

ORDINANCE NO. 18-052022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, ESTABLISHING REGULATIONS FOR THE CONTROL AND CARE OF ANIMALS IN THE CITY OF GARDEN RIDGE; ESTABLISHING RELATED SERVICE FEES; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING A CUMULATIVE AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Garden Ridge (“City”) is authorized to provide standards for the ownership, control and care of animals in the City pursuant to the general authority granted to the City under Chapter 54 of the Texas Local Government Code; and

WHEREAS, the City finds that growth within the City has created new challenges related to the safe control and regulation of animals within the City; and

WHEREAS, the City finds that the costs associated with the provisions of animal care services should be defrayed by the establishment of related animal care service fees; and

WHEREAS, the City finds that the fees established herein are reasonable and necessary to provide the services and administer the City’s Animal Services program; and

WHEREAS, the City finds that the existing animal control related Ordinances require revisions for the protection of the health, safety, and welfare of the community; and

WHEREAS, the City is committed to ensuring public health, safety, and welfare by encouraging individuals to be responsible pet owners; and

WHEREAS, the City Council finds that this Ordinance is necessary to protect the public health, safety, and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS, THAT:

SECTION 1. FINDINGS.

The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

SECTION 2. REGULATIONS.

The animal services regulations more particularly described in this Ordinance and any attached exhibits are incorporated herein by reference for all purposes and are adopted as the City’s Animal Services regulations.

SECTION 3. ANIMAL SERVICES OFFICER(S).

The City's Animal Services Officer(s) shall enforce all provisions of this Ordinance, including gathering up and impounding or quarantining of dogs, cats, livestock, fowl, or any other domestic and non-domestic animals found running at large (stray) within the City limits.

SECTION 4. DEFINITIONS.

The following words and phrases, when used in this Ordinance, have the following meanings:

Abandon means leaving an animal without proper food, shelter, water and care or without making reasonable arrangements for assumption of custody and care by another person.

Animal means every nonhuman species of animal, both domestic and wild.

Animal at large means any animal not under the restraint of a leash, lead or harness by a person capable of controlling the animal when off the premises of the owner or an animal, including fowl or livestock, not in a secure enclosure or not completely confined by a building, wall, pen or fence of sufficient strength of construction, to physically restrain the animal on the premises of the owner or custodian.

Animal Services Officer(s) means any person or persons designated by the City as an Animal Enforcement Officer who is qualified and authorized to perform such duties as required by this Ordinance and state law.

Animal exhibition means any exhibition or act featuring performing animals, including temporary animal exhibits and shows and petting zoos. Such exhibits shall not include animal rescue groups or humane societies.

Animal shelter means any facility operated by a humane organization or municipal agency, or its authorized agents, for the purpose of impounding animals under the authority of this Ordinance or state law for care, confinement, return to owner, adoption, or euthanasia.

Bite means puncturing or tearing of the skin by an animal's teeth, excluding scratch/scratches.

Cat means any live or dead member of the feline family (*Felis catus*).

Commercial animal establishment means any pet shop, grooming shop, guard dog or obedience training center, animal auction, performing animal exhibition, or boarding or breeding kennel.

Currently vaccinated means a protective inoculation by a licensed veterinarian with a rabies vaccine recognized and approved by the United States Department of Agriculture given in an amount sufficient to provide an immunity that satisfies the requirement of state law.

Dangerous dog means defined by the Health and Safety Code, Chapter 822, subchapter D, as amended, a dog that:

- a) Makes an unprovoked attack on a person that causes bodily injury and occurs 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; or

- b) 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.

Deer management means a program/plan/policy detailing the activities of deer management that may include but not be limited to education, research, trapping, relocation, deprivation, sterilization, and birth control of deer.

Dog means a domesticated animal that is a member of the canine family (*Canis lupus familiaris*).

Domestic animal means tame; domesticated; of or pertaining to any animal commonly kept as a family or household pet.

Feral means a non-domesticated or non-cultivated animal, born in the wild or having escaped from domestication and that becomes wild.

Fowl means any bird, wild or domesticated relating to an order of birds, such as but not limited to chickens, turkeys, ducks, geese, peacocks, pheasants, or other fowl regardless of age or sex, except common household pets such as parakeets, parrots, etc.

Grooming shop means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Guard dog means any professionally trained dog that will detect and warn its handler that an intruder is present in or near an area that is secured.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats; or a facility for keeping more than four breeding animals of the same species.

Licensed veterinarian means a veterinarian licensed to practice veterinary medicine in one or more of the fifty states of the United States.

Livestock means domestic animals used or raised, typically, on a farm, especially those kept for a profit, specifically, horses, ponies, mules, donkeys, cattle, goats, rabbits, sheep, and swine, regardless of age, sex, or breed.

Local health authority means Texas Department of State Health Services.

Observation period means the ten (10) days following a bite incident during which the biting animal's health status must be monitored. The ten-day observation period begins on the first day of the bite incident (Day One). See quarantine period for further definition.

Owner (custodian) means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored (in custody) if it is fed or sheltered or provided medical attention for three consecutive days or more.

Person means an individual, corporation, government or governmental subdivision, or agency, business trust, estate, partnership, association or any other legal entity.

Pet or companion animal means any animal kept for companionship rather than as a physical or mental service support animal; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Pet Pig means a pot belly pig that is not more than 24” tall and weight does not exceed 200 pounds.

Pet shop means any person, partnership or corporation, whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells, or boards any species of animal.

Possible exposure to rabies means receipt of a bite from any warm-blooded animal, animal to human or animal to animal, is reason to suspect exposure to rabies.

Provocation means any purposeful act that causes an animal to bite, scratch, or attack in protection of self, the owner, or the owner’s premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with City regulations would be considered provocation, irrespective of the reason for such entrance.

Public nuisance means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term “public nuisance animal” shall mean and include, but is not limited to, any animal that:

- a) Is found at large more than three times in a calendar year.
- b) Damages the property of anyone other than its owner.
- c) Molests or intimidates pedestrians.
- d) Trespasses on public or private property.
- e) Chases vehicles.
- f) More than three times in a calendar year, repeatedly makes disturbing noises, including but not limited to howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- g) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- h) Causes unsanitary or dangerous conditions in enclosures or surroundings where the animal is kept or harbored.
- i) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number or types of animals maintained.
- j) Attacks other domestic animals.
- k) Attacks or chases deer and other wildlife while on public property or while trespassing on private property.

Quarantine means the detention or isolation of an animal suspected of carrying an infectious or contagious disease.

Quarantine period means that portion of the observation period during which an animal is physically confined for observation as provided for under the quarantine method and testing section of this Ordinance. See observation period for further definition.

Rabies means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite or saliva.

Rabies Control Officer(s) means the City's Animal Services Officer(s) who shall handle all duties required under the Rabies Control Act of 1981 and all amendments to that act.

Restraint means the securing of an animal by:

- a) A leash, lead, or harness.
- b) Confinement in a structure, cage, vehicle, wall or fence of sufficient strength or construction to prevent the animal from escaping.
- c) A chain, rope, tether, leash, cable, or other device that attaches an animal to a stationary object or trolley system.

Riding school or stable means any place that has available for hire, boarding and/or riding instruction any horse, pony, donkey, or mule; or any place that regularly buys, sells, or trains the above animals.

Scratch means a scrape left by the teeth, claws or nails of an animal and of sufficient severity to break the skin.

Sick animal means any animal that appears to be suffering from an infectious, contagious, or communicable disease; or that is showing evidence of a physical injury, physical disorder, or traumatic injury; or that has an elevated temperature.

Stray means a domestic animal that is roaming beyond the premises of an animal's owner, custodian, or keeper with no physical restraint.

Unowned animal means any animal for which an owner has not been identified.

Vaccinated means properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by or under the direct supervision of a licensed veterinarian.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Vicious animal means any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; more specifically, any individual animal of any species that has, without provocation, attacked or bitten any person or other animal, or any animal that has killed a person or other animal on any

single occasion, or an individual animal which the Animal Services Officer has reason to believe has a dangerous disposition, likely to be harmful to humans or other animals.

Wild animal means any animal that is undomesticated or customarily considered dangerous including, but not limited to the following, and any hybrid of an animal listed in this definition:

- All nonhuman primates
- Alligators/ Crocodiles
- Antelope
- Armadillos
- Bats
- Bears
- Boa constrictors/pythons
- Bobcats
- Caracals
- Caymans
- Cheetahs
- Cougars
- Coyotes
- Deer
- Foxes
- Hyenas
- Jackals
- Jaguars
- Leopards
- Lions
- Lynx
- Marsupials
- Ocelots
- Opossums
- Panthers
- Poisonous frogs
- Porcupines
- Raccoons
- Ringtail cat
- Servals
- Skunks
- Squirrels
- Tigers
- Venomous lizards
- Venomous snakes
- Wolves

Wild animal does not include small livestock, large livestock, fowl, or normal household pet animals, such as, but not limited to domestic dogs, domestic cats, domestic ferrets, cockatiels, hamsters, guinea pigs, gerbils, rabbits, fish or nonpoisonous reptiles or small, nonpoisonous snakes (less than three feet total length).

Wildlife means any animal that occurs naturally in the wild state.

Wild state means living in its original, natural condition; not domesticated.

SECTION 5. DOG AND CAT REGISTRATION.

- a) Any person owning, keeping, harboring, or having custody of any dog or cat over four months of age within this municipality must register them as herein provided.
- b) Written application for licenses, which shall include the name, address, phone number and email address of the applicant (if available), the description of the dog or cat, the appropriate fee as listed in Appendix A to this Ordinance, and a current copy of the rabies certificate issued by a licensed veterinarian or a letter from a licensed veterinarian who has determined a rabies vaccination would be detrimental to the health of a dog or cat shall be provided to the City.
- c) Registration of dogs or cats shall be for a period of one year beginning January 1, through December 31. Animals shall be registered each year.
- d) Application for registration must be made within thirty (30) days after obtaining a dog or cat over four (4) months of age; this requirement will not apply to a nonresident keeping a dog or cat within the City for not longer than thirty (30) days.

- e) Upon acceptance of the registration application, fee, and current rabies vaccination certificate, the City shall issue a durable tag, stamped with an identifying number and the year of issuance.
- f) Each dog or cat must wear a City issued registration tag attached to a properly fitted collar at all times.
- g) The Animal Services Officer shall maintain a record of all City issued registration tag numbers and a copy of the current rabies vaccination certificate.
- h) It shall be the duty of the owner of any dog or cat to procure a duplicate tag from the City in the event that the original tag is lost or destroyed. A fee, as provided in Appendix A of this Ordinance, will be charged for each replacement tag.
- i) No person may use a registration tag for any animal other than the animal for which it was issued.
- j) Fee registration is not required for pets under the care of pet sitters or visitors staying in the City for less than 180 days. Proof of valid rabies vaccination and valid registration from another City is required.

SECTION 6. KEEPING OF DOMESTIC ANIMALS; LIMITATION OF NUMBER OF DOGS AND CATS.

It shall be unlawful for any person to own, keep, or harbor more than six (6) dogs and six (6) cats, with a maximum aggregate total of ten (10) over four (4) months of age at any one address or location within the City limits. The breeding of one (1) litter per year per residence is permitted; however, the breeding of more than one (1) litter per year will result in the residence being declared a commercial animal establishment and subject to a fine.

One (1) additional dog or cat is permitted upon proof that the owner or custodian is participating in a nonprofit rescue organization or similar shelter group's foster program.

Subsections a) and b) shall not apply to animal shelters, veterinary establishments, animal hospitals operated by a licensed veterinarian, or commercial animal establishments. Such establishments, however, must meet sanitation requirements and keep animals securely caged or penned.

The requirements of this Section shall not apply for a period of one (1) year for any animal(s) being kept at lawfully existing premises within the City limits immediately prior to the passage of this Ordinance or at a location outside the City limits which by annexation becomes a part of and within the boundaries of the incorporated area of the City.

SECTION 7. KEEPING OF PET PIGS

- a) Pet pigs shall be registered annually. The City of Garden Ridge pet registration period is from January 1 to December 31.

- b) It shall be unlawful for any person to keep a pet pig outdoors other than those times necessary for the elimination of waste materials or exercise.
- c) It shall be unlawful for any person to own, keep, harbor, have custody of, or control of any pet pig over 4 months of age within the city limits unless such pig is currently vaccinated, as defined in this ordinance, against rabies by the injection of rabies vaccine by or under the direct supervision of a licensed veterinarian. Rabies vaccination required annually.
- d) It shall be unlawful for any person to keep, harbor, or raise more than two pigs regardless of age at any time in any dwelling within the city.
- e) Any pet pig kept in the City of Garden Ridge must be spayed/neutered before 6 months of age.
- f) All tusks must be trimmed to tip line.
- g) All pet pigs are required to be microchipped.
- h) Pet pigs must be kept in a fenced in yard and not allowed to run at large or stray from owner's premises.
- i) It shall be owner's responsibility to have the means and capability to transport their pet pig to any vet appointment or destination. Also, to have the carcass removed upon the animal's death.
- j) Pet pigs are subject to all applicable sections of this ordinance.
- k) All proceeding sections of this ordinance shall also apply to the keeping, harboring, custody of or control of a pet pig in the City of Garden Ridge.

SECTION 8. GENERAL ANIMAL CARE.

- a) No owner shall fail to provide their animal with sufficient wholesome and nutritious food, water in sufficient quantities, adequate ventilation, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.
- b) No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- c) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be likely to be eaten by any animal; provided that it shall be lawful for a person to expose on their own property commercially available rat poison or other pesticides appropriately placed in accordance with the labeling directions.

- d) It shall be unlawful for any person to use steel jaw leg and/or neck traps with the intent of trapping any animal.
- e) Any person who, as the operator of a motor vehicle, strikes a domestic or a non-domestic animal shall immediately report such injury or death to the police department.
- f) A person who owns or has custody or control of an animal and who uses a chain, rope, tether, leash, cable, or other device that attaches an animal to a stationary object or trolley system may not leave an animal outside and unattended without shelter, food, and water.
- g) A person who owns or has custody or control of an animal and who uses a chain, rope, tether, leash, cable, or other device that attaches an animal to a stationary object or trolley system may not leave an animal outside and unattended between the hours of 10 p.m. and 6 a.m.
- h) A restraint that unreasonably limits an animal's movement is prohibited if the restraint:
 - i. Uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the animal;
 - ii. Is a length shorter than the greater of five times the length of the animal, as measured from the tip of the animal's nose to the base of the animal's tail; or ten (10) feet;
 - iii. Is in an unsafe condition; or
 - iv. Causes injury to the animal.

SECTION 9. REMOVAL OF WASTE.

The owner of every animal shall be responsible for the removal of any excreta deposited by their animal(s) on public walks, recreation areas, public or private property, including the property of the owner.

SECTION 10. EVALUATION OF ANIMALS AND PREMISES.

- a) All pens, enclosures, or fenced or unfenced yards located within the City's corporate limits in which any animal or fowl are kept shall be maintained and kept in such condition as not to become unsanitary, offensive, or disagreeable to persons in the vicinity thereof. For the purposes of this section, an unsanitary, offensive or disagreeable condition occurs when the failure to maintain any pen, enclosure, or fenced or unfenced yards causes the pen, enclosure, or fenced or unfenced yard to become:
 - i. A breeding place for flies; or
 - ii. A place that may become a risk to the health and safety of any person working or residing in the vicinity of the pen, enclosure, or fenced or unfenced yard; or
 - iii. A place that produces odors that would disturb the reasonable sensibilities of any person in the vicinity of the pen, enclosure, or fenced or unfenced yard.

- iv. Animals and premises whereon animals are kept or maintained shall be subject to evaluation with just cause by the local health authority, Animal Services Officer, or Police Officer at any reasonable hour, or at any hour in cases of emergency.

SECTION 11. ABATEMENT OF VIOLATION.

Whenever any premises where animals are kept are in an unsanitary condition, or the facilities are not in keeping with the provisions of this Ordinance or any other regulations herein, or if any health Ordinance or law is not observed, the local health authority, Animal Services Officer, or Police Officer, by written notice to the person responsible for the condition of the premises or the keeping of the animals or the person owning or in control of such premises, may order the abatement of the conditions which are not in accordance with this Ordinance or other regulations, or conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal or administrative proceedings, be grounds for and entitle the City to obtain relief by injunction.

SECTION 12. SAFETY OF ANIMALS IN PARKED VEHICLES; REMOVAL IF NECESSARY.

It shall be unlawful to leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety. The Animal Services Officer or Police Officer is authorized to use reasonable force, to remove an animal from a vehicle when the animal's health or safety is or soon will be endangered and said neglected or endangered animal shall be impounded. If professional services are required to remove the animal, the owner is responsible for the cost. A Police Officer or Animal Services Officer who removes an animal from a vehicle in accordance with this subsection is not liable for any resulting property damage.

SECTION 13. LIVE CAPTURE TRAPS.

- a) Animal live capture traps may be loaned by the City Animal Services Officer for a security deposit set in Appendix A of this Ordinance for a period of thirty (30) days. If a live capture trap is lost or damaged the individual assigned the trap will be assessed the cost of replacement.
- b) Live traps will be checked by the individual assigned the trap at least every twelve (12) hours. Traps will be protected from the elements and humane care will be provided to the captured animals.
- c) Dogs and cats caught in live traps, whether City owned or privately owned, will be impounded and notice of impoundment provided if ownership can be established. A citation may be issued to the owner of the impounded animal for animal at large.
- d) Animals, other than dogs and cats, caught in privately owned traps will be transported and released by Animal Services.
- e) Trapping of animals in live capture traps is prohibited from Friday at 4:31 p.m. to Monday at 8:00 a.m. and on City holidays.
- f) It is unlawful for any person other than Animal Services personnel to tamper with a live trap or release an animal confined in a live trap.

SECTION 14. DOGS AND CATS AT LARGE.

All dogs and cats shall be kept under restraint by a leash, lead or harness or on owner's property and not allowed to run at large or to stray.

SECTION 15. GENERAL IMPOUNDMENT; VIOLATION NOTICE.

- a) Unrestrained dogs and nuisance animals shall be taken by the police or Animal Services Officer and impounded in an animal shelter or veterinary clinic and there confined in a humane manner. Any animal that poses a threat to public health and safety, any wild animal kept illegally, or any animal that has been cruelly treated or abused also shall be impounded. To discharge the duties imposed by the provisions of this Ordinance or other applicable laws, and to enforce the same, duly authorized Police Officers and Animal Services Officers may enter upon private property to the full extent permitted by law, which shall include but is not limited to entry upon private unsecured property when in pursuit of any animal which they have reason to believe is subject to impoundment pursuant to the provisions of this Ordinance or other applicable laws. The aforementioned enforcement officers are also authorized, after reasonable attempts have been made to contact the owner, to enter any unlocked residence or other enclosure on private property to seize, impound, and quarantine any animal that is suspected of having bitten someone and therefore posing a threat to public health and safety.
- b) Impounded dogs or cats shall be kept for not less than fourteen (14) days unless claimed by the owner.
- c) Cats or dogs impounded and deemed to be wild may be kept or euthanized within zero (0) to seventy-two (72) hours at the discretion of the Animal Services Officer.
- d) Sick or injured animals, having no apparent identification through which ownership can be determined, may be kept or euthanized within zero (0) to seventy-two (72) hours at the discretion of the Animal Services Officer.
- e) If, by a license tag or other means, the owner of an impounded animal can be identified, the Animal Services Officer will, upon impoundment, notify the owner by direct contact, telephone, mail, or other reasonable means.
- f) An owner reclaiming an impounded dog or cat shall pay all impounding and registration fees, if unregistered, according to Appendix A of this Ordinance and shall provide a current copy of the rabies certificate for the dog or cat. If at that time the dog or cat is not currently vaccinated the owner must present proof of rabies vaccination on said dog or cat within ten (10) business days to the Animal Services Officer or will be considered again in violation of this subsection and subject to a second fine.

- g) No sick impounded animal shall be released to the owner until the Animal Services Officer determines that arrangements have been made for treatment of the sick animal.
- h) Any animal not reclaimed within fourteen (14) calendar days shall be considered abandoned and will be eligible for adoption, transferred to a nonprofit organization or euthanized as determined by the Animal Services Officer.
- i) In addition to, or in lieu of, impounding an animal found at large, a Police Officer may issue to the known owner of such animal a notice of Ordinance violation. A person who is convicted of owning an animal at large shall pay a fine as listed in Appendix A.
- j) No owner or custodian of an animal shall abandon any animal. If an owned animal has been impounded by the Animal Services Officer, no owner shall allow the animal to remain at the impound facility beyond fourteen (14) calendar days for the purpose of adopting the animal at a lower cost than the fine or fee(s).

SECTION 16. AUTHORITY TO DESTROY ANIMALS RUNNING AT LARGE.

If any animal found at large in violation of this Ordinance cannot be safely taken up and impounded, and poses an imminent threat of danger, such animal may be destroyed by any authorized Police Officer or Animal Services Officer, at the officer's discretion.

SECTION 17. ESCAPE, INJURY, SICKNESS, OR DEATH OF IMPOUNDED STRAYS.

If an animal dies, becomes injured, becomes sick, or escapes while impounded, the Animal Services Officer shall make a report with the Police Department of the death, injury, sickness or escape and the report will be placed in the records maintained by the Animal Services Officer in the Animal Services records.

SECTION 18. LIVESTOCK AT LARGE AND IMPOUNDMENT.

All livestock shall be kept under restraint by a secured pasture or paddock and not allowed to run at large. All impounded livestock will be the responsibility of the Comal County Sheriff's Department.

SECTION 19. RABIES VACCINATION.

- a) It shall be unlawful for any person to own, keep, harbor, or have custody or control of a dog or cat over four months of age within the City limits unless such dog or cat is currently vaccinated, as defined in this Ordinance, against rabies by the injection of rabies vaccine by or under the direct supervision of a licensed veterinarian.
- b) In the event a licensed veterinarian determines that a rabies vaccination would be detrimental to the health of a dog or cat a letter from the licensed veterinarian may be accepted by the Animal Services Officer.

- c) Every owner of a dog or cat immunized against rabies as required herein shall procure a rabies vaccination certificate from the veterinarian administering the vaccine. Such certificate shall contain the following information:
 - i. The owner's name, address, and telephone number.
 - ii. The species, sex, age, size (weight), predominate breed, and color of the vaccinated animal.
 - iii. The vaccine used, producer, expiration date, and serial number.
 - iv. Date vaccinated.
 - v. Rabies tag number.
 - vi. Veterinarian's signature and license number.

SECTION 20. REPORT OF EXPOSURE TO RABIES.

Any person having knowledge of any animal exhibiting symptoms of or exposed to rabies, or that has bitten, scratched, or otherwise attacked an individual or other animal, or that the person suspects to be rabid or could reasonably foresee as capable of transmitting rabies, shall report the animal or incident to the Animal Services Officer or the Rabies Control Officer as soon as possible, but not later than twenty-four (24) hours from the time of the incident. The report shall include the name and address of any victim and the owner of the animal, if known, and any other information relating to the incident or animal.

SECTION 21. QUARANTINE METHOD AND TESTING.

- a) The Animal Services Officer will follow the Texas Health and Safety Code, Section 169.27, as amended, for the quarantine and testing for rabies.
- b) When a dog, cat, or domestic ferret which has bitten a human has been identified, the owner will place the animal in quarantine as defined in the Texas Health and Safety Code, Section 826.002, until the end of the ten (10) day observation period. The animal must also be quarantined if there is probable cause to believe that it has otherwise exposed a human to rabies. The observation period will begin at the time of the exposure. The animal must be placed in a certified rabies quarantine facility specified by the local Rabies Control Officer and observed at least twice daily. As an alternative, the Rabies Control Officer may allow home confinement. If the potential rabies exposure occurs in the City other than where the animal's custodian resides, the animal may be transferred to a certified rabies quarantine facility in the City of the custodian's residence or allowed confinement deemed appropriate if there is a mutual agreement between the Rabies Control Officer for the City where the exposure occurred and where the custodian resides, if applicable. The alternative to quarantining (to include home confining) a dog, cat, or domestic ferret is to have the animal humanely killed in such a manner that the brain is not damaged so that a suitable specimen (head with brain intact or brain) can be submitted to a certified rabies testing laboratory.
- c) To allow home confinement:
 - i. A secure enclosure approved by the Rabies Control Officer must be used to prevent escape.

- ii. The animal must have been vaccinated against rabies and the time elapsed since the most recent vaccination must not have exceeded the manufacturer's recommendations for the vaccine.
 - iii. The unvaccinated animal must have been sixteen (16) weeks of age at the time of the potential exposure.
 - iv. The Rabies Control Officer or a veterinarian must observe the animal at least on the first and last days of the home confinement.
 - v. The animal must not have been a stray as defined in the Texas Health and Safety Code, section 826.002, at the time of the potential exposure.
- d) A domestic animal which has potentially exposed a human and has been designated by the Rabies Control Officer as unowned may be humanely euthanized. A suitable specimen shall be submitted for rabies testing as approved by the local Rabies Control Officer.
- e) If the animal implicated in the potential exposure is a high-risk animal, it shall be humanely destroyed and a suitable specimen submitted for rabies testing as approved by the local Rabies Control Officer.
- f) If the animal implicated in the potential exposure is a low-risk animal, neither quarantine nor rabies testing will be required unless the Rabies Control Officer has cause to believe the animal is rabid, in which case it shall be humanely destroyed and a suitable specimen submitted for rabies testing as approved by the local Rabies Control Officer.
- g) The Rabies Control Officer may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to a person to be humanely destroyed and a suitable specimen submitted for rabies testing as approved by the local Rabies Control Officer.
- h) If the animal implicated in the potential exposure is not included in subsections b) through g) of this section, the animal shall be humanely destroyed and a suitable specimen submitted for rabies testing as by the local Rabies Control Officer or the Rabies Control Officer may require the animal to be quarantined at a certified rabies quarantine facility or confined elsewhere as deemed appropriate by the Rabies Control Officer for the thirty (30) day observation period as an alternative to killing and testing.
- i) Any animal required to be quarantined under this section, which cannot be maintained in secure quarantine, shall be humanely euthanized and a suitable specimen submitted for rabies testing as approved by the local Rabies Control Officer.
- j) All laboratory specimens referred to in subsections b) through h) of this section shall be submitted in accordance with section 169.33 of the Rabies Control and Eradication [Rules].

- k) Police service animals are exempted from quarantine and confinement per the Texas Health and Safety Code, section 826.048.
- l) At the discretion of the Rabies Control Officer, assistance animals may be exempted from quarantine and confinement during the observation period.
- m) Animals should not be vaccinated against rabies during the observation period; however, animals may be treated for unrelated medical problems diagnosed by a veterinarian. If the animal becomes ill during the observation period, the Rabies Control Officer must be notified by the person having possession of the animal.
- n) All quarantine fees must be paid by the owner or custodian of the animal quarantined.
- o) If the animal dies or becomes sick while under a rabies observation in a quarantine facility (other than the death or sickness due to the rabies virus), the Rabies Control Officer shall test in accordance with the section 826.043 and make a report of the death or sickness. The Rabies Control Officer will maintain a copy of the report in the Animal Services records.
- p) The liability for a quarantined animal that escapes from the quarantine facility shall be the responsibility of the facility. The liability for a home quarantined animal that escapes from the home shall be the responsibility of the animal's owner or custodian. If a quarantined animal should escape and become at large from the primary enclosure of a home quarantine, the Rabies Control Officer shall safely take up the animal and deliver the animal to a state-approved quarantine facility for the duration of the quarantine time.

SECTION 22. ANIMALS EXPOSED TO RABIES.

- a) Animals not currently vaccinated which have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid animal may either be humanely destroyed; or immediately vaccinated against rabies, placed in confinement for ninety (90) days, and given booster vaccinations during the third and eighth weeks of confinement. For animals under four (4) months of age, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture (USDA) for the vaccine administered.
- b) Animals currently vaccinated which have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid animal may be humanely destroyed; or immediately given a booster rabies vaccination and placed in confinement for forty-five (45) days.
- c) These provisions apply only to domestic animals for which a USDA-licensed rabies vaccine is available.

- d) In situations where none of the requirements of this section are applicable, the recommendations contained in the latest edition of the publication titled Compendium of Animal Rabies Prevention and Control, published by the National Association of State Public Health Veterinarians, should be followed. The administration of a rabies vaccine in a species for which no licensed vaccine is available is at the discretion of the veterinarian; however, an animal receiving a rabies vaccine under these conditions will not be considered to be vaccinated against rabies virus in potential rabies exposure situations.

SECTION 23. DANGEROUS DOGS.

Dangerous dogs, as defined in the Health and Safety Code, Chapter 822 as amended, shall be regulated in accordance with the provisions of the Health and Safety Code, Chapter 822, Subchapter D, as amended.

SECTION 24. VICIOUS OR DANGEROUS ANIMALS.

- a) Any animal within the City that shall bite, scratch, or otherwise attack a person who is not at the time trespassing upon the property of the owner or person having control of such animal, nor provoking or teasing such animal, shall be deemed vicious or dangerous to persons or other animals, and the municipal court may order that such animal be kept muzzled, or that such animal be kept within a sufficient enclosure, or that such animal be delivered to the Animal Services Officer to be humanely euthanized.
- b) If the municipal court cannot determine beyond a reasonable doubt that an animal is vicious or dangerous, the court shall have the authority to hold a hearing, and if the court determines at the hearing that the animal is vicious or dangerous to persons or other animals, the court may use the remedies authorized in this Ordinance or by state law.

SECTION 25. DOGS AND COYOTES THAT ATTACK ANIMALS.

Dogs or coyotes that attack animals, as defined in the Health and Safety Code, section 822.011, shall be regulated in accordance with the provisions of the Health and Safety Code, chapter 822, subchapter B, as amended.

SECTION 26. KEEPING OF WILD ANIMALS.

No person shall own, possess, or have custody, on their premises, any wild animal.

This section shall not be construed to apply to animal shelters operated under the authority of the governing body of the City or those persons qualifying for exceptions as provided for in the Health and Safety Code, Section 822.102, as amended.

SECTION 27. KEEPING OF LIVESTOCK AND FOWL.

- a) The keeping of livestock in areas zoned Residence Agriculture (RA) District is regulated as follows:
- i. It shall be unlawful for any person, firm, or corporation to keep any swine.

- ii. It shall be unlawful for any owner or custodian of fowl to keep or harbor any fowl other than chickens, turkeys, or guinea fowl. No more than twelve (12) fowl shall be allowed, one (1) of which may be male.
 - iii. The owner must have adequate facilities to house livestock and fowl and ensure adequate sanitation in a manner that does not allow them to create a nuisance.
 - iv. Sanitation must be addressed in a manner that prevents the attraction of pests and complies with City and state laws.
- b) In areas zoned Single Family Dwelling (R) District the keeping of livestock is prohibited. The keeping of fowl shall be regulated as follows:
- i. It shall be unlawful for any owner or custodian of fowl to keep or harbor any fowl other than chickens or turkeys. No more than six (6) fowl shall be allowed, none of which may be male.
 - ii. The owner must have adequate facilities to house the fowl and ensure adequate sanitation in a manner that does not allow them to create a nuisance.
 - iii. Coops or other similar structures to house chickens and turkeys must be located a minimum of fifteen (15) feet from any adjoining property lines.
 - iv. Sanitation must be addressed in a manner that prevents the attraction of pests and complies with all City and state laws.

SECTION 28. FEEDING OF WILDLIFE.

The placement of food sources or other materials that attract animals other than those of the property owner, for purposes other than trapping and removal, is prohibited. Wild birds may be fed from a bird feeder.

SECTION 29. ADOPTION.

- a) Dogs and cats in the custody of the City of Garden Ridge that have not been claimed by their owner within fourteen (14) days will be eligible for adoption.
- b) Prior to adoption unclaimed dogs and cats will be spayed/neutered, receive rabies vaccinations and be checked for heartworms.
- c) The Animal Services Officer may recommend to the City Administrator the waiving or reduction of adoption fees dependent on the amount of time an animal has been available for adoption, the health of the animal being adopted or the demeanor of the animal.

SECTION 30. PROHIBITED SELLING, DISPLAYING ANIMALS ON ROADSIDE.

- a) It shall be unlawful for any person to display for a commercial purpose or to sell, trade, barter, lease, rent, or give away, any animal on any roadside, public right-of-way, commercial parking lot, garage sale, festival, park, community center, or outdoor public place.
- b) This section shall not apply to any tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals

or any recognized rescue organization which is currently registered with Animal Services.

- c) Any animal being sold, traded, bartered, leased, rented, or being given away on any roadside, public right-of-way, commercial parking lot, garage sale, festival, park, community center or outdoor public place shall be subject to seizure and impoundment at the discretion of the investigating Animal Services Officer and subject to disposition in accordance with this Ordinance.

SECTION 31. ANIMAL EXHIBITIONS, SHOWS, OR EVENTS.

- a) All allowable Animal Exhibitions, Shows, or Events shall, comply with the minimum standards of this Ordinance and all applicable state and federal regulations. All Exhibitions, Shows or Event facilities shall be subject to inspection by the Animal Services Officer upon request during reasonable hours.
- b) The presenter of the Animal Exhibitions, Shows, or Events must give event specifics and notice thirty (30) days in advance to the Animal Services Officer.
- c) All Animal Exhibitions, Shows, or Events are prohibited in the City limits except as follows:
 - i. Cat and dog shows; and
 - ii. Small petting zoos and pony rides for a period not to exceed one (1) day on private property or with authorization on public property.

SECTION 32. PET AND GROOMING SHOP, BOARDING KENNEL, AND VETERINARY FACILITIES BUSINESS LICENSE.

- a) No person shall operate any pet or pet grooming shop, kennel, or licensed veterinary facility as defined in this Ordinance, without first obtaining a business license from the City. The qualifications for license shall include consideration of the type of building construction, the regulatory compliance history of the permittee as it relates to sanitation, health, welfare of the animals, and related zoning requirements.
- b) Failure to maintain the establishment in compliance with this Ordinance and state law as it relates to sanitation, health, and welfare of the animals may result in suspension or revocation of the license.
- c) Failure to apply for a license prior to the opening of such a commercial animal facility, or within thirty (30) days after the renewal date, shall constitute an offense.
- d) Each license shall be valid for one (1) year.

SECTION 33. REVOCATION.

Any person or business holding a business license regulated by this Ordinance that refuses or fails to comply with this Ordinance or any law governing the protection and keeping of animals shall have the license revoked by the City. Revocation of the license shall be accomplished by either

mailing to the holder of such license a written notice by certified mail stating the license is revoked or by personally delivering to the holder thereof a written notice stating the license is revoked.

SECTION 34. INVISIBLE FENCES.

Invisible fences used to contain dogs and cats within the City must have warning signage placed within five (5) feet from any driveway, pedestrian sidewalk, or other walkway. For public safety signs must not exceed three (3) square feet with one (1) inch block letters and be of contrasting colors.

SECTION 35. WAIVER OF FEES.

The Garden Ridge City Council has the authority to waive fees, excluding fines, associated with this Ordinance due to hardship or unusual circumstances. The affected party must submit a written request to the City Council for the waiving of fees. The request must indicate the hardship or unusual circumstances and supporting documentation must be included. The City Council will consider the request in an open City Council meeting and is the final authority on requests to waive fees.

SECTION 36. ENFORCEMENT.

The civil and criminal provisions of this Ordinance shall be enforced by those persons or agencies designated by the municipal authority. It shall be a violation of this Ordinance to interfere with an Animal Services Officer in the performance of the Officer's duties. Unless otherwise indicated, any person who violates a section of this Ordinance shall be strictly liable for such violation and shall be subject to the penalties established.

SECTION 37. PENALTY.

Any person who shall violate any of the provisions of this Ordinance, or fail to comply therewith, or with any of the provisions thereof, shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not exceeding five hundred dollars (\$500.00). Every day's violation shall constitute a separate and distinct offense. The City retains all other legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 38. CUMULATIVE AND SAVINGS.

This Ordinance shall be cumulative of all provisions of Ordinances of the City of Garden Ridge, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

SECTION 39. SEVERABILITY.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 40. EFFECTIVE DATE.


This Ordinance shall become effective immediately upon its passage, approval, and publication as provided by law.

PASSED AND APPROVED ON this 4th day of May, 2022.



Robb Erickson
Mayor

ATTEST:


Marisa Spencer
City Secretary