

Chapter 3

Animals and Fowl

Article 1. In General

Section 3-1. 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) **Animal** means any living creature except human beings classified as a member of Kingdom Animalia and including, but not limited to mammals, birds, reptiles and fish.
- (b) **Animal control facility** means an establishment operated by the City of Dimmitt for the temporary confinement, safekeeping and control of animals, which come into the custody of the City of Dimmitt.
- (c) **Animal Control Officer and City enforcement agent** means (a) an employee of the City of Dimmitt authorized to enforce all ordinances and state laws pertaining to the ownership, care, and management of animals by exercising lawful authority to issue citations, notices of violation, and seizing animals, and obtaining warrants or court orders pertaining to animals; and/or (b) a Texas peace officer acting to enforce this chapter or state laws pertaining to animals.
- (d) **Animal establishment** means any facility or business that has custody or control of animals within the City of Dimmitt including, but not limited to, pet shops, pet grooming facilities, kennels, but not including veterinary or medical facilities.
- (e) **Assistance animal** means any animal trained to assist a handicapped person.
- (f) **At large** means an animal (other than a house cat) that is out of the fenced premises of the person owning, or having charge, custody or control of the animal and not under the immediate control of a person by means of a cage, leash, rope or other means of immediate effective physical control or restraint. The term shall not include animals being trained or exhibited while under the immediate physical or vocal control of a person.
- (g) **Dangerous animal** means any individual animal which, because of its physical nature or vicious propensity, is capable of inflicting serious physical harm or death to human beings and would constitute a danger to human life or property; or any animal which has behaved in such a manner that the owner thereof knows or reasonably should know that the animal is possessed of tendencies to attack or to injure human beings or other animals; or any animal certified by a doctor of veterinary medicine, after observation thereof, as posing a danger

to human beings, animals or property upon the basis of reasonable medical probability; or any animal that commit unprovoked attacks on other domestic animals.

- (h) **Domestic animal** means those animals which are naturally tame and gentle or which, by long association with man, have become thoroughly domesticated and are now reduced to such a state of subjection to his will that they no longer possess the disposition or inclination to escape. This definition specifically includes household pets, such as dogs and cats.
- (i) **Guard dog** means a dog trained and used in law enforcement, security or protective functions, responsive to control by its owner or handler and used only for authorized functions.
- (j) **Inhumane treatment of animals** means any treatment of an animal prohibited by Section 42.11 of the Texas penal Code, Chapter 821 of the Health and Safety Code, or by any other provision of law, including federal, state and local laws, ordinances or rules.
- (k) **Livestock** shall mean any member of the domesticated equine family, including horses, ponies, mules, donkeys and burros, and all members of the domesticated bovine family, including but not limited to bulls, cows and steers.
- (l) **Kennel** means any place where five (5) or more animals, of the same species, over the age of four (4) months, are raised, trained, boarded, harbored or kept. A veterinary clinic, animal hospital and animal pound are specifically excluded from this definition.
- (m) **Owner** means any person, partnership, corporation, association or other legal entity that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal remains for seventy-two (72) hours or more shall be rebuttably presumed to be the owner of such animal.
- (n) **Other animal** means a goose, chicken, duck, rabbit, guinea, pigeon, bird, fowl or other animal of domestic barnyard variety.
- (o) **Restrain**: Any animal shall be deemed to be restrained when it is:
 - 1. Confined on the premises of the owner with a fenced enclosure, capable of confining the animal;
 - 2. Fastened or picketed by a lead, rope or chain so as to keep the animal on the premises;
 - 3. Under the control of a person by a leash;
 - 4. Within a vehicle being driven or parked;
 - 5. At heel and obedient to oral command.
- (p) **Sterilized** means an animal rendered incapable of reproduction
- (q) **Vaccination** means inoculation of an animal with a rabies vaccine that is licensed by the United States Department of Agriculture for use in that species and which is administered by a veterinarian for the purpose of immunizing the animal against rabies.
- (r) **Veterinary hospital** means any establishment maintained and

operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

- (s) **Wild animal** means any animal not normally considered domesticated which, because of its size, vicious nature or other natural characteristic would constitute a danger to human life, property or domestic animals, including, but not limited to, the following animals:
1. Reptiles: snakes, lizards, crocodiles or alligators; or
 2. Birds: eagles, owls and any species illegal to own under federal or state law; or
 3. Mammals: ocelots, lions, tiger, jaguars, leopards, cougars, wolves, dingoes, coyotes, jackals, weasels, martins, minks, badgers, raccoons, pandas, bears, kangaroos, opossums, sloths, anteaters, armadillos, monkeys, chimpanzees, gorillas, orangutans, porcupines, antelope, deer, bison and camels.

Section 3-2. Interference with animal control department.

- (a) It shall be unlawful to interfere with, hinder, or attempt to prevent the animal control officer or any city police officer from capturing or impounding any animal running at large, whether on public or private property, or in the performance of any other duty or responsibility described in this chapter.

Section 3-3. Penalty for Violation.

- (a) It is an offense to violate any provision or requirement of this chapter by failing, refusing or neglecting, to perform or comply with any restriction, obligation, or duty imposed by this chapter. This municipal criminal penalty is cumulative with and not exclusive of any civil action or penal charge available under state law or other remedies provided by law or equity.
- (b) Any person violating any provision of this chapter shall be deemed guilty of a Class C misdemeanor punishable by a fine not exceeding Two Thousand Dollars and No/100 Dollars (\$2000.00) as set by a judge or jury.

Section 3-4 Enforcement.

- (a) The city police department shall be responsible for enforcement of this chapter, except as may be herein provided. Enforcement may be by the filing of a criminal complaint in municipal court or by civil proceedings to enjoin nuisances or in any other manner authorized by law.

Section 3-5. Animal Care Generally.

- (a) Animals shall be cared for, treated and transported in a humane

manner and not in violation of Section 42.09 of the Texas Penal Code, Title 10 of the Health and Safety Code, or any other provision of law, including federal, state and local laws, ordinances and rules.

- (b) In addition, a person commits an offense if.
1. A person other than a licensed veterinarian docks an animal's tail or crops an animal's ears;
 2. A person sells, delivers, trades or barter a dog, or cat less than six (6) weeks old;
 3. A person dyes or colors chicks, ducks or rabbits;
 4. A person abandons or dumps any animal;
 5. A person who is in control of a motor vehicle which strikes a domestic animal fails to report the accident to the City of Dimmitt Police Department as soon as possible;
 6. A person treats an animal in an inhumane or cruel manner as defined by Section 42.09, Texas Penal Code and Chapter 821, Health and Safety code;
 7. A person causes an animal to fight, another animal or person (this provision shall not be interpreted to restrict rodeos, 4H Clubs or FFA Club activities and operations);
 8. A person fails to provide his animal with adequate wholesome food and water, proper shelter and protection from inclement weather and veterinary care when needed to prevent suffering;
 9. A person, firm or corporation shall raise or kill a dog or cat for the skin or fur;
 10. A person, firm or corporation shall mutilate any animal, whether such animal is dead or alive (medical or veterinary medical research, medical or veterinary medical autopsies, and biology class use of animals shall not be considered mutilation);
 11. A person shall engage or allow another to engage in any sexual act with an animal;
 12. A person allows a stray animal to remain on their property without notifying the city police department of such fact within twenty-four (24) hours;
 13. A person transporting an animal fails to effectively restrain such animal so as to prevent the animal from leaving or being accidentally thrown from the vehicle during normal operation of the vehicle or fails to restrain the animal so as to prevent infliction of bodily harm or passerby; and,
 14. A person who owns or is in control of an animal permits such animal to be at large within the City of Dimmitt.

Section 3-6. Leaving animal unattended in vehicle.

- (a) A person having charge or custody of an animal shall not place or confine such animal or allow such animal to be placed or confined in

a motor vehicle or trailer under such conditions or for such a period of time as may endanger the health of the animal due to heat, lack of food or water, or such other circumstances as may injury or death of the animal. City enforcement agents finding an animal being held in violation of this provision may obtain a search warrant from a justice of the peace pursuant to Section 821.022 of the Health and Safety Code and may impound such animal pending a hearing.

Section 3-7. Tying dogs and other animals.

- (a) It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object for a period of time or in a location so as to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian as determined by the animal control officer. The term “unhealthy situation” shall include, but not be limited to the following:
 - 1. To tether any animal in such a manner as to permit the animal access upon any public right-of-way;
 - 2. To tether any animal in such a manner as to cause the animal injury or pain or not to permit the animal to reach shelter, food and/or water;
 - 3. To tether any animal in such a manner as to permit the animal to leave the owner’s property;
 - 4. To tether any animal in a manner whereby the animal is subject to harassment, stinging bites from outdoor insects and attacks by other animals;
 - 5. To fail to remove waste from the tethered area on a daily basis; or
 - 6. To use choke-type collars to tether any animal.
- (b) The use of a tether that is at least ten (10) feet in length, that is equipped with swivel ends, that is positioned in such a manner as to prevent the animal from becoming entangled with any obstruction, from partially or totally jumping any fence, or leaving any part of its owner’s property, and that is secured to the animal using a properly fitted collar or harness shall be a permissible means to tether the animal if said use does not otherwise violate this section.
- (c) For purposes of this section, the term “tether” shall mean to chain, tie, fasten or otherwise secure an animal to a fixed point so that is can move or range only within certain limits.

Section 3-8. Stock running at large.

- (a) It shall be unlawful for any person owning or controlling any horse, mule, mare, jack, jennet, cow, sheep, goat or other animal to permit same to run at large, day or night, within the corporate limits of the city.

Section 3-9. Fowl at large.

- (a) It shall be unlawful for any person raising or keeping any type of chickens, turkeys, ducks or guineas, or any other type or kind of fowl to allow or permit the same to be at large or run at large within the city.

Section 3-10. Duty upon striking domesticated animal or livestock.

- (a) Any person who, as the operator of a motor vehicle, strikes a domesticated animal or livestock shall immediately report such injury or death to the animal's owner. In the event the owner is unavailable or unknown, then such report shall be made to the Dimmitt Police Department.
- (b) It shall be unlawful for the owner or custodian of any animal which has been killed or died and which is not intended as food for human consumption, to permit or suffer any such dead animal to remain upon the premises.

Section 3-11. Keeping of animals prohibited

- (a) It shall be unlawful for any person to keep, harbor or maintain for any length of time whatsoever any of the following animals or fowls with the city:
 1. Cows, horses, mules, sheep, goats, jacks, jennets, or other livestock;
 2. Swine of any type or kind whatsoever, save and except as permitted by this chapter;
 3. Fowl of any type of kind whatsoever.

Section 3-12. Females in heat under control.

- (a) It shall be unlawful for the owner or person in control of any unspayed female dog or cat, while such dog or cat is in heat, to allow the same to be upon, in or about any public house, public place, street or alley in the city.

Section 3-13. Vicious animals prohibited in public places.

- (a) It shall be unlawful for any person or owner in control of any vicious or dangerous dog or cat to keep or permit the same in or about any public house, public place, street or alley in the city.

Section 3-14. Sanitation.

- (a) It shall be the duty of any person keeping, harboring or maintaining any animals in the city to keep the enclosure, pen or other place wherein the same are kept, harbored or maintained in a clean and sanitary condition.

Section 3-15. Acts constitution a public nuisance.

- (a) It shall be unlawful for any person to create, permit, maintain or allow the creation or maintenance of any nuisance as provided by the provisions of this division. The following acts and conditions are hereby declared to be a public nuisance with the city limits:
1. The harboring or maintaining of any dog or cat, or dogs or cats, in any enclosure unless the excrement from said dog or cat is cleaned up and disposed of or buried at least once every twenty-four (24) hours;
 2. Engaging in conduct which established such animal is a “dangerous animal”;
 3. Damage, soil, defile or defecate on private property other than the owner’s or on public property, unless such waste is immediately removed and properly disposed of by the owner of the animal;
 4. Allow animals to be “at large” (excluding house cats);
 5. Cause a disturbance by excessive barking or noise making near the private residence of another;
 6. Produce odors or unclean conditions sufficient to annoy persons living in the vicinity; or
 7. Chase vehicles, molest, attack or interfere with other animals or persons on public property.
- (b) Every person possessing any place in or on which there is a nuisance as defined by this division, as soon as its presence comes to his knowledge, shall proceed at once to abate such nuisance.

Section 3-16. Keeping of other animals; Nuisance conditions.

- (a) The keeping of chickens, geese, ducks, guineas, pigeons, rabbits, or any other such animals within the city limits of the City of Dimmitt is hereby declared to be a nuisance and is prohibited.
- (b) The keeping of any livestock within the city limits of the City of Dimmitt is hereby declared to be a nuisance and is prohibited.
- (c) All manure and other excrement shall be disposed of in such a manner as to prevent it from becoming offensive to other persons living nearby.
- (d) It shall be unlawful for any person to park or leave standing any truck, trailer, or other vehicle that has been used for the hauling of livestock, animals or fowl in a residential area of the City of Dimmitt when notified by a city enforcement officer that such vehicle is creating a nuisance due to odors, gases or fumes. Upon such notification, the owner, operator, driver or other person responsible for such vehicle shall move such vehicle to a location outside of any residential area of the city.
- (e) It shall be unlawful for any person to transport slop, garbage or other refuse over any alley, street or highway within the corporate limits of the city for the purpose of feeding hogs or swine within the city.

Section 3-17. Notice and order to abate.

- (a) Whenever any nuisance as defined in this chapter shall exist, the animal control officer or his designee, shall notify, in writing, the owner or occupant of the premises where the nuisance exist and shall order the owner or occupant to abate and/or remove the nuisance described in such notice within such time which may be specified.

Section 3-18. Extension of time.

- (a) Within the period of time given in the order for abatement, the owner or occupant shall have the right to appear in the Dimmitt Municipal Court to show cause why the order should not or cannot be complied with; and the Municipal Judge may, at his/her discretion, give such extension of time for the abatement of the nuisance as may be necessary if there is no immediate danger to the public.

Section 3-19. Abatement by City

- (a) If the owner or occupant refuses to obey an order to abate as provided in this division, or if the premises are unoccupied, or if the owner cannot be found, the Animal Control Officer shall cause the nuisance to be abated or removed and shall defray the costs thereof at the expense of the city. All expenses so incurred shall be charged against the owner and shall constitute a lien on the premises where the nuisance existed.

Section 3-20. Right of entry; Search warrants.

- (a) The city enforcement agent and city police officers are hereby authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of capturing and impounding any animal running at large thereon, which authorization is granted due to the emergency created by the potential rabies hazard or danger of injury to person and other animals and in recognition of the likelihood such animal will otherwise escape capture. Further, in the event the city enforcement agent has reason to believe an animal has been, is being cruelly treated or has rabies, he may obtain a search warrant from a justice of the peace and impound such animal even if it is enclosed on private property.

Section 3-21 Impoundment; Redemption; Disposition.

- (a) It is the duty of the enforcement agent to capture and impound such animals as are running at large or which are required to be impounded pursuant to other laws or ordinances and to accept any animal delivered to the animal control facility pursuant to the requirements of this chapter. In addition, it is the duty of the enforcement agent to capture and impound house cats as well as other animals in response to citizen complaints or to control feral

populations.

- (b) The city enforcement agent or his deputies upon receiving an animal for impoundment shall make a complete registry, including the species, breed, color and sex of such animal, whether it is licensed, and the time and place of taking custody. If the animal has been licensed, he shall enter the name and address of the veterinary clinic, year and the number of the license tag. Licensed animals shall be kept separate from un-licensed animals.
- (c) If, by license tag, the owner of an impounded animal can be identified, the city enforcement agent shall, as soon as possible, notify the owner by telephone or mail.
- (d) Impounded, unlicensed animals shall be kept for not less than three (3) days, unless earlier reclaimed by the owner under acceptable conditions; and impounded licensed animals shall be kept for not less than five (5) days, unless earlier reclaimed by the owner under acceptable conditions. However, no impoundment period is required for an animal voluntarily delivered to the animal control facility by its owner.
- (e) The animal control officer may dispose of impounded animals after the expiration of any required impoundment period by auction, humanely destroying the animal or offering it to a local animal humane group for adoption.
- (f) Any impounded licensed or un-licensed animal which appear to be suffering from serious injury or disease and which is in great pain and suffering and probably will not recover or which appears to have an infectious disease which is a danger to humans or to other animals in the opinion of the animal control office, may be destroyed immediately by the animal control agent. In the event such an animal is licensed, the city enforcement agent shall attempt to notify the owner by telephone before taking action.
- (g) It shall be unlawful for a person to fail or refuse to deliver an unlicensed or unvaccinated animal to a city enforcement agent or police officer upon demand for impounding.

Section 3-22. Sale or destruction of impounded animals.

- (a) The city enforcement agent may sell impounded animals at a public auction for cash after any required impoundment period has passed without such animal being reclaimed by its owner. Notice of such public auction shall be given at least one (1) week before such sale by publishing such notice in the Castro County News published in the City of Dimmit. In addition, animals being held pursuant to an order of a county judge in accordance with chapter 821 of the Health and Safety Code shall be disposed of in accordance with such chapter.
- (b) Any animal impounded under the provisions of this chapter, which is not sold at public auction, may be humanely destroyed or offered to

- a local humane group for adoption by the city enforcement agent.
- (c) The city enforcement agent shall keep a record giving a description of all animals sold at auction, including the date of impounding, the date of sale, the amount received for the animal and the name and address of the purchaser.

Section 3-23. Butchering and dressing out of animals.

- (a) It shall be unlawful for any person to butcher or dress-out any animal within the City limits of the City of Dimmitt, Texas.
- (b) This prohibition against the butchering of animals shall not apply to a facility licensed by the Texas Department of Health for the preparation of meat or meat products. (Ordinance 579, § 7-16-07.)

Article 2. Rabies Control; Licensing; Clinics

Section 3-24. State regulations adopted.

- (a) The City of Dimmitt hereby adopts by reference the Rabies Control Act of 1981 (Texas Health and Safety Code, Chapter 826), as amended, and the standards established by the Texas Board of Health as minimum standards for rabies control and quarantine provisions within the City of Dimmitt. In addition thereto, all of the rabies control provisions of this chapter, which are adopted pursuant to Sections 826.015 and 826.033 of the Health and Safety Code, shall have application in the City of Dimmitt.

Section 3-25. License required.

- (a) It is a violation of this chapter if any person owning, keeping, harboring or having custody of a dog or goat over the age of four (4) months within the City of Dimmitt does not license such animal as provided herein. Police dogs or assistance animals shall be exempt from the license fee. This section does not apply to animals temporarily within the city for a period of time not to exceed thirty (30) days.

Section 3-26. Issuance by veterinarians.

- (a) The animal control officer is hereby authorized to appoint duly licensed veterinarians as his deputies for the limited purpose of issuing dog and cat licenses. Licenses shall be on numbered forms and tags furnished by the animal control officer and shall be issued subject to the provision of this chapter and any other rules, regulations or ordinances relating to the issuance of such licenses.

Section 3-27. Vaccination and license.

- (a) A veterinarian may not issue a license for an animal that has not been vaccinated for rabies and all veterinarians shall report the license numbers issued upon vaccination of an animal to the animal control officer with thirty (30) days.

Section 3-28. Accounting by veterinarians.

- (a) Each veterinarian appointed under Section 3-203 shall account to the animal control officer monthly for all licenses and tags issued and shall remit all license fees collected at such time.

Section 3-29. Collar with license to be worn by dogs or cats.

- (a) All dogs and cats four (4) months of age or older must wear a collar or harness securely attached to its body, which shall have attached thereto a current license tag. Veterinarians are encouraged to attach the tag to the animal's collar when the tag is purchased.

Section 3-30. Failure to obtain or attach a license.

- (a) Any owner who fails to obtain a current license tag for his animal or who fails to attach said tag to the animal's collar or harness shall be deemed guilty of a misdemeanor punishable in accordance with Section 3-103 of this chapter and the animal may be impounded.

Section 3-31. Improper use; Refund of fee.

- (a) No person may use a license on an animal, other than that for which the license was issued and no refunds shall be made on any license fee because of death of the animal or because the owner is leaving the City of Dimmitt.

Section 3-32. Duplicate license.

- (a) A duplicate license may be obtained upon a payment of a fee established by this chapter.

Section 3-33. Expiration, renewal; Issuance of license.

- (a) Licenses shall expire one (1) year from the date of vaccination, unless revoked or renewed earlier.
- (b) Upon immunization of an animal against rabies by a licensed veterinarian, payment of a license fee, and submitted of a written application stating the name, address and telephone number of the owner and a description of the animal, the animal control officer or an authorized veterinarian may issue the owner a license certificate and a metallic tag for such animal. The tag shall have stamped thereon the year for which it is used and a number corresponding to the number of the license certificate.

Section 3-34. Rabies clinics.

- (a) Rabies clinics shall be conducted at community or civic locations within the city.
- (b) The veterinarians practicing in the particular area of the city where the clinic is to be conducted shall conduct rabies clinics. If two (2) or more veterinarians are in the general locale, they should cooperate in conducting the clinic. If no veterinarian is available in the general locale, then all veterinarians in the community should cooperate in conducting the clinic.
- (c) Rabies clinics shall be offered only when a veterinarian is not located in the general area or if all veterinarians in that area notified and given an opportunity to participate.
- (d) Only rabies vaccinations shall be offered at such clinics.
- (e) In the event that no veterinarian desires to participate in a clinic in an area of the city where the animal control officer deems it to be in the public interest to conduct such a clinic, then the city may sponsor such a clinic.

ARTICLE 3 OTHER ANIMALS

DIVISION 1. DANGEROUS ANIMALS

Section 3-35. Possession of dangerous animals.

- (a) No person shall knowingly sell, offer for sale, breed, possess, buy, or attempt to buy a dangerous animal within the City of Dimmitt, unless such animal has been permitted pursuant to this chapter.
- (b) No person shall knowingly own, harbor, sell or offer for sale any animal which is to be used for the purpose of fighting, or to be trained, tormented, badgered or baited for the purpose of causing or encouraging said animal to attack human beings or domestic animals when not provoked, except this section shall not apply to guard dogs.

Section 3-36. Complaint about a dangerous animal.

- (a) Complaint. When a person reports a dangerous animal to the animal control officer or the Dimmitt Police Department, the authorities shall investigate the report and notify the owner of the report. The animal control officer or his designated agent shall obtain a sworn written statement from at least one witness, which shall contain at least the following information:
 - 1. Name, address and telephone number of the complainants and witnesses;
 - 2. A brief description of the incident or incidents which cause the complainant to believe such animal is a dangerous animal, including date, time and location;

3. A description of the animal and the name, address and telephone number of the owner of the animal, if known; and
 4. Any other fact that the complainant believes to be important.
- (b) Investigation. The animal control officer or his designated agent shall conclude the investigation no longer than ten (10) days after receipt of the report or sworn statement, whichever occurs later. Upon completion of investigation the animal control officer or his designated agent shall either;
1. Close the case if it is determined that the report or complaint is unsubstantiated, or
 2. Refer the case to the Dimmitt Municipal Court for a hearing, if the report or complaint is substantiated.
- (c) Seizure pending disposition. Upon sworn application of the animal control officer or a peace officer stating probable cause that the animal is dangerous and there is some reason to believe that the animal may endanger other persons before the investigation and hearing or appeals can be completed, then the Municipal Court Judge may issue a warrant authorizing the animal control officer or his designated agent or peace officer to:
1. Retain the animal if it has been captured at large, or
 2. Enter the grounds of a building or dwelling to seize the animal and detain same, until disposition of the investigation and any hearing and appeal. The warrant shall authorize entry inside a residential dwelling or building.
- (d) Notice. When a case is referred to the Dimmitt Municipal Court for a hearing, the animal control authorities will notify the animal's owner of the date, time, place and subject of the hearing, excluding date of the hearing. Notice is adequate when a copy is timely served to the owner by one of the following methods:
1. Certified mail to the owner's last known address (return receipt requested); or
 2. Personal service; or
 3. Securely affixing a copy to the front door of the owner's residence or place of business.
 4. When certified mail is used, the animal control authorities shall add an additional three-day to the notice period.
- (e) Hearing. The Municipal Court Judge may compel the attendance of complainant, any known witnesses, the animal owner against whom the complaint was filed, and the Animal Control officer. Upon conclusion of a hearing to determine if an animal is a dangerous animal, the Municipal Court may find that the animal is not dangerous, in which case it shall be properly returned to the owner if it is in custody, or the public health administrator may find that the animal is dangerous and may order that the owner comply with one or more of the following requirements:
1. Removal of the dangerous animal from (within) the city

2. Humane destruction of a dangerous animal;
 3. Spaying or neutering of a dangerous animal at the owner's expense; or
 4. Registration and compliance with all requirements of this article, including obtaining liability insurance coverage or showing financial responsibility in an amount of at least one hundred thousand dollars (\$100,000) to cover damages resulting from an attack by the dangerous animal causing bodily injury to a person or for damages to any person's property resulting from the keeping of such dangerous animal. A certificate of insurance or other evidence of meeting the above requirements shall be filed with the Police Department of the City of Dimmitt before said dangerous animal should be returned to the owner if the City of Dimmitt or a veterinarian is holding it.
- (f) Defenses. No animal shall be declared a dangerous animal if the threat, injury or damage caused by the animal was the result of a willful trespass upon another's property, or the person injured was tormenting, abusing or assaulting the animal or its owner, or was committing or attempting to commit a crime at the time of injury.
- (g) Appeal
1. An owner may appeal a decision of the Municipal Court to the County Court, in accordance with Chapter 30 of the Texas Government Code, as amended. Following a finding that the animal is dangerous, each day the owner fails to comply with the state law requirement for dangerous dogs (regardless of species of the animal) shall constitute a separate violation of this chapter.
 2. Decisions of the County Court of Castro County shall be final.

Section 3-37. Registration required.

- (a) All owners of dangerous animals required to be registered with the City of Dimmitt shall provide the name and address of the owner; the breed, age, sex, color and any other identifying marks of the animal; the location where the animal is to be kept if it is not at the address of the owner; two (2) color photographs of the dangerous animal; and the aforementioned certificate of liability insurance.

Section 3-38. Care and control of permitted dangerous animals.

- (a) The owners of permitted dangerous animals shall not allow the animal to go outside of its cage, pen or enclosure unless the animal is under physical restraint.
- (b) No person shall permit a dangerous animal to be kept outside of its cage, pen or enclosure on a chain, rope or other type of leash unless

- a person is in physical control of the chain, rope or leash.
- (c) Dangerous animals shall not be leashed to inanimate objects, such as trees, posts, building, etc.
 - (d) All dangerous animals outside their cage, pen or enclosure must be securely muzzled to prevent the animal from biting other animals or human beings.
 - (e) The owner of a dangerous animal at both front and rear property entrance shall prominently display a sign giving notice of a dangerous animal on the premises.
 - (f) The cage, pen or enclosure for a dangerous animal must have secure sides; a secure top attached to the sides; and a secure bottom which is either attached to the sides or else the sides of the structure must be embedded in the ground no less than three (3) feet.

Section 3-39. Seizure upon violation.

- (a) In the event that any owner of an animal declared to be dangerous violates any order of the animal control officer or other law enforcement authorities, the animal may be immediately seized and impounded by the animal control officer or a law enforcement officer. In addition, the animal shall be seized immediately if the animal bites, injures or attacks a human being or another animal. Any animal already declared to be dangerous which is seized for causing injury to a human being or another animal may be ordered removed from the city of Dimmitt or humanely destroyed and may not continue to be a registered dangerous animal.

DIVISION 2. WILD ANIMALS

Section 3-40. Keeping of wild animals.

- (a) It shall be unlawful for any person to keep or maintain any wild animal unless a special permit therefore is first obtained from the animal control officer, who shall issue such permit if the officer finds that:
 - 1. The animal is at all times kept or maintained in a safe manner and this it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or property.
 - 2. Adequate safeguards are made to prevent unauthorized access to such animal by members of the public.
 - 3. The health or well being of the animal is not in any way being endangered by the manner of keeping or confinement.
 - 4. The keeping of the animal does not constitute a nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.
 - 5. The keeping of such animal will not create or cause offensive

- odors or constitute a danger to public health.
6. The quarters in which such an animal is kept or confined are so constructed that they may be kept in a clean and sanitary condition.
 7. The applicant has paid the applicable permit fee.
- (b) Said permit shall be renewable annually upon a finding by the animal control officer that the above conditions have been met. The above provisions shall not apply to the keeping of wild animals if the owners or possessor;
1. Is a governmental agency or entity; or
 2. Holds a circus, carnival or zoo license from the State of Texas; or
 3. Is an individual or member of a nonprofit animal rehabilitation organization holding a permit from the Texas Parks and Wildlife Department; or
 4. Is a research institution or an accredited educational institution; or
 5. Is an individual holding a state or federal permit to possess wildlife.
- (c) Decisions of the animal control officer pertaining to wild animals may be appealed to the Municipal Court of the City of Dimmitt by filing a written notice of appeal with five (5) days with the city manager's office. During the pendency of such appeal, the decision of the animal control officer shall be suspended, provided that the owner shall surrender the animal to the animal control facility or to a veterinarian for observation. Decisions of the Municipal Court shall be final.

DIVISION 3. BEES, LIVESTOCK, HOGS, ETC

Section 3-41 Bee-Keeping.

- (a) It shall be unlawful for any person to keep or allow bees, or their hives within the city limits, except honeybees may be kept if the following conditions are met:
- (b) All hives shall be located a minimum of thirty (30) feet from any property line or enclosed fenced area;
 1. There shall be no more than four (4) hives per city lot;
 2. There is an adequate source of water within twenty (20) feet of all hives; and
 3. Location of three (3) or more hives per city lot shall require written permission to be obtained from the owners of all adjoining property; and
 4. There may be maintained one (1) nucleus for each two (2) colonies. The nucleus shall not exceed one (1) ten-framed hive body. Each nucleus shall be disposed of within sixty (60) days after it is acquired.

Section 3-42. Keeping of hogs or swine.

- (a) It shall be unlawful for any person other than a veterinarian to keep any live hogs within the city limits, except in the hereinafter-named locations, for a longer period than twenty-four (24) hours.
- (b) This section shall not prohibit the keeping of one (1) pure bred Vietnamese potbellied pig with appropriate documentation as to breeding, which papers shall be kept available for inspection by appropriate officials.

Section 3-43. Nuisance animals.

- (a) It shall be unlawful for any person to own or maintain an animal in such a manner as to constitute a public nuisance. The following acts shall constitute a public nuisance:
 - 1. Failure to restrain an animal;
 - 2. Damage to property caused by an animal;
 - 3. Maintaining a domestic animal or livestock in an unsanitary environment which shall include but not be limited to the failure to remove urine and feces daily from the confinement areas to minimize the breeding of flies and rodents;
 - 4. Permitting an animal to bark, whine, howl, crow, cackle or make any other noise which causes annoyance or interference with the reasonable use and enjoyment of a premises;
 - 5. Herding of animals, along or upon any Public Right-of-way, except by any officer, agent or employee of the federal, State of local government or agency thereof, if such herding is done in the performance of his official duties.

DIVISION 4. ANIMAL TRAPS

Section 3.44. Placement and baiting of animal traps in public places.

- (a) It shall be unlawful for any person to place or place and bait or to permit the placing or placing and baiting of any trap designed for trapping animals in any highway, street, alley or other public place within the corporate limits of the city. However, nothing in this chapter shall prohibit a city enforcement agent from placing such traps on public or private property as may be necessary to capture animals running at large.

Section 3-45. Steel jawed traps prohibited.

- (a) It shall be unlawful for any person to place or place and bait or to permit the placing or placing and baiting of any steel jawed (commonly known as a “bear trap”, “wolf trap” or “coyote trap”) within the corporate limits of the city.

Section 3-46. Abandoned traps.

- (a) Any traps mentioned in this article found upon public property are hereby declared to be abandoned traps and any city enforcement officer is hereby authorized and directed to impound any such trap and process the same as abandoned property in accordance with the applicable provisions of this Code. Article IV. FEES FOR LICENSES, PERMITS AND IMPOUNDMENTS

Section 3-47. Fees for licenses, permits and impoundment.

- (a) The fees associated with this chapter are listed within the official fee schedule adopted as part of this City Code and are located in the appendices of this Code. A current copy for daily reference shall be maintained on file with the City Secretary. (Ordinance adopted August 19, 2002)