

## ORDINANCE NO. 345

AN ORDINANCE REGULATING THE KEEPING OF ANIMALS IN THE CITY OF WINK, TEXAS; REGULATING AND CONTROLLING PLACES WHERE LIVESTOCK AND FOWLS MAY BE KEPT; PROVIDING FOR LICENSES AND TAGS ON DOGS AND CATS; PROVIDING FOR THE REDEMPTION OF DOGS AND CATS AND THE DISPOSAL THEREOF IF NOT REDEEMED; AND PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE. (THIS ORDINANCE REPEALS ALL PRIOR ORDINANCES ON LIVESTOCK, FOWL, DOGS, AND CATS.)

### ANIMALS KEPT INSIDE CITY LIMITS

#### ARTICLE I. IN GENERAL

##### 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:

*At large* means not under control of the owner, either by leash, chain cord or other suitable material attached to a collar or harness or restrained securely within an enclosure or fence, unless such land owned by the owner of the dog or cat.

*Cat* means cats and other animals of the feline kind, both male and female.

*Dog* means both male and female.

*Fence* means a structure that is constructed to securely enclose an area and could be reasonably expected to confine the particular dog within its boundaries.

*Fowl* means any domesticated bird kept for its eggs or flesh.

*Livestock* means any cattle, horse, mule, burro, sheep, goat, jack, jennet, pig, hog, or other domestic or barnyard animal.

*Owner* means any person owning, keeping, harboring, or having control or custody of a dog or cat.

##### Administration of chapter.

It shall be the duty of the animal control officer to enforce this chapter. The animal control officer shall perform such other duties as shall be prescribed from time to time by the properly authorized official of the city.

##### Keeping of fowl.

The keeping of live chickens, turkeys, guinea hens, ostriches and emus within the city limits is hereby prohibited, unless exempted below.

Any person, firm, or corporation violating this provision, upon conviction of such violation, shall be fined in an amount not to exceed \$200.00

If the fowl was kept in the city limits prior to the effective date of this ordinance, the owner may continue to keep the fowl, according to the provisions in Article III. If the owner also has land that is not within the city limits, the owner must relocate the fowl to the land outside of the city limits if such relocation is feasible.

**Keeping of livestock.**

The keeping of livestock within the city limits is hereby prohibited, unless exempted below.

Any person, firm, or corporation violating this provision, upon conviction of such violation, shall be fined in an amount not to exceed \$200.00

If horses were kept in the city limits prior to the effective date of this ordinance, the property owner, and any subsequent property owners, may continue to keep the horses on that property, according to the provisions in Article III.

If goats were kept in the city limits prior to the effective date of this ordinance, the owner of the goats may continue to keep the goats, according to the provisions in Article III. If the owner also has land that is not within the city limits, the owner must relocate the goats to the land outside of the city limits if such relocation is feasible

If rabbits are to be kept on a temporary basis for the purpose of a child's active participation in at 4-H program, the rabbits may be kept at the child[s] home within the city limits, according to the provisions in Article III.

**Keeping of exotic or wild animals.**

No exotic or wild animals shall be kept within the city limits, except under conditions to be determined by the city. However, exotic or wild animals may be kept for exhibitions purposes by circuses, zoos and educational institutions in accordance with such conditions and regulations as shall be established by the city.

**ARTICLE II. DOGS AND CATS.**

**Dogs at Large.**

- (A) It shall be unlawful for any person owning or having control over or having custody of any tagged dog to permit or allow such dog to run or be at large upon and unfenced lot, tract or parcel of public or privately owned land not owned by the owner of such dog within the corporate city limits.
- (B) Enforcement of this section shall be by a sworn complaint, filed in municipal court, by any citizen of the city against the owner of the tagged dog that violates this section.
- (C) Penalty, upon conviction in municipal court, shall be a fine not to exceed \$200 for the first conviction not to exceed \$500 for a subsequent conviction. Upon the fourth offence the court may order the animal be removed from the owner.
- (D) The municipal court judge shall have the authority to order any dog or cat (tagged or not tagged) which violates this section to be impounded, and the animal control officer, deputy or police officer is thereby authorized to enter upon any lots, tract, or parcel of land for the purpose of seizing and impounding such animal.

**Animal Bites.**

- (A) Whenever any dog, cat or other domesticated animal has bitten, scratched, or otherwise attacked any person within the corporate city limits, the animal shall be confined in such place as the chief of police or animal control officer may direct and for such period of observation as may be necessary, unless such animal is too vicious and dangerous to be impounded safely, in which case it may be euthanized and the head shipped to the state laboratory of hygiene for rabies examination.
- (B) Whenever any dog or cat or other animal bites, scratches, or otherwise attacks any person within the corporate city limits, the owner of the animal shall immediately notify the police department. The chief of police or animal control officer shall order that the animal be confined and held at the owner's expense for a period of ten days in isolation approved by the chief of police, if practical. However, if such dog or cat or



other animal cannot be safely captured or impounded, it may be slain by any police officer. The charges for the impoundment will be paid directly to the City of Kermit.

#### **Vicious Dogs or Cats.**

If any dog or cat within the city shall bite, scratch, or otherwise attack a person, the person so attacked not at the time trespassing upon the property of the owner or person having control of such dog or cat, or if it cannot be proved beyond a reasonable doubt that the person so attacked was provoking or teasing such dog or cat, the municipal court shall have the authority to hold a hearing. If such court shall determine at such hearing that such dog or cat is vicious or dangerous to persons or other animals, the court may order conditions pursuant to Section 822.042 of the Health and Safety Code.

#### **Dogs Disturbing the Peace.**

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 dogs which by loud or unusual barking or howling, shall cause the peace and quiet of the neighborhood or the occupants of the adjacent premises to be disturbed or reasonably liable to be disturbed.

#### **Vaccination and Registration Required.**

To protect the health of the people of the city, it is the policy of the city that all dogs and cats over four months of age shall be vaccinated for rabies in conformance with state law. All dogs and cats kept within the city limits shall wear a collar and tags. Failure to register and vaccinate your animal shall be a violation of the city Ordinance and will be punished by a fine in the Municipal Court not to exceed \$200.00

#### **Registration Fee.**

- (A) There is hereby levied upon each dog or cat more than four months of age which is kept, harbored or maintained by the owner thereof in the corporate city limits an annual registration fee which is on file in the city secretary's office.
- (B) No refunds shall be made for any dog or cat registration fee for any reason whatsoever.

#### **Rabies Vaccination Required for Issuance of Tag.**

The city shall not issue any registration tag for any dog or cat until the owner or person in charge of such animal shall have obtained and presented to the city a certificate from a veterinarian, licensed to practice veterinary medicine in the state, that such dog or cat has been vaccinated for rabies within the year for which the registration is required, or, in the alternative, a certificate showing that such dog or cat has been subjected within the preceding year to an inoculation of vaccine providing immunity for a period of not less than three years from the date of vaccination.

#### **Issuance of Tag.**

Upon payment of the registration fee required under this division, the city shall issue to the owner a metallic tag for each dog or cat so registered and shall make a registration record of the animal. The tag shall have stamped thereon the date it was issued and the number corresponding with the number of the registration record.

#### **Collar or Harness Required for Attachment of Tag.**

It shall be unlawful for any person to maintain or keep a dog or cat more than four months of age on any premises within the corporate city limits unless such dog or cat wears a collar or harness securely attached to its body to which shall be securely attached a tag issued for such dog or cat by a licensed veterinarian, licensed to practice veterinary medicine in the state,



showing that the dog or cat has been within the current calendar year or within the preceding one year, vaccinated against rabies, and also securely attached to such collar or harness a registration tag showing such dog or cat has been registered by the city for the current year.

#### **Transferability of Tag.**

Dog or cat tags shall not be transferable from one dog or cat to another. It shall be unlawful for the owner or person having control over or custody of any dog or cat to transfer such registration tag from the dog or cat for which such tag was issued to any other dog or cat. However, if there is a change in ownership of a dog or cat during the license year, the new owner may have a current registration transferred to him upon the payment of a transfer fee which is file in the city secretary's office.

#### **Untagged Dogs and Cats.**

(A) It shall be unlawful for any person owning or having control over or having custody of any untagged dog or cat over the age of four months to permit or allow such dog or cat to be within the corporate city limits.

(B) The animal control officer or any of his deputies or any police officer while on duty may seize and impound, subject to this article, all untagged dogs and cats found running at large upon any public or private property within the corporate city limits, whether in the immediate presence of the owner or custodians or otherwise. If the animal is impounded, an impound fee which is on file in the city secretary's office will be charged. If any dog or cat four months of age or older that has valid rabies shots but does not have a current city registration is picked up, the owner shall be charged an impoundment fee which is on file in the city secretary's office for each offense.

(C) The animal control officer or any of his deputies or any police officer may enter upon any unfenced property, public or private, to impound an untagged dog or cat running loose.

(D) Any untagged dog or cat kept within a building, kennel, cage, fenced back yard or on a chain or leash is declared to be a public hazard and is presumed to be the property of the owner or tenant of the property upon which is confined.

(E) The animal control officer or any citizen may file, in municipal court, a sworn complaint against the owner of the animal for keeping an untagged dog or cat, and, upon conviction, shall be assessed a fine.

(F) In addition to the impound fee or fine, the animal control officer will release the animal to the owner, after the animal receives a rabies vaccination and the owner reimburses the city for the expense of the vaccination.

#### **Unlawful Taking of Collar or Tag.**

It is unlawful for any person to willfully take from any dog not his own a collar or tag.

#### **Registry Upon Impoundment of Dog or Cat.**

The animal control officer or his designated deputies, upon receiving any dog or cat, shall make a complete registry, entering the breed, color and sex of such dog or cat and whether registered and the place and time of taking the dog or cat into custody. If registered, he shall enter the name and address of the owner and the number of the license tag.

#### **Redemption Before Sale of Dog or Cat.**

(A) The owner of any unregistered dog or cat impounded may redeem such dog or cat at any time prior to the sale or destruction by having such dog or cat duly registered and vaccinated loffic.

(B) The owner of any registered dog or cat impounded may redeem such dog or cat at any time prior to sale or destruction by complying with the terms as required by the municipal judge.



### **Sale or Destruction of Dog or Cat.**

(A) It shall be the duty of the animal control officer to keep all properly tagged dogs or cats for a period of six days from the date of the impounding. If, at the expiration of six days, such dog or cat has not been redeemed by the owner, it may be destroyed or sold pursuant to the policies of the animal control department of the City of Kermit.

(B) It shall be the duty of the animal control officer to keep all untagged dogs and cats for a period of three days. If, at the expiration of three days from the date of impounding, such dog or cat has not been redeemed, it may be destroyed or sold, pursuant to the policies of the animal control department of the City of Kermit.

(C) At any time after the period of time for redemption for impounded dogs or cats shall have expired, the animal control department of the City of Kermit may, without further notice and without advertising in any manner, sell at private sale or public auction, for cash, any dog or cat not redeemed or reclaimed. All dogs or cats impounded and not redeemed, reclaimed or sold after the period of time for redemption has expired shall forthwith be destroyed pursuant to the policies of the animal control department of the City of Kermit.

### **ARTICLE III- LIVESTOCK AND FOWL**

#### **Registration.**

Within 10 days of notice of the effective date of this ordinance, it shall be mandatory for every person, firm, corporation, or anyone who has previously kept horses, goat or fowl on any premise located within the city limits, to register such livestock or fowls that are to be kept in the city permanently; that is for any period exceeding 48 hours.

No person shall bring into the city limits livestock or fowl for the purpose of maintain same in the city for active participation in a 4-H program, without first having applied for a permit to do so.

Having in possession will be construed to mean all livestock or fowls that are owned by any person whether maintained at the at person's residence or at any other place that is within the city limits. No livestock or fowl may be moved within the city limits without first qualifying the new place of maintenance by the proper registration and the meeting of the provisions of this section.

#### **Requirements for Maintenance of Specific Animals.**

No person shall maintain livestock or fowls within the city unless the following requirements are met which concern the space allotted to each animal or fowl:

(A) *Horses.*

(1) *Minimum space.* There shall be a minimum space of 1000 square feet for each horse kept within the city limits. The shed used for protection against the elements may be located on this plot. Every additional horse that is kept on the same lot must be given an additional 1000 square feet. The lot must be enclosed with a suitable fence and a top rail. Barbed wire will not be approved.

(2) *Distance.* Horse pens shall be located a minimum distance, not less than 50 feet from the residence and 200 feet from a business, unless the business is owned by the horse owner.

(B) *Cattle.* There shall be no cattle kept in the city limits.

(C) *Chickens.* Any fowl lot maintained in the city limits must be large enough to provide five square feet per chicken. The chicken house will be allowed to be a part of this area. Chicken wire shall be used as the fence material for chickens. The house must be of such construction as will allow for ease in cleaning and airing.



(D) *Rabbits*. All rabbit hutches must be kept in sanitary manner at all times, and so constructed as to allow ease in cleaning.

#### **Protective Measures Against Disease.**

(A) *Horses*. All horses maintained within the city limits must be vaccinated for Equine Encephelomyelitus and so registered with city.

(B) *Chickens*. Caution shall be taken in extreme cleanliness of all fowl yard to keep down bugs and lice which infect themselves on the skin. All houses, roosts, and nests must be treated periodically with an approved germicide in the form of a spray and powder. Care shall be taken to see that all cracks and crevices are thoroughly treated. Immediate attention of infection shall be brought to the city whereby protective measures can be obtained.

#### **Manure Disposal.**

Premises where manure is to be found shall be controlled by the following:

(A) Each premise where livestock or fowls are kept shall be registered for the proper maintenance and supervision. Along with the registration they will be required to maintain a container bin which will act as a storage place for all manure from such livestock or fowls. It shall be covered with an approved cover that will not allow the ingress or egress of flies. It will exclude any water (rainwater). Any person who maintains any animal lot or fowl pen must make daily collections of all droppings, the collection shall then be placed in the bin built for the purpose.

(B) Each person maintaining a pen shall be responsible for the disposal of same.

#### **Sanitary Maintenance of Premises.**

If, at the time of an inspection, the premises are not being maintained in the proper sanitary methods, a written notice shall be given to the person owning such premises and to the person owning the livestock or fowls to correct the defects. A re-inspection shall be made at the end of three days and if the corrections are not made, the permit will be revoked.

If any person maintains such livestock or fowl pens without an unrevoked permit from the city, they will be subject to a fine not to exceed \$500.00, and each day will constitute a separate offense.

#### **Impoundment of Livestock or Fowl**

The animal control officer shall cause all livestock or fowl that may be found running at large or illegally located within the corporate city limits to be impounded.

#### **Sale of Livestock or Fowl.**

(A) The animal control officer shall proceed to sell any animal impounded at public auction for cash after first giving five days' public notice of the sale. Such notice shall be given by posting written notices in two public places within the corporate city limits, one of which shall be posted in the post office. The notice shall describe the animal so taken and impounded and the time and place of the sale of such animal.

(B) After deducting fees for taking up the animal, for feed and care of the animal for each day it may be in the public pound, and for each animal impounded, which fees are on file in the city secretary's office, the remainder of the sale price, if any, shall be paid by the owner if known. If the owner is not known, the animal control officer shall pay the remainder of such money, if any, to the city treasurer, taking a receipt therefore. The animal control officer shall make a bill of sale for each animal sold to the purchaser thereof and shall report monthly the amount of his impounding fees, the description of the animals sold and the city treasurer's receipts for all

money paid to him. All fees collected by the animal control officer under this section shall be paid into the city treasury.

**Disposition of Livestock or Fowl.**

If, at the time of the sale of any livestock or fowl impounded under this division, no purchaser can be found, the animal control officer shall kill or otherwise dispose of such animal. If the animal is killed, the animal control officer shall dispose of the carcass of the animal in such place and manner as may be designated by the city council.

**Redemption of Livestock or Fowl.**

The owner of any animal which has been impounded in accordance with this division may redeem the animal prior to the sale of such animal by paying the City of Wink fees for the keeping and care of such animal and the impounding, which fees are on file in the city secretary's office, together with the cost of advertising, if any. The owner of such animal may redeem the animal within ten days after the sale by giving the purchaser double the amount paid by him for such animal and expenses if any, for keeping the animal. Ten days after the date of the sale, any animal so sold shall become the absolute property of the purchaser at the sale. All fees collected by the animal control officer under this section shall be paid into the city treasury.


**Release Under Certain Conditions.**

Whenever the mayor shall have become satisfied that any animal has been willfully released from any stable, lot or pen or driven into prohibitive territory by any person other than the owner with the intention of having the animal impounded to injure the owner thereof, he shall order the animal control officer to release such animal so impounded without cost.

**Effective Date**

This Ordinance shall become effective from and after its adoption and publication, as required by law.

**PASSED AND ADOPTED** on the 6th day of May, 2013.

  
\_\_\_\_\_  
Gregory J. Rogers, Mayor

ATTEST:

  
\_\_\_\_\_  
Tonya Todd, City Secretary

