined to be free of rabies, will be returned to the owner upon payment of the established quarantine fees, so long as the animal is currently licensed.

If rabies has been diagnosed in an animal under quarantine, or if rabies is suspected by a licensed veterinarian and the animal dies while under observation, the ACO shall immediately send the head of said animal to the State Health Department for pathological examination, and shall notify the proper public health officials of reports of human contacts and the diagnosis. If the ACO determines that the animal in quarantine is a stray animal, or if the animal is wildlife, the ACO may immediately send the head off for examination if the ACO suspects rabies exposure or rabies infection.

The ACO may order a city-wide quarantine for a period of sixty days when a report indicates a positive diagnosis of rabies, and upon the invoking of such quarantine, no animal shall be removed or shipped from the City of Mason without the written permission of the ACO. During any such quarantine, and as long thereafter as necessary as determined by the ACO, the ACO may require that all animals 3 months of age and older shall be vaccinated against rabies. During any quarantine period, the ACO is authorized to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination clinics located in the City of Mason. During the period of rabies emergency quarantine, no impounded animal determined to

be a stray shall be adopted from the animal compound.

## **SECTION 7 - PREVENTION OF ANIMAL CRUELTY**

The ACO shall investigate all alleged violations of a failure to provide food, water or shelter to an animal, and any other act of animal cruelty occurring within the City of Mason. The provisions of Chapter 821, Subchapter D of the Texas Health and Safety Code relating to animal cruelty are hereby adopted and incorporated in this Ordinance as though the same were fully set out herein. Any future modifications of such statutes of the State of Texas shall automatically be incorporated herein. The penalty for cruelty to an animal shall be not less than \$100.00 nor more than \$500.00, and may include criminal charges as authorized by State statutes.

## **SECTION 8 - WILD ANIMALS**

The following wild animals shall not be possessed, kept or harbored within the City of Mason, Texas: rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers, coral snakes, cobras, mambas, and other elapids, boomslangs, watercobras, mangrove snakes, African twig snakes, racers, boas, water snakes and pythons, crocodiles, alligators, caimans, gavials, hawks, eagle vultures, ostriches, rheas, eassonwarries, emus, owls, ocelots, bobcats, margays, tigers, jaguars, leopards, cougars, wolves, wolf-dogs, hybrids, dingos, coyotes, jackals, foxes, ring-tail cats, weasels, skunks, martins, mink, badgers, raccoons, bears, kangaroos, wallabies, opossums, sloths, anteaters, armadillos, elephants, monkeys, chimpanzees, oranguatans, gorillas, porcupines, beavers, nutria, rats and mice, wildebeest, bison, giraffe, hippopotamus, rhinoceros, buffalo and camels.

The ACO may declare any species of wild animal not listed above to be prohibited if the confinement of the animal within the City of Mason constitutes a threat to public health or safety.

The following wild animals may be possessed or kept within the City of Mason: deer (with the appropriate Texas Parks and Wildlife permit), antelope, gerbils, hamsters, guinea pigs, and laboratory rats and mice.

## **SECTION 9 - LIVESTOCK**

Livestock, including llamas, must be secured and contained by fencing, corrals, barns, stables, coops or electrified wire. The ACO may issue a citation to an owner of livestock who fails on two or more occasions to keep livestock secured. The penalty for failing to secure livestock shall be a fine of not less than \$25.00 nor more than \$500.00.

No person shall own, possess, keep or harbor swine within the City of Mason, Texas, unless such animal is being raised a part of a bona fide 4-H or school agriculture class project, or for youth related agriculture shows or projects. The penalty for keeping or owning swine shall be a fine of not less than \$25.00 nor more than \$250.00.

## **SECTION 10 - NOISE NUISANCE**

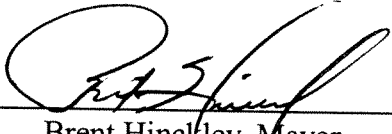
It shall be unlawful for any person to own, keep or be in control of any animal, which causes unreasonably loud or unnecessary noise that causes material distress or discomfort to persons of ordinary sensibilities in the immediate vicinity of the premises where the animal is kept. Such unreasonably loud or unnecessary noise shall include barking, howling, crowing or other noise that continues uninterrupted for more than 10 minutes between the hours of 10:00 p.m. and 6:00 a.m.

The ACO shall file a complaint in Municipal Court alleging a violation of this provision of the Ordinance upon receipt by the ACO of one or more sworn affidavits setting forth facts sufficient to allege such a violation. Said affidavit(s), in order to be sufficient to cause the filing of a complaint, must allege frequent or lengthy continued noise during three or more 24 hour periods within a fifteen (15) day period.

The penalty for violation of this provision of the Ordinance shall be a fine of not less than \$25.00 nor more than \$250.00.

**PASSED AND APPROVED** this 14 day of April, 2009.

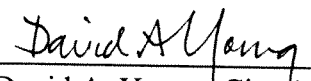
CITY OF MASON

By:   
Brent Hinckley, Mayor

ATTEST:

  
Pattie Grote, Secretary

APPROVED AS TO FORM:

  
David A. Young, City Attorney

