

CITY OF LOG CABIN

ORDINANCE 1H

ANIMAL CONTROL

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ORDINANCE 1-H

ANIMAL CONTROL

AN ORDINANCE OF THE CITY OF LOG CABIN, HENDERSON COUNTY, TEXAS WHICH SUPERSEDES ALL PREVIOUS ANIMAL CONTROL ORDINANCES AND ALL PREVIOUS ANIMAL CONTROL ORDINANCE AMENDMENTS PROVIDING FOR STANDARDS AND REGULATIONS; DEFINITIONS; PURPOSE; NAMING OF SUPERVISOR OF ANIMAL CONTROL AND LOCAL RABIES CONTROL AUTHORITY; ANIMAL CONTROL OFFICER AUTHORITY; ENFORCEMENT; QUARANTINING AND DISPOSITION OF BITING ANIMALS; IMPOUNDMENTS; LICENSING AND REGISTRATION; RABIES VACCINATIONS; CONTROL OF VICIOUS ANIMALS, ANIMALS THAT ARE ABANDONED, STARVED, POISONED, USED FOR FIGHTING, DISEASED, OR INJURED; ANIMALS THAT ARE SOLD; ANIMALS THAT ARE A NUISANCE, WILD DANGEROUS, DEAD, HARBORED, AT LARGE, OR IN ESTRUS; TRAPPING ANIMALS; OWNERSHIP; FOWL AND POULTRY; PROHIBITED ANIMALS; PROVIDING FOR AN EFFECTIVE DATE; FEES, FINES AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; SEVERANCE CLAUSE; SAFETY CLAUSE; AND REPEALING CLAUSE AND PROVIDING FOR THE CONTROL OF ANIMALS IN THE CITY OF LOG CABIN, TEXAS SET FORTH IN ACCORDANCE WITH STATE LAW, INCLUDING THE RABIES HEALTH REORGANIZATION ACT, V.T.C.A. AGRICULTURE CODE, AND THE TEXAS PENAL CODE REGARDING CRUELTY TO ANIMALS, DOG FIGHTING, KEEPING VICIOUS DOGS, AND ANY OTHER APPLICABLE SECTIONS.

ARTICLE I: IN GENERAL

SECTION I-1: PURPOSE

This chapter shall be liberally construed and applied to promote its purpose of protecting and preserving the public health, safety, and welfare of the community; to ensure that animal owners are responsible and animals within its city limits are treated in a humane manner.

SECTION I-2: DEFINITIONS

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

- a. Abandon – to leave unattended for any period in which the animal might starve or suffer neglect.
- b. Aggression – an offensive action; predisposition to attack.
- c. Aggressive – having a readiness for combat or attack.
- d. Animal – any living creature, including but not limited to dogs, cats, cows, horses, birds, mammals, reptiles, insects, fowl, livestock, specifically excluding human beings.

- e. Animal control – the animal control division of the City of Log Cabin or the City of Log Cabin Police Dept., or any Animal Control Officer (ACO) of the City of Log Cabin.
- f. Animal Control Officer (ACO) – any person certified at the Basic, Advanced, or Administrative Level by the Texas Department of Health and designated as such by the City of Log Cabin to enforce the laws and ordinances pertaining to Log Cabin Animal Control Policies and Procedures.
- g. Animal Nuisance – the keeping of any animals in such a manner as to endanger the public health; to annoy neighbors by the accumulation of animal wastes; presents a hazard to any other animal or human being; or by the continued presence on the premises of another.
- h. Animal Shelter – the city facility that keeps or legally impounds stray, at-large, homeless, abandoned, injured or unwanted animals, or any facility Log Cabin City contracts with.
- i. At-large – pertains to an animal running free off the premises of the owner or not on a leash.
- j. Butcher – to clean and/or cut up an animal in preparation for cooking.
- k. Cat – a domestic feline of either sex, including those neutered or sterilized.
- l. Citation – an official summons to appear before a Court.
- m. Clean – free of dirt, contamination, and/or disease.
- n. Communicable – capable of being transmitted.
- o. Confine – to restrict or to keep within limits.
- p. Cruel – causing pain or suffering; sadistic; lacking humane feelings.
- q. Cruelty – the quality or state of being cruel; a cruel action; to inflict pain or suffering and includes any act of neglect or abandonment.
- r. Depredation – loss of or damage to agricultural crops, livestock, poultry, or personal property.
- s. Disease – a departure from health; specific illness.
- t. Display – to hang an animal carcass or any part thereof in a manner whereby it is in the view of the public, except an animal actually cooking over a barbecue pit or other cooking fire.
- u. Dog – a domestic canine of either sex, including those neutered or sterilized.
- v. Enforce – to impose by force or to make people obey the law.
- w. Estrus – a regularly occurring period of sexual receptiveness and ovulation in female mammals; “heat”.
- x. Euthanize – a painless and humane death.
- y. Exempt – to release from liability requirement.
- z. Fatal – causing death.
- aa. Feral – having escaped from domestication and reverted to a wild state.
- bb. Fowl – a bird of the order Galliformes that is kept for its eggs and flesh.
- cc. Gestation – carrying of young in uterus; pregnancy.
- dd. Harbor – anyone providing shelter or protection in home or on premises.
- ee. Habitat – an area outside that provides shade and protection from wind, rain, snow.
- ff. Ill – not in good health; sick.
- gg. Impound – to collect and confine an animal.
- hh. Incubation – the time between infection and when symptoms begin.

- ii. Infectious – capable of causing infection.
- jj. Infest – to invade an inanimate object.
- kk. Infestation – invasion of insects, mites, ticks, etc., so as to be harmful.
- ll. Invasive - tending to spread especially in a quick or aggressive manner: such as a non-native organism; growing and dispersing easily usually to the detriment of native species and ecosystems
- mm. Isolation – total separation of one animal from all other animals and people.
- nn. Kennel – shelter for an animal.
- oo. Liable – responsible and obligated according to law.
- pp. Litter – offspring produced at one birth by an animal.
- qq. Livestock – equine animals or any animal raised for human consumption.
- rr. Local Rabies Control Authority (LRCA) – an individual appointed by a municipal or county government in Texas whose duty is to enforce Rabies Control Act (chapter 826 of the Texas Health and Safety Code). This person shall be the reporting agent for animal bites and scratches to humans and suspected rabid animal reports and investigation.
- ss. Neglect – to ignore or fail to properly attend to.
- tt. Neuter – removal of testicles on a male animal; castration.
- uu. Observation Period – the time following a bite from an animal to monitor for signs for rabies for 10 days.
- vv. Offense – violation of the law.
- ww. Ordinance – a law created by a government body.
- xx. Owner – person who houses, feeds, cares for, or permits an animal to reside on premises.
- yy. Pet – a domesticated or tamed animal kept for pleasure and shall include dogs, cats, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet but shall not include any species of wild, exotic, poisonous or carnivorous animal that may be further restricted in these laws.
- zz. Prevent – to keep from happening.
- aaa. Provoke – to incite an attack.
- bbb. Pursuit – the act of following an order to overtake or capture.
- ccc. Quadruped – means an animal having 4 feet.
- ddd. Quarantine – a state of enforced isolation; for rabies no “nose to nose” or direct contact between animals or between animals and people; the act of quarantining.
- eee. Register – a written record containing prescribed entries.
- fff. Registration – the act of registering a document certifying and act registering.
- ggg. Regulate – to control.
- hhh. Reptile – a member of the class Reptilian including snakes, lizards, alligators, etc.
- iii. Restrain – to limit or keep under control.
- jjj. Rodent – a member of the order Rodentia, including rats, mice, squirrels, etc.
- kkk. Secure – having no doubt of being safe; to obtain or get
- lll. Slaughter – to kill an animal intended for human consumption.
- mmm. Spay – to remove the ovaries and uterus of female animals.
- nnn. Stray – any animal for which there is no identifiable owner.
- ooo. Starve – to suffer from the lack of food and water.
- ppp. Threat – to show or give signs of danger.

- qqq. Trap with holding mechanism – a steel jaw trap, a spring jaw trap with teeth or perforated edges on the holding mechanism, or any type of trap with a holding mechanism designed to reasonably ensure the cutting, slicing, tearing, or otherwise traumatizing of the entrapped prey.
- rrr. Unvaccinated – has not received a vaccine.
- sss. Vaccinated – has received a vaccine.
- ttt. Veterinarian – one who is trained and licensed to practice veterinary medicine; a doctor for animals.
- uuu. Vicious animal – any animal which commits an unprovoked attack.
- vvv. Violation – act of breaking or disregarding the law.
- www. Wild – living in a natural state; not tame
- xxx. Zoonosis – any diseases transmissible between or common to animals and humans.
- yyy. Zoonotic – pertaining to a zoonosis; transmissible between or common to animals and humans.

SECTION I-3: SUPERVISOR OF ANIMAL CONTROL DESIGNATED AS LOCAL RABIES CONTROL AUTHORITY; OFFICERS; ENFORCEMENT

The supervisor of animal control is hereby designated as the Chief of Police for the City of Log Cabin, Texas, the local rabies control authority for the purposes of enforcement of this ordinance section IV, and/or V.T.C.A. Health and Safety code, Chapter 826 and Chapter 822, subchapter D as amended.

Supervisor's duties shall include, but not be limited to the enforcement of this chapter, supervision of the animal control officers of the city, and aiding the state board of health in administering the rabies control program.

Any animal control officer or Log Cabin police officer of the city shall have the authority to issue citations for any violation of this ordinance and any other power duty stated within the terms of this ordinance. If the person being cited is not present, the animal control officer may send the citation to the alleged offender by registered or certified mail, return receipt requested, by depositing same in the United States mail, postage prepaid.

It shall be unlawful for any person to interfere with, molest, hinder, or prevent the Animal Control Officer in the discharge of their duties as herein prescribed, or to violate any of the provisions of this order.

It shall be unlawful for any person to fail to comply with any lawful order of the local rabies control authority officer or any animal control officer of the city.

The local rabies control authority officer is authorized to, including but not limited to:

- a. Destroy any animal which poses an imminent danger to a person or property, or a real or apparent necessity exists for the destruction of an animal.
- b. Destroy or impound an animal which is diseased or endangers the health of a person or another animal.
- c. Impound any animal hereinafter designated found to be running at large or to be a stray within the city.

- d. Destroy an impounded animal at the scene of injury, disease, or sickness where such animal is too large to remove from the scene of injury, disease, or sickness to the animal shelter. If the recovery of the animal from injury, disease or sickness is in serious doubt.
- e. Destroy any animal suspected of having rabies, or which animal manifests a disposition to bite, when such animals are found at large or found astray, after having made a reasonable but unsuccessful effort to capture the animal.
- f. Destroy any nursing baby animal, excluding livestock, impounded without the mother, tor where the mother or a replacement mother cannot or refuses to provide nutritious milk to prevent further suffering.
- g. Destroy an animal where an owner no longer wishes responsibility for an animal or believes the animal to be in an ill or injured condition upon the owner signing a waiver, supplied by the animal shelter, allowing the animal to be immediately euthanized in a humane manner; provided that no warm-blooded animal that has bitten a human or another animal shall be destroyed before the 10-day quarantine period, except for wild animals.

In addition, to any authority derived elsewhere, animal control officers, police and health authorities are expressly empowered and authorized to go upon public and private premises without warrant for the purpose of enforcement of this chapter and the state statutes and state penal code relating to animals when necessary to protect the health, welfare, and safety of the inhabitants of the city and preserve the peace and quiet thereof.

SECTION I-4: ABANDONMENT

No person shall abandon any animal or cause such act to be done.

SECTION I-5: FIGHT UPON EXHIBITION

No person shall maintain any place where any animals are suffered to fight upon exhibition or for sport upon any wager.

SECTION I-6: POISONING

No person shall poison any domestic animal or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning a domestic animal.

SECTION I-7: DISEASE

No person shall keep or harbor any animal having tick or flea infestation or any other obvious illness; or heartworm or any other communicable or zoonotic illness transmittable to animal or human, without having sought and obtained appropriate medical treatment.

SECTION I-8: INJURING ANIMAL BY MOTOR VEHICLE OR OTHER MEANS

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible. Any person injuring any domestic animal in any other way or means shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be

ascertained and located, such person shall at once report the accident to the appropriate law enforcement agency or to the animal control officer of the city.

SECTION I-9: SALE OR POSSESSION OF CERTAIN ANIMALS; PROHIBITED ANIMALS

It is hereby prohibited and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor, or permit in the City of Log Cabin, Texas any monkey or other non-human primate, skunk, raccoon, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther, bear, wolf, coyote, fox, or other carnivorous animal or poisonous reptile, caimans, alligators, crocodiles, cattle, goat, opossum, horse, pony, donkey, mule, sheep, pig, any venomous/poisonous animal, or any species that would be considered invasive if left outside of human control/care. It is also hereby prohibited, and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor, or permit in the City of Log Cabin, Texas any poultry or fowl, namely but not limited to roosters, geese, ducks, turkeys, guinea fowls, emus, and/or ostriches, etc. (Does not include parakeets, parrots or other birds that are commonly kept inside as pets or chicken hens subject to Section I-10, below).

It is hereby prohibited, and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor, or permit in the City of Log Cabin, Texas, any endangered species of animal as defined by the United States Department of the Interior or the Texas Department of Parks and Wildlife.

General Exceptions to this section are: a bona fide publicly or privately owned zoological park or research institution using animals for scientific research; a Circus duly authorized to do business in the City of Log Cabin, Texas; or an FFA, FH or school project, raising rabbits or chicken hens.

SECTION I-10: KEEPING OF CHICKEN HENS

A person who wishes to keep or house chickens on his or her property shall obtain a permit from the City before acquiring the hens and pay a \$10.00 permit fee. This permit shall be kept by the owner and presented upon demand by any city official. To obtain a permit, one or more photos of the completed enclosure and its placement on the property, showing lot lines and distances from existing structures, are required. They shall also comply with all the following requirements:

- a. Keep no more than five (5) chicken hens per residence.
- b. No person shall keep any rooster.
- c. No person shall slaughter any hens on his or her property.
- d. No person shall incubate chicks on his or her property.
- e. The chicken hens shall be provided with, and always housed inside of, a covered structure enclosure which is located within the rear yard inside of a fenced perimeter enclosure. The rear perimeter fence shall be securely constructed as to keep the chicken hens separated from other animals.

- f. A person shall not keep chicken hens in any location on the property other than in the rear yard. For this section rear yard means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the residential structure and extending to the side lot lines.
- g. No covered enclosure shall be located closer than ten (10) feet to any property line of adjacent property.
- h. All enclosures for the keeping of chicken hens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within, the walls of the enclosure. The covered enclosure shall not be located closer than thirty (30) feet to any residential structure on adjacent property.
- i. For purposes of this section, adjacent property means all parcels of property that the property meets at one or more points, except for parcels that are legally adjacent to but are in fact separated from the property by a public or private street or waterway.
- j. All feed and other items associated with the keeping of chicken that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected to so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- k. If the above requirements are not complied with, the City may revoke any registration granted under this section and/or initiate prosecution for a violation.

SECTION I-11: NUISANCE ANIMALS

It shall be unlawful to keep or maintain any animal in the unsightly appearance of animals or premises as to render habitation of adjoining and nearby property unpleasant or unsafe or to substantially lower property values in the City.

Where necessary to prevent the existence of a nuisance, a keeper of animals may be required to provide proper and sightly facilities for animals, including pens, shelter and fencing, including solid fencing for screening purposes, and may be required to limit the portion of the premises where animals are kept to a portion of such premises, such as the rear yard or a portion thereof, providing a buffer between animals and other property to the extent necessary to prevent a nuisance hereunder.

It shall be unlawful for the owner or person in charge of any animal to allow such animal to foul or defecate on the another's property including City's property, without immediately removing such animal waste.

SECTION I-12: WILD OR DANGEROUS ANIMALS PROHIBITED; EXCEPTION

To this section, "wild" or "dangerous" animals shall mean all animals which are inherently not subject to domestication and including but not limited to all poisonous reptiles of whatever description or any animal for which there is not State Department of Health approved rabies vaccine. It shall be a violation of this section for any person to keep a wild or dangerous animal within the City limits.

The prohibitions of this section shall not be applicable to the keeping of any such wild or dangerous animals for the purpose of scientific research or within the confines of well-regulated zoo or zoological garden specifically designed for the housing of such animals.

SECTION I-13: TRAPPING WITHIN THE CITY LIMITS PROHIBITED

It shall be unlawful and an offense for any person to trap birds or animals within the corporate City limits with the following exceptions:

- a. It is legal to use a trap that is designed and used to kill common rodents, such as rats and mice, if the trap is not placed in a manner or location that would endanger other domestic or wild animals or humans. **TRAPS WITH HOLDING MECHANISMS ARE STRICTLY PROHIBITED.**
- b. It is legal to use a trap if it is used under the direction of:
 1. The local Rabies Control Authority Officer,
 2. An Animal Control Officer,
 3. An agent of another governmental entity, or
 4. The Chief of Police or his/her designee.

In the event that birds and or animals present a nuisance situation, as defined herein, or in the case of depredation, as defined herein, and as determined by the Local Rabies Control Authority, Animal Control Officer, or Chief of Police, based upon a sworn affidavit of the person so affected setting forth facts which constitute a nuisance, as defined herein, or depredation, as defined herein, the Local Rabies Control Authority Officer, Animal Control Officer, or Chief of Police may issue a trap to the applicant to trap for a period not to exceed 2 weeks, and restricting the placement of traps so as not to endanger other domestic or wild animals or humans.

The authority issuing the trap can require a signed contract and refundable deposit of \$50.00. The contract is for replacement of the trap in the event of loss, theft, and/or damage that consists of more than normal wear and tear. If the trap is not returned or returned late deposit will not be refunded.

SECTION I-14: DEAD ANIMALS; PERMITTING CARCASS TO REMAIN ON PROPERTY

It shall be unlawful for any person to permit the carcass of any dead animal to be or remain, upon any property under his/her control for more than 24 hours after the death of the animal.

SECTION I-15: SLAUGHTERING OF ANIMALS ON RESIDENTIAL PROPERTY PROHIBITED

It shall be unlawful for any person to slaughter a quadruped animal on residential property within the city and it shall be unlawful for any person to butcher or display the carcass of a quadruped animal on residential property within the city whereby it is in the view of the public, except an animal cooking over a barbeque pit or an animal prepared by a taxidermist.

ARTICLE II: DOGS AND CATS GENERALLY

SECTION II-1: DOGS AND CATS OWNERSHIP; PERMITS

It shall be required that each household within the city limits of Log Cabin shall be limited to a total number of animals and shall consist of either:

- a. 4 adult dogs and 1 litter of dogs, OR
- b. 4 adult cats and 1 litter of cats, OR
- c. A combination which is limited to and totals 4 adult dogs and cats, and a total of 1 litter of either puppies or kittens.

It shall be required that any household which has more than the total number of animals allowed within this ordinance shall:

- a. Obtain and fill out an additional animal application form.
- b. Apply for a permit from the City of Log Cabin.
- c. Pay \$10.00 per animal for pet registration.
- d. Sign and obtain an approved permit for housing additional animals from the City of Log Cabin.
- e. Acknowledge that homeowners may be subject to an in-home inspection if inadequate care of dogs or cats is suspected. Inadequate care includes but is not limited to the following: unhealthy, abandoned, starved, or neglected animal, public nuisance, and/or hoarding. The permit may be revoked for the above reasons, resulting in impoundment according to Article III of this ordinance. All expenses incurred because of any violation of this ordinance shall be paid by the homeowners/permit applicant.
- f. Permits will be valid for one year and must renewed annually.

The only exception is a properly zoned veterinary hospital/clinic or place of scientific research, or police canine.

SECTION II-2: CITY ANIMAL REGISTRATION PROCEDURES AND REQUIREMENTS

Every owner of a dog or cat 4 months of age or older shall be required to register the animal with the City of Log Cabin. The owner of every dog or cat must register the animal within 10 business days of acquisition at Log Cabin City Hall. The registration fee will be prorated based on the month of registration. If there is a change in ownership of a dog or cat, the new owner shall have the registration transferred to his/her name. There shall be no charge for said transfer, so long as the registration is up to date and current. Application for such transfer shall be made in person at City Hall within the City of Log Cabin. The following are the requirements for registration:

- a. Certification of vaccination
- b. Owner's name, address, and phone number
- c. Name, breed, and age of animal
- d. Veterinarian or clinic where vaccination occurred
- e. Registration fee is \$10.00 per animal

Each animal shall receive a registration tag to be placed on his/her collar. Registration records shall be kept at city hall. If a tag is lost or destroyed, a replacement tag can be purchased from City Hall for a fee of \$5.00 per tag. Registration is good from January to December and will need to be renewed every January.

Police/Sheriff canines are exempt for registration fees. Eligibility for fee-exempt registration does not relieve the owner of his responsibility under tother provisions of this section.

SECTION II-3: HARBORING “AT LARGE”, ESTRUS, GENERALLY

It shall be unlawful for the owner of any dog to permit such dog to run at large within the city limits of the city. Such dog must be under control of the owner, a member of the owner’s immediate family or the owner’s servant or agent, by means of a leash of sufficient strength and length to control the actions of the dog. At all other times the dog shall be confined to the premises of the owner by a substantial fence of sufficient strength and height to prevent the dog from escaping there from inside of a secured building or secured on the premises by a leash, in accordance with Senate Bill 5, see Section II-5, to prevent the dog from escaping from the premises when the leash is stretched to full length.

It shall be unlawful for any person to harbor or keep on his premises or in or about his premises, or premises under his control, any dog which by loud or unusual barking or howling shall cause the peace and quiet of the neighborhood or the occupants of adjacent premises to be disturbed.

No person shall willfully or knowingly harbor or keep on such person’s premises or elsewhere any cat that makes or creates an unreasonable disturbance of the peace of any person living in the immediate vicinity or suffer or permit such cat to make or create frequent or long continued noises by meowing or wailing or otherwise.

No female dog in estrus/heat shall be allowed upon any street, avenue, highway, alley, sidewalk, parkway, park, or any public place within the city. Any female animal that is not spayed shall be confined to a house or secure building while in estrus/heat, so that no other animal has access to the female while in heat/estrus. Owners who do not comply shall be ordered to remove the animal in heat to a boarding kennel or veterinary hospital. All expenses incurred because of the confinement shall be paid by the owner. Failure to comply with the removal order of the Animal Control Officer shall be a violation of this order and the dog or cat will then be impounded as prescribed in this order.

SECTION II-4: GUARD DOGS SPECIAL PROVISIONS

It shall be unlawful to place or maintain any dog which has been specifically trained to attack in any area for protection of persons or property unless the dog is physically confined to a specific area or is under complete and absolute control. The area or premises in which the guard dog is confined must be conspicuously posted with warning signs bearing letters not less than 2 inches high.

SECTION II-5: PROVIDING ADEQUATE SHELTER AND UNLAWFUL RESTRAINT OF AN ANIMAL

According to Health and Safety code Title 10 Chapter 821 Subchapter A. Treatment of animals; the following will be abided by:

- a. Sec. 821.077 Unlawful restraint of a dog. An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:
 1. Between the hours of 10:00pm and 6:00am
 2. Within 500 feet of the premises of a school
 3. In the case of extreme weather conditions, including conditions in which the actual temperature is below 32 degrees Fahrenheit, a heat advisory, and/or a warning issued by the National Weather Service.
- b. In this section, a restraint unreasonably limits a dog's movement if the restraint:
 1. Uses a collar that is pinch-type, prong-type, or choke-type, OR
 2. Is a length shorter than the greater of 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 10 feet, OR
 3. Is in an unsafe condition, OR
 4. Causes injury to the dog.
- c. Sec. 821.078 Exceptions. The following are exceptions:
 1. To a running line, pulley, or trolley system.
 2. A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction.
 3. A dog restrained for a reasonable period not to exceed 3 hours in a 24-hour period or no longer than it is necessary for owner to complete the temporary task.

In compliance with Senate Bill 5 (SB5), effective January 18, 2022:

- a. No one can restrain a dog with chains or weighted-down restraints and will be required to use tethers that are at least 10-feet, or five times the dogs' length, that are attached to properly fitted collars or harness specifically designed for dogs.
- b. It is also illegal to tether dogs without providing them with adequate shelter that protects them from inclement weather, constant sunlight, excessive water, and waste.

All owners must provide adequate food and water to all tethered animals.

ARTICLE III: SMALL, INDOOR HOUSEHOLD PETS, GENERALLY

SECTION III-1: SMALL, INDOOR HOUSEHOLD PET OWNERSHIP

Small domestic animals that are traditionally considered to be household pets, such as rabbits, parakeets, parrots, lizards, hamsters, guinea pigs, etc. are allowed so long as they are:

- a. Kept and housed indoors
- b. Provided adequate care i.e. food, water, perches, clean habitats, etc.
- c. Do not disturb or cause a nuisance to neighbors

- d. A non-invasive, non-venomous species and won't cause an environmental disruption or threat if the animal escapes human care
- e. Limited in number to what can be reasonably and safely housed in the home
- f. Not used for livestock, breeding, or commercial purposes, such use is strictly prohibited
- g. Not subject to Section I-9 regarding the Sale or Possession of Certain Animals; Prohibited Animals

ARTICLE IV: IMPOUNDMENT

SECTION IV-1: ANIMALS SUBJECT TO IMPOUNDMENT

Any animal found to be running at large, harbored, found to be a stray, or in violation of this order or any other ordinance or law of the State of Texas shall be impounded. The supervisor of animal control or any Log Cabin police officer shall make a reasonable attempt to notify the owner of the impoundment of his/her animal. An animal is subject to impoundment is as follows:

- a. Any animal infected or kept under conditions which could endanger the public or animal health.
- b. Any animal that creates an animal nuisance.
- c. Any animal running at large as stipulated in this ordinance.
- d. Any animal treated in a manner that is cruel or inhumane.
- e. Any animal that has bitten a human being or needs to be placed under observation for rabies.
- f. Any animal violating a provision of this ordinance.
- g. Any citizen that harbors an animal that is prohibited to own per this ordinance.
- h. Any chickens/hens more than the maximum amount.

SECTION IV-2: IMPOUNDMENT PERIODS

All animals impounded will be held for 3 days, except for those requiring quarantine or animals in which the owner has been identified. In instances where the owner has been identified, the City may, at the discretion of the supervisor of animal control or mayor, consider holding the animal longer than 3 days. Impoundment and daily boarding fees will apply per Section VI-2. Any animals unclaimed or fees not paid after the impoundment period will result in the owner relinquishing all rights to the animal(s) according to Section VII-2 of this ordinance.

All animals being impounded due to a communicable disease will follow quarantine time frames in Section V-2 of this ordinance. Once the animal has been cleared of any communicable disease then the City of Log Cabin will hold the animal for 3 days and follow steps found in the above paragraph of this section.

SECTION IV-3: RIGHT OF PROPERTY OWNER TO CONFINE; NOTIFICATION OF ANIMAL CONTROL

If any of the animals named in this chapter are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until

he/she can notify an animal control officer to come and impound such animal. When so notified, it shall be the duty of the supervisor of the animal control or Log Cabin police officer to have such animal impounded as herein provided.

SECTION IV-4: RECLAIMING ANIMALS UNDER RABIES QUARANTINE

If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.

SECTION IV-5: DISPOSITION OF INJURED OR ILL ANIMALS

Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized as determined by the supervisor of animal control or as outlined in this ordinance.

ARTICLE V: QUARANTINE, VACCINATION REQUIRED, AND RABIES

SECTION V-1: CONDUCT OF QUARANTINE

The supervisor of animal control and/or any Log Cabin police officer shall have the authority to order the quarantine of animals responsible for bite incidents or suspected of having any zoonotic disease considered to be a hazard to the human population or other animals.

Every animal that bites a human or attacks another animal in an unnatural manner, or has rabies or any other zoonotic diseases, is under suspicion of having rabies or any other zoonotic disease, shall be immediately confined by the owner, who shall promptly notify animal control or Log Cabin Police Department, of the place where such animal is confined and the reason, therefore. The owner shall not permit such animal to encounter any other person or animal.

The owner shall surrender possession of such animal to the animal control or Log Cabin police officer on demand for supervised quarantine. Supervised quarantine shall be at the city animal impoundment facility, a veterinary hospital, or a facility approved by the police department.

SECTION V-2: QUARANTINE METHOD AND TESTING

When a dog or cat which has bitten a human has been identified, the owner will be required to place the animal in quarantine. The 10-day observation period will begin on the day of the bite incident. The animal must be placed in one of the animal control facilities specified for that purpose, if available. However, the owner of the animal may request permission from the Local Rabies Control Authority for home quarantine if the following criteria can be met:

- a. Secure facilities must be available at the home of the animal's owner and must be approved by the Local Health Authority or the Chief of Police.
- b. The animal is currently vaccinated against rabies and was vaccinated prior to the bite.
- c. The Local Rabies Control Authority, Log Cabin police officer, or a veterinarian must observe the animal at least on the first and last days of quarantine period. If the animal becomes ill during the observation period, the Local Rabies Control Authority must be notified immediately by the person having possession of the animal. At the end of the observation period the release from quarantine must be accomplished in writing.

- d. The animal was not in violation of any laws at the time of the bite.
- e. If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed, and the brain submitted to the State Department of Health certified laboratory for rabies diagnosis.
- f. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a State Department of Health certified laboratory for rabies diagnosis. No wild animal shall be placed in a quarantine.

SECTION V-3: PUBLIC AND PRIVATE ENTITIES THAT OPERATE A QUARANTINE FACILITY

The following are quarantine procedures:

- a. Biting animals and animals suspected of rabies that are placed in confinement for observation must be separated from all other animals in such a manner that there is no possibility of physical contact between animals.
- b. When an animal is a known stray, or ownership cannot be determined after a reasonable effort, the animal may be destroyed for rabies diagnosis prior to the end of the quarantine period.
- c. The Local Health Authority may require a written agreement by the owner or the custodian at the time of quarantine and the animal may be disposed of according to terms of this agreement.

SECTION V-4: STATE RABIES VACCINATION REQUIRED

The owner of each dog or cat must have him/her vaccinated against rabies at the time it is 4 months of age and within each subsequent 12-month interval thereafter. Rabies vaccine must be administered only by a State Licensed Veterinarian. Official rabies vaccination certificates must be issued by the vaccinating veterinarian and must contain certain standard information as designated by the State Board of Health. The following information is required:

- a. Owner's name, address, and phone number.
- b. Animal identification: species, sex, age, weight, predominate breed and colors.
- c. Vaccine used, producer, expiration date, and serial number.
- d. Date vaccinated.
- e. Rabies tag number.
- f. Veterinarian's signature and license number.

A metal certificate of vaccination for the current year must be always worn by the dog or cat.

SECTION V-5: VIOLATION OF QUARANTINE, CAUSE FOR SEIZURE AND IMPOUNDMENT

The violation of quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by the supervisor of animal control or Log Cabin police officer. It shall be unlawful for any person to interrupt the observation period.

SECTION V-6: INVESTIGATION OF ANIMAL BITE REPORTS AND KILLING OF ANIMALS PROHIBITED

All animal bite reports shall be investigated by animal control or police department. Without permission of the supervisor of animal control or the chief of police, it shall be unlawful for any person to kill or remove from the City limits any animal that has bitten a person or other animal, or that has been placed under quarantine, except when it is necessary to kill such animal to protect the life of any person or other animal.

SECTION V-7: AUTHORITY TO DIRECT DISPOSITION OF SUSPECTED RABID ANIMALS

The supervisor of animal control or Log Cabin police officer shall direct the disposition of any animal suspected of being rabid or having any other zoonotic disease considered to be a hazard to any other animal or human being.

SECTION V-8: SURRENDER OF CARCASSES OF DEAD ANIMALS SUSPECTED OF RABIES

The carcass of any dead animal exposed to rabies or suspected of having been rabid or exposed to rabies shall, upon demand, be surrendered to animal control or the Log Cabin Police Department.

SECTION V-9: MANNER OF DISPOSING OF ANIMALS EXPOSED TO RABIES

Every animal that has been bitten by another animal shall be immediately confined by the owner, who shall promptly notify animal control, or the Log Cabin Police Department of the place it occurred, where such animal is confined, and the reason, therefore. The owner shall not permit such animal to come in contact with any person or animal. Any animal exposed to rabies or exposed to bites from any wild animal which has been determined to be rabid, or any wild animal that is not available for rabies testing for any reason thereof, shall be handled in one of the following manners:

- a. Humane destruction, with notification to, or under the supervision of animal control or a Log Cabin police officer.
- b. If not currently vaccinated, the exposed animal shall be immediately vaccinated against rabies, placed in strict isolation for 6 months, and given a booster vaccination 1 month prior to release from isolation, or
- c. If currently vaccinated, immediate revaccination and quarantine for at least 90 days immediately following the date of the exposure.

SECTION V-10: REFUSAL TO SURRENDER ANIMAL ON DEMAND FOR RABIES CONTROL PURPOSES

No person shall fail or refuse to surrender an animal for supervised quarantine or humane destruction, as required herein for rabies control, when demand therefore is made by the local rabies control authority, animal control or Log Cabin police officer.

SECTION V-11: NOTIFICATION TO ANIMAL CONTROL UPON ESCAPE, SICKNESS, OR DEATH OF A QUARANTINED ANIMAL

Any person having possession of, or responsibility for, any quarantined animal shall immediately notify the supervisor of animal control or the Log Cabin Police Department if such animal escapes, becomes or appears to become sick, or dies, and in case of death of the animal while under quarantine, shall immediately surrender the dead animal to animal control or Log Cabin Police Department for diagnostic purposes.

SECTION V-12: QUARANTINE FEE

The owner of any animal held in quarantine for observation purposes shall be responsible for all fees while the animal is at an animal shelter or veterinarian office. The fee is in addition to any impoundment fees, court fines, etc. All such quarantine fees may be required to be paid in advance by the owner of any animal held in quarantine.

ARTICLE VI: VICIOUS ANIMALS

SECTION VI-1: DEFINITIONS

As used in this article, the term “vicious animal” means any animal, except a dog assisting a Log Cabin police officer engaged in law enforcement duties, which without provocation attacks or bites any human being or any domestic animal or which has a known propensity to attack or bite human beings or animals, including a “dangerous dog” as defined in V.T.C.A. Health and Safety Code, but not including an animal which bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented, tortured, or exhibited cruelty to such animal.

SECTION VI-2: GENERAL INFORMATION

No animal of fierce, dangerous, or vicious propensities, whether licensed or not, shall be allowed in, or allowed to remain in the City; provided, however, that dogs used by law enforcement authorities or approved by the animal control or Log Cabin Police Department as watch dogs for business establishments and securely confined thereto shall not be deemed in violation of this provision.

A Log Cabin police officer or animal control officer may use such force as is reasonably necessary to protect members of the public from any vicious dog or other animal wherein the actions of such animal reasonably appear to constitute an imminent threat of injury to any human being or domestic animal, including taking such animal’s life.

When the animal control or a Log Cabin police officer has determined upon the criteria set forth that an animal is vicious and is being kept and harbored in the city he/she may, in addition to the criminal sanctions imposed herein, take the following steps to abate such violation which is herein declared to be a nuisance:

- a. Give written notice to the owner or person having control over the vicious animal or the property upon which the animal is kept or harbored to cease and desist the keeping and harboring of a vicious animal in the City within 24 hours. A notice provided for in this section is properly served when it is delivered to the owner of the animal or custodian in charge, or when it is sent by certified mail, return receipt requested, to the last known address of the owner or custodian of the animal.
- b. Upon failure of the owner or person in control of the vicious animal or in control of the property wherein the animal is kept or harbored to comply with the notice, the animal control or Log Cabin police officer may make an affidavit setting forth the facts indicating that such animal is vicious and constitutes an imminent threat to the life and safety of the public by reason thereof and make application to the Judge of the Municipal Court, or Justice Court Judge for a warrant to go upon the premises and secure and impound such vicious animal to be held by animal control pending a hearing if requested by the owner or person having control over the animal or over the property wherein the animal was seized. If no request for a hearing has been made within 10 days, the animal may be disposed of as in other cases but shall not be let for adoption. Provided, however, that the owner or person from whom the animal was seized may reclaim the animal any time upon assurance satisfactory to the animal control officer, Log Cabin Police Chief or officer, or in case of dispute between the parties, a cash escrow deposit set by the Municipal Judge or Justice Court Judge that said party will comply with said order or the animal control or police officer until such time as it may be determined that the order was issued in error and that the keeping of such animal in the City poses no threat of hazard of injury to a human being.
- c. The hearing provided for in this section shall be conducted before the Municipal Court as provided for in V.T.C.A Health and Safety Code.

The owner of a vicious or dangerous animal shall be held strictly liable for any violation of this section and for any damages caused hereby.

ARTICLE VII: VIOLATIONS, FEES, FINES, PENALTIES, CLAUSES, RECORDS, EFFECTIVE DATE

SECTION VII-1: VIOLATIONS

Any person who violates any of the provisions of this ordinance or other sections of this ordinance, shall be guilty of a Class C Misdemeanor unless pre-empted by a State Law penalty provision.

Each and every day that the provisions of this ordinance are violated shall constitutes a separate and distinct offense.

It shall be unlawful for any person to interfere with, obstruct, hinder, or prevent the Rabies Control Authority, animal control or Log Cabin police officer in the discharge of their duties as herein prescribed, or to violate any of the provisions of this ordinance.

SECTION VII-2: FEES AND FINES

Impoundment fee for any animal	\$40.00 per animal
Impoundment fee for prohibited/wildlife animals	\$40.00 per animal
Dangerous dog impoundment fee	\$60.00 per animal
Daily boarding fees for dogs and cats, any size	\$16.00 per day
Prohibited animals and overlimit hens boarding fee	\$20.00 per day
Relocation of animal fee	\$95.00 per animal
Quarantine fee per animal	\$200.00 (\$20.00 per day)

If at the end of the maximum allotted impoundment period per Section IV-2 of this ordinance, the animal has not been claimed or the owner has not paid required fees, the animal will be considered abandoned and the owner relinquishes all rights to the animal (prohibited or legal), to the City of Log Cabin, at which time the animal may be transferred to another facility, put up for adoption, or otherwise re-homed/located, or disposed of at the city's discretion. The owner will still be required to pay all applicable fees.

SECTION VII-3: CLAUSES

Severance clause: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

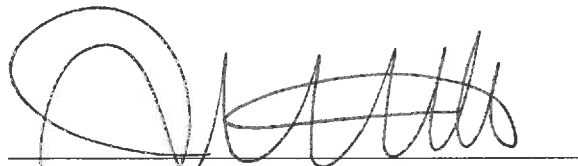
Safety clause: The Local Health Authority of the City of Log Cabin, Texas, hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety.

Repealer clause: All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION VII-4: RECORDS

It shall be the duty of the animal control or Log Cabin Police Department to maintain records as deemed necessary to the enforcement of all provisions of this ordinance and have those records available for display to the Log Cabin City Council at any point it is requested. All records shall be available to the public with an open records request.

PASSED AND APPROVED BY THE LOG CABIN CITY COUNCIL ON MARCH 16th, 2023.


Jennifer Williams, Mayor
Leana Thorp, City Secretary