

ORDINANCE NO. 2003.08.03

**AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS  
SUPERCEDING ORDINANCE NUMBER 92-3-2 AND ORDINANCE NUMBER 98-04-01  
PROVIDING FOR THE CONTROL OF ANIMALS; PROVIDING FOR  
DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR RABIES  
CONTROL; PROVIDING A VIOLATION FOR RUNNING AT LARGE;  
PROVIDING FOR REGISTRATION; PROVIDING FOR IMPOUNDMENT;  
PROVIDING FOR FEES; PROVIDING FOR QUARANTINE; PROVIDING FOR  
NUISANCES; PROVIDING FOR PROHIBITION OF CERTAIN ANIMALS,  
PROVIDING FOR CONTROL OF VICIOUS ANIMALS, PROVIDING  
FOR SANITARY CONDITIONS; PROVIDING FOR VARIANCE, PROVIDING FOR  
STUDENT PROJECT PERMITS, PROVIDING FOR A PENALTY; PROVIDING  
FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES IN  
CONFLICT THERE WITH; AND PROVIDING FOR THE PUBLICATION OF  
THE CAPTION OF THIS ORDINANCE AND AN EFFECTIVE DATE THEREOF;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS:**

## SECTION I

## DEFINITIONS

1. **DOMESTIC ANIMALS** - Shall mean all species of animals commonly accepted as being domesticated.
2. **ANIMAL** - Shall mean any living creature, including but not limited to, Dogs, Cats, Horses, Birds, Fish, Mammals, Reptiles, Insects, Fowl and Livestock, but specifically excluding Human Beings.
3. **PET ANIMAL** - Shall include Dogs, Cats, Rabbits, Rodents, Birds, Reptiles and any other species of animal that are sold or retained as a household pet, but shall not include skunks, non-human primates and any other species of wild, exotic, or carnivorous animal that may be further restricted in this law.
4. **WILD ANIMAL** - Shall mean any poisonous or dangerous Reptile, or any other species of animals that commonly exists in a natural, unconfined state and is usually not domesticated, including, but not limited to, Foxes, Opossums, Raccoons, Squirrels, Leopards, Panthers, Tigers, Lions, Lynx, unless certified for medical, biological, herpetological or other scientific research or study. This definition shall apply regardless of state or duration of captivity.
5. **DANGEROUS ANIMAL** - Shall mean any individual animal of any species that has made an unprovoked attack on a person or animal that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own, or commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own an those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person or another animal.
6. **ANIMAL CONTROL OFFICER** - Shall mean any person designated by the Supervisor of Animal Control to enforce the provisions of this ordinance.
7. **SMALL LIVESTOCK** - Shall mean all types of domesticated swine, sheep and goats.
8. **LIVESTOCK** - Shall mean horses or any member of the domesticated Horse Family, including but not limited to, Mules, Donkeys, and Ponies; and all types and varieties of Cattle.
9. **OWNER** - Shall mean any person, firm or corporation having title to any animal; or a person who has, harbors, or keeps or causes or permits an animal to remain on or about his premises
10. **SUPERVISOR OF ANIMAL CONTROL** - Shall mean the person designated by the Animal Control Authority to supervise all aspects of Animal Control
11. **AT LARGE** - Off the premises of the owner and not under the control of the owner or another person authorized by the owner to care for the animal by leash, cord, chain or rope.
12. **COMMERCIAL STABLE** - Shall mean a facility where a fee is charged to House, Pasture or Rent Horses or other Livestock.
13. **DOG** - Shall mean any live or dead Dog (Canis Familiaris)
14. **CAT** - Shall mean any live or dead Cat (Felis Catus)

15. **HARBORING** - The act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter or care for a period of three (3) consecutive days.
16. **STRAY ANIMAL** - Any animal for which there is no identifiable owner or harborer.
17. **VACCINATED** - Means properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a Veterinarian licensed to practice in the State of Texas.
18. **CURRENTLY VACCINATED** - Means vaccinated and satisfying the following criteria:
  - A. The animal must have been at least three (3) months of age at the time of Vaccination.
  - B. At least thirty (30) days has elapsed since the initial vaccination.
  - C. No more than three (3) years have elapsed since the most recent Vaccination.
19. **LOCAL HEALTH AUTHORITY** - A person or agency designated by the City Mayor to receive reports of animal bites, investigate bite reports, insure quarantine of possible rabid animals and otherwise carry out provisions of the Texas Law pertaining to the control and eradication of Rabies.
20. **FFA** -The National FFA Organization, governed by a Board of Directors and a Board of Student Officers, charters state associations; provides direction, programmatic materials and support; and hosts the National FFA Convention.
21. **4-H** -National 4-H council is the national, private sector non-profit partner of 4-H and the cooperative Extension System. Council is governed by its own Board of Trustees, made up of youth, representatives from 4-H/Extension/land-grant universities, corporate executives and other private citizens.
22. **School** -An organization that provides instruction; as an institution for the teaching of children
23. **Variance**- Approval by The City Council to do some act contrary to the usual rule.
24. **Proof of Participation**- A student must present a notarized letter of participation from the local 4-H Chapter leader or the CISD FFA leader. And be a member in good standing.
25. **CISD**- Community Independent School District.
26. **LARGE ANIMAL PROJECT**- Shall mean Cows, Steers, Bulls, or Heifers
27. **MEDIUM ANIMAL PROJECT**- Shall mean Pigs, Sheep, or Goats.
28. **SMALL ANIMAL PROJECT**- Shall mean Chickens, Roosters, or Rabbits.
29. **PLAT**- A drawing of the overall lay out of the land including all buildings and enclosures on the premises.
30. **STUDENT PROJECT PERMIT**- A permit required to house Student animal projects inside The City of Lavon. Must be renewed annually at the cost of \$10.00 per Calendar year.
31. **STUDENT**- A youth that is currently attending Public or Private School. Between the grades of Kindergarten and 12<sup>th</sup> Grade.

## **SECTION II**

## **RABIES CONTROL**

1. **VACCINATIONS** - Every owner of a dog or cat three (3) months of age or older shall have such animal vaccinated against Rabies. All dogs or cats vaccinated at three (3) months of age or older shall be re—vaccinated at one (1) year of age and every three years thereafter. Any person moving into the City from a location outside of the City shall comply with this section of this ordinance within thirty (30) days after having moved into the City. If the Dog or Cat has inflicted a bite on any person, or another animal, within the last ten (10) days, the owner of said Dog or Cat shall report such fact to the Veterinarian, and no Rabies Vaccine shall be administered until after the ten (10) days observation period.
2. **CERTIFICATE OF VACCINATION** - Upon vaccination, the Veterinarian shall execute and furnish to the owner of the Dog or Cat as evidence thereof, a Certificate upon a form furnished by the Veterinarian. The Veterinarian shall retain a duplicate copy. Such Certificate shall contain the following information!
  - A. The name, address and telephone number of the owner of the vaccinated Dog or Cat;
  - B. The date of vaccination;
  - C. The type of Rabies Vaccine used;
  - D. The year and number of Rabies Tag; and,
  - E. The breed, age, color, and sex of vaccinated Dog or Cat
3. **RABIES TAGS** - Concurrent with the issuance and delivery of the Certificate of Vaccination referred to in Section 11.2, the owner of the Dog or Cat shall cause to be attached to the collar or harness of the vaccinated Dog or Cat a metal tag, serially numbered to correspond with the Vaccination Certificate Number, and bearing the year of issuance and the name of the issuing Veterinarian and his address. The owner shall cause the collar or harness, with the attached metal tag, to be worn by his Dog or Cat at all times.
4. **DUPLICATE TAGS** - In the event of loss or destruction of the original tag provided in Section 11.3, the owner of the dog or cat shall obtain a duplicate tag. Vaccination Certificates and tags shall be valid only for the animal for which it was originally issued.
5. **PROOF** - It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the Certificate of Vaccination upon demand to any person charged with the enforcement of this ordinance.
6. **HARBORING UNVACCINATED ANIMALS** - It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.
7. **ANIMALS EXPOSED TO RABIES** - Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies must immediately report such knowledge to the local health authority, giving any information that may be required. For any animal known to have been, or suspected of being exposed to rabies, the following rules must apply:
  - A. Animals having a current vaccination must be revaccinated immediately and confined according to the method prescribed by the Local Health Authority for a period of not less than ninety (90) days.

- B. Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, he may, at his expense and in a manner prescribed by the Local Health Authority, confine said animal. Such animal must be vaccinated immediately following exposure and quarantined for not less than six (6) months. A revaccination shall be done one (1) month prior to release from quarantine.

### **SECTION III REPORTING CASES OF HUMANS BITTEN BY ANIMALS SUSCEPTIBLE TO RABIES**

#### **RELATED PROCEDURES:**

1. Any person having knowledge of an animal bite to a human will report the incident to the Police or Local Health Authority as soon as possible, but not later than twenty-four (24) hours from the time of the incident.
2. The owner of the biting animal will place that animal in quarantine under the supervision of the Local Health Authority as prescribed in Section IV.
3. Utilizing Standardized Reporting Forms provided by the TDH, the Local Health Authority will investigate each bite incident.
4. Human Bites from Rodents, Rabbits, Birds and all cold-blooded animals are excluded from the reporting requirements of this action.

### **SECTION IV QUARANTINE PROCEDURE FOR ANIMALS**

1. When an animal that has bitten a human is identified, the owner is required to produce the animal for ten (10) days confinement at the owner's expense. Refusal to produce said dog or cat constitutes a violation of this section and each day of such refusal constitutes a separate and individual violation.

The ten (10) day observation period will begin on the day of the bite incident. The animal must be placed in a licensed quarantine facility. However, the owner of the animal may request permission from the Local Health Authority for home quarantine if the following criteria can be met.

- A. Secure facilities must be available at the home of the animal's owner and must be approved by the Local Health Authority.
- B. The animal is currently vaccinated against rabies.
- C. The Animal Control Officer, Local Health Authority or Licensed Veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the Local Health Authority must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing.
- D. The animal was not in violation of any laws at the time of the bite.
- E. The victim of the bite was a member of the immediate family.

- F. If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to the TDH Certified Laboratory for rabies diagnosis.
- 2. It shall be unlawful for any person to interrupt the ten (10) day observation period.
- 3. No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a TDH Certified Laboratory for rabies diagnosis.

## **SECTION V                    ANIMAL REGISTRATION**

- 1. No owner shall have within the City any dog or cat three (3) months of age or older unless such Dog or Cat is currently registered with Animal Control. A current metal registration tag issued by Animal Control, or a Veterinarian authorized by Animal Control to issue the tag, must be affixed to a collar or harness that must be worn by the Dog or Cat at all times. No Dog or Cat shall be registered until it has a current vaccination or has provided a pre—paid receipt from a licensed Veterinarian to the Animal Control Authority, indicating his intent to vaccinate the animal upon leaving the animal control authority facility. Should an owner utilize a pre—paid receipt in order to register his animal, then the owner must contact the Animal Control Authority within twenty-four (24) hours with the rabies tag information.
  - A. Application for initial issuance or renewal of each registration must be made by the owner in writing or in person, and be accompanied by a fee of Ten Dollars (\$10.00), if the cat or dog being registered has been neutered or spayed and proof of such surgical sterilization can be shown to an Animal Control Officer or a Veterinarian authorized to issue such registration, the fee will then be Five Dollars (\$5.00). Dogs and cats under the age of six (6) months shall be registered at the sterilized fee. Animals may be exempted from the sterilization provision upon written recommendation from a Veterinarian that such alteration would be harmful or dangerous to the animal.
  - B. Registration Certificates shall be renewed annually.  
The registration period will be from January 1 to December 31.
  - C. Registration and/or Vaccination Certificates (and Tags) shall be valid only for the animal for which it was originally issued.
  - D. If there is a change in ownership of a registered Dog or Cat, the new owner may have the registration transferred to his name, there shall be no charge for the said transfer. Application for such transfer shall be made to Animal Control in writing or in person.
  - E. Fee exempt registrations may be issued for the following:
    - 1. Police or sheriff's Departments Dog; and
    - 2. Dogs trained to assist the audio or visually impaired person.

Eligibility for fee exempt registration does not relieve the owner of his responsibility under other provisions of this chapter.

- F. Veterinarians authorized by Animal Control to issue animal registration certificates may retain One Dollar (\$1.00) of the registration fee for every animal registered in accordance with this ordinance.
2. The Supervisor of Animal Control may refuse to register a cat or dog, or revoke a permit issued to any person who has been convicted in any duly authorized Court of Jurisdiction in the State of Texas, or resides with any person convicted of any of the following:
    - A. Cruelty to animals as defined in the Texas penal Code, Article 42.11, Inhumane Treatment, or negligence to an Animal; and,
    - B. Conviction of four (4) or more separate and distinct violations of an Animal Control Ordinance of a Municipality in the State of Texas within any twelve (12) month period. Any person denied such a registration may appeal the refusal to the Municipal Judge.

The Municipal Judge shall uphold, overturn, or modify the Supervisor of Animal Controls refusal to issue a registration certificate.

3. Every person having care, control or custody of any dog that has received Guard Dog Training must register such dog with the Supervisor of Animal Control. Any dog which has received Guard Dog Training may be destroyed when such dog is found running at large. The owners or keepers of guard dogs shall be subject to the other provisions of this section. An ID collar identifying the dog as a Guard Dog must be worn at all times and the dog must wear a muzzle when out of confinement.

## **SECTION VI            RUNNING AT LARGE**

1. It shall be unlawful for any owner to allow any dog or other animal possessed, kept, or harbored, other than a cat, to run at large as is defined in Section 1.11 of this Ordinance.
2. The Animal Control Officer is authorized to impound such animals running at large, other than a cat, any may impound a cat under conditions specified in Section X of this Ordinance, or when he has received a complaint that the cat has caused a nuisance or hazard to the health or welfare of human or animal population.

## **SECTION VII            ANIMAL NUISANCE**

1. The keeping of any animal, which, by causing frequent or long continued barking, cry or noise that shall disturb any person or ordinary sensibilities in the vicinity is prohibited.
2. The keeping of any animal in such a manner as to endanger the public hearth; to annoy neighbors by the accumulation of animal wastes which cause foul and offensive odors, or are considered to be a hazard to any other animal or human being; or by continued presence on the premises of another is prohibited.
3. Animal pen, stables, or enclosures in which any animal may be kept or confined that have become offensive to a person of ordinary sensitivities are prohibited.

4. The keeping of bees in such a manner as to deny that lawful use of adjacent property or endanger personal health and welfare is prohibited.
5. Persistent laxness in supervision of cats so that their running at large results in disturbance to persons of ordinary sensibilities is prohibited.

## **SECTION VIII**

### **PROHIBITED ANIMALS**

1. It shall be unlawful for any person to sell, offer for sale, barter, or give away as toys, premiums or novelties, baby chickens, ducklings or other fowl under three (3) weeks old; and rabbits under two (2) months old; sale of such animals for agricultural purposes is exempt from this provision.
2. It shall be unlawful to color, dye, stain, or otherwise change the natural color of any chickens, ducklings, other fowl, or rabbits, or to possess for the purpose of sale or to be given away, any of the above mentioned animals which have been so colored.
3. It shall be unlawful to keep and/or sell any wild animal inside the city.

## **SECTION IX**

### **DANGEROUS ANIMALS**

1. Any dangerous animal found running at large may be destroyed by any Peace Officer or Animal Control Officer in the interest of public safety.
2. The animal control officer may order any owner or person having care, control, or custody of any dangerous animal to take such animal permanently from the City. This animal must be removed immediately following receipt of such an order, even if an appeal is initiated. This order may be appealed in writing within ten (10) days to the Municipal Judge. The Municipal Judge may uphold, reverse or modify the Animal Control officer's order, and may stipulate restrictions on the animal as a condition to allowing the animal to remain in the City. If the Municipal Judge upholds the Animal Control officer's order, the owner or person having care, control, or custody shall not bring the animal back inside the city limits.
3. If the owner or person having care, custody or control of a dangerous animal fails to remove such animal as provided for in subsection 2 of this section, such animal may be impounded and/or destroyed.
4. The owner or person having care, custody or control of a dangerous animal must report the disposition and relocation of such animal to the Animal Control Officer in writing within ten (10) days after the expiration date for removal of such animal from the city. Each day thereafter such information is not provided shall constitute a separate offense.



5. The Animal Control Officer shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the city for being dangerous has not been so removed.

## **SECTION X IMPOUNDMENT**

1. The following animals may be impounded:
  - A. Cats and dogs not exhibiting evidence of being vaccinated or registered as described in Section V;
  - B. Any animal infected with rabies or kept under conditions that could endanger the public or animal health;
  - C. Any animal that creates a nuisance, as defined in Section VII;
  - D. Any animal found running at large, as described in Section VI;
  - E. Any animal treated in a manner determined by an Animal Control Officer to be cruel and inhumane;
  - F. Any animal that has bitten a human being or needs to be placed under observation for rabies determination, as determined by an Animal Control Officer;
  - G. Any animal violating any provisions of this Ordinance.
2. If any of the animals named in this Ordinance are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify an Animal Control Officer to retrieve the animal for impoundment. When so notified, it shall be the duty of the Animal Control Officer to impound such animal is that of the owner.
3. The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees and any veterinarian bills incurred by Animal Control for the welfare of the animal, and upon compliance with vaccination and registration provisions of this code, except where prohibited in Subsection 4 and 5 of this Section.
4. Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the Court of Jurisdiction.
5. If any animal is being held in quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.

6. The City Mayor shall select and establish a place for impounding animals under any provisions of this Ordinance.
7. Any animal not reclaimed by the owner may be humanely euthanized after being impounded for three (3) days, except that any animal wearing a current registration certificate tag shall be impounded for not less than six (6) days.
8. Any impounded dangerous or wild animal, unless there is reason to believe it has an owner, may be immediately disposed of as may be deemed appropriate by the Supervisor of Animal Control.
9. Any nursing baby animal impounded without its Mother, or where the Mother cannot or refuses to provide nutritious milk may be immediately euthanized to prevent further suffering.
10. Any impounded dog or cat not wearing a registration certificate tag may be given up for adoption after three (.3) working days of impoundment, except those under quarantine. Any impounded dog or cat wearing a current registration tag may be given up for adoption on the seventh (7th) day of confinement.
11. An owner who no longer wishes responsibility for an animal, or believes the animal to be in an ill or injured condition may sign a written waiver supplied by Animal Control allowing the animal to be immediately euthanized before expiration of the ten (10) day quarantine period.
12. Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a non-profit humane organization for the purposes of veterinary care, as determined by the Supervisor of Animal Control.

**SECTION XI                      IMPOUNDMENT FEES**

1. **Class A: Dogs and Cats.** Impoundment fees for each dog or cat spayed or neutered (sterilized) shall be as follows:

1st Imp.	2nd Imp.	3rd Imp.	4th Imp.
in 12 mo.	in 12 mo.	in 12 mo.	in 12 mo.
\$10.00	\$15.00	\$20.00	\$25.00

Impoundment fees for each dog or cat unspayed or un-neutered (if proof of surgical sterilization is provided within fifteen (15) days from the date an animal is impounded, the difference in impoundment and other fees between sterilization and un-sterilization will be refunded), shall be as follows:

1st Imp.	2nd Imp.	3rd Imp.	4th Imp.
in 12 mo.	in 12 mo.	in 12 mo.	in 12 mo.
\$25.00	\$30.00	\$35.00	\$40.00

Dogs and cats under the age of six (6) months shall be charged the sterilization animal fee. Animals may be exempted from sterilization upon written recommendation from a licensed veterinarian that such alternatives would be harmful or dangerous to the animal. Owners of these animals are to be subject to the lower impoundment fee.

2. Class B: Small livestock shall include goats, sheep, lambs, swine, calves, fowls, and animals of the same approximate size and weight. Fees shall be set by the County in accordance with the Texas Estray Act.
3. Class C: Large livestock shall include cattle, horses, ponies, mules, and animals of the same approximate size and weight. Fees shall be set by the County in accordance with the Texas Estray Act.
4. Class D: Animals not listed herein above shall be disposed of the Discretion of the Animal Control Division.
5. A daily handling fee shall be charged for every day, or fraction thereof, that an animal is at the Animal Shelter. Said fee shall be based upon the class of animal defined above. Class A animals shall be charged Three Dollars (\$3.00) per day per animal and Class D animals shall be charged Five Dollars (\$5.00) per day per animal. Class B and Class C animals are impounded by the County in accordance with the Texas Estray Act.
6. The owner of any Class A animal held in quarantine for observation purposes shall be charged Five Dollars (\$5.00) for each day or fraction of a day an animal is at the Animal Shelter. The owner of a Class D animal shall be charged Ten Dollars (\$10.00) for each day or fraction of a day the animal is quarantined at the Animal Shelter. This is in addition to impoundment and daily handling fees.

## **SECTION XII**

## **ADOPTION**

Adoption of a dog or cat from the Animal Shelter may take place under the following conditions.

1. The animal has been classified as adaptable by the animal control authority.
2. The prospective adopter has proper facilities for the care of the animal and shall certify same;
3. The prospective adopter obtains all necessary vaccinations and registrations; and
4. The prospective adopter pays the adoption fee of Twenty-five Dollars (\$25.00) per cat; or Fifty-five Dollars (\$55.00) per dog.
5. The Supervisor of Animal Control shall refuse to allow a person to adopt a dog or cat from the Animal Shelter when the Supervisor has reason to believe that person would be not able to obtain a registration certificate under this ordinance, would not have proper facilities for care of the animal, wants the animal for purposes of resale or purposes other than pet ownership, would not be a suitable owner within the sole discretion of the Supervisor of Animal Control, or that the animal would be a hazard to humans or other animals in the opinion of the Supervisor of Animal Control.

## **SECTION XIII**

## **LIVESTOCK**

1. It shall be unlawful for any person to keep any swine within the city limits except in a Zoning District in which a stockyard or stable is permitted.
2. It shall be unlawful for any person to keep a cow or horse on any premises, the overall area of which is less than one—third (1/3) of an acre for each cow or horse kept, or to keep more than can be cared for under sanitary conditions and not create a nuisance, and, in no event exceed the permitted number of adults and their foals or calves up to six (6) months of age. The number of cows or horses permitted shall not exceed one (1) adult per one-third (1/3) of an acre for the first acre, and two (2) adults per acre for each additional acre over two (2) acres of a single tract of land. The persons in lawful possession of the premises, as owner or tenant, may keep thereon cows and horses belonging to others, but limitation to number of cows or horses on the premises and the area and distance requirements of this section shall not be done as a commercial business in violation of the Zoning Ordinance.
3. Any enclosure, pen, corral, or other restrictive area for small livestock shall consist of a solid wall stretching from the ground to at least four (4) feet in height, that does not sway or give way when tested by an Animal Control Officer; or shall consist of a fence. Such fence must have at least sixteen—(16) gauge wire arranged in a grid pattern (Hogwire) with the maximum size of any grid in the wire being seven and one-half inches (7 1/2") by twelve inches (12"). The wire pattern must stretch continuously from the ground to at least thirty-two inches (32") above ground. Above this wire pattern must be stretched tautly at least two (2) strands of at least sixteen (16) gauge wire with at least one of these strands at least four (4) feet above the ground. The maximum distance allowed between fence posts shall be fifteen (15'). The fence posts must not sway more than six inches (6") when tested by an Animal Control Officer. Trees may not be used as fence posts. Gates for small livestock enclosures shall be mounted on hinges to a solid wall or fence post and stretch from the ground to at least four feet (4') above the ground. Such a gate must connect with another fence post or wall in such a manner that small livestock cannot pass through it, and the gate itself must be constructed so that there is not an opening in it larger than seven and one-half inches (7 1/2") by twelve inches (12"). Such gates must have a latch or chain attached capable of keeping the gate closed when tested by an Animal Control Officer.
3. Any enclosure, pen, corral or restrictive area for large livestock shall consist of a fence. Such fence must have at least sixteen (16) gauge wire stretched tautly between fence posts. Such a fence shall have at least four (4) strands of wire with one strand one foot (1') above the ground and one strand at least four feet (4') above the ground, with the two other strands uniformly spaced between the top and bottom strands. The maximum distance between fence posts shall be fifteen feet (15'). The fence posts must not sway more than six (6) inches when tested by an Animal Control Officer. Trees may not be used as fence posts. Gates for large livestock shall be mounted on hinges to a solid wall or fence and stretch from one foot (1') above the ground to at least four feet (4') above the ground. Such a gate must connect to another fence post or solid wall in such a manner that large livestock cannot pass through it, and the gate itself must be constructed so that there is not an opening in it large enough for large livestock to pass through. Such gates must have a latch or chain attached capable of keeping the gate closed when tested by an animal control officer.
5. When small and large livestock are kept together, the standards for small livestock must be met.

6. It shall be unlawful for any person, firm or corporation to keep on premises under his or its control, within the city limits, any small or large livestock in such a manner that the livestock will be quartered closer than one hundred and fifty feet (150') from any human living quarters, other than the living quarters of the owner or keeper.

Male Equine, including, but not limited to, horses, capable of breeding, will be confined in such a manner that said animal will not be dangerous to human beings and all breeding shall be under the control of the owner or handler.

## **SECTION XIV**

### **VARIANCE FOR FFA OR 4-H PROJECTS**

Any student wishing to house a livestock project in the City of Lavon may do so with the following requirements.

#### **1. OBTAIN A STUDENT PROJECT PERMIT**

Requirements for permit

- A. Show proof of participation in either FFA or 4-H and be a member in good standing
- B. Present a plat of the premises where the animal will be housed. No pen or enclosure shall be closer than 25ft from any adjoining property.
- C. Show the number and types of animals to be housed.
  1. There will be no more than two (2) large animal projects
  2. There will be no more than four (4) medium animal projects.
  3. There will be no more than twelve (12) small animal projects.
- D. At which time the student is no longer a member in good standing with the above-mentioned organizations they have thirty (30) days in which to remove the animal or animals from the premises.
- E. Student Project Permits shall be restricted to premises of one (1) acre or larger.
- F. Except where modified herein all other sections of this ordinance must be followed.

## **SECTION XV**

### **FOWL**

Except for exotic birds not raised, kept or harbored for commercial purposes, it shall be unlawful for any person, firm or corporation to maintain, own or control any premises within the city limits of the City of Lavon where more than an aggregate of twelve (12) fowl are kept or harbored in one enclosure. Provided further, however, that not more than one-fourth (1/4) of the maximum allowable number of such animals may be of the male species.

“One Enclosure” as that term is used herein shall be held to mean any and all connected buildings, whether under one roof or otherwise, and buildings, whether under one roof or otherwise, and buildings and sheds which may have entrances to the same or adjoining lot or lots with a gateway or other opening between them.

## **SECTION XVI                      SANITARY CONDITIONS**

The owner or person in possession of animals shall keep yards, pens and enclosures in which such animals are confined in such a manner as not to give off odors offensive to persons or ordinary sensibilities residing in the vicinity or to breed or attract flies, mosquitoes or other noxious insects, or in any manner, to endanger the public health or safety, or create a public nuisance.

All persons keeping such animal shall comply with the following regulations:

1.     Manure and droppings shall be removed from pens, stables, yards, cages and other enclosures as necessary to maintain sanitary conditions and handled or disposed of in such manner as to keep the premises free of any nuisances.
2.     Mound storage of droppings or manure between such removals shall be permitted only under such conditions as to protect against the breeding of flies and to prevent the migration of fly larvae (maggots) into the surrounding soil.
3.     The feeding of vegetables, meat scraps or garbage shall be done only in impervious containers or on an impervious platform.
4.     Watering troughs or tanks shall be provided they are equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes and other insects.
5.     No putrescible material shall be allowed to accumulate on the premises, and all such material used to feed that is un-consumed shall be removed and disposed of by burial or other sanitary means.
6.     Any pen or enclosure shall be maintained in such a manner as to be not less than fifty feet (So<sup>2</sup>) from any adjoining residentially zoned property.

## **SECTION XVII                      TREATMENT OF ANIMALS**

The following are established as guidelines for pet and animal care and not intended to contravene with the provisions for animal cruelty as contained in the Texas Penal Code.

1.     No owner shall fail to provide his animal(s) with sufficient good wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

2. No person shall beat, cruelly ill—treat, torment, overload, overwork or otherwise abuse and animal; or cause instigate or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
3. No owner of an animal shall abandon such animal.
4. Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animals owner; in the event owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency.
5. The use of steel jaw traps shall be prohibited.

## **SECTION XVIII**

## **ENFORCEMENT**

1. Enforcement of this Ordinance shall be the responsibility of the Local Health Authority or an Animal Control Officer.
2. The Local Health Authority or Animal Control Officer shall have the authority to issue citations for any violation of this Ordinance.
3. If the person being cited is not present, the Local Health Authority or Animal Control Officer may send the citation to the alleged offender by registered or certified mail.
4. It shall be unlawful for any person to interfere with the Local Health Authority or Animal Control Officer in the performance of duties.
5. The Local Health Authority and Animal Control Officer are given the right to go onto any private property in the City of Lavon for the purpose of determining whether or not any provisions of this ordinance has been violated and to impound any animal kept or harbored in violation of any terms of this ordinance.

## **SECTION XIX**

## **PENALTY**

Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction in the Court of Jurisdiction shall be assessed a fine not to exceed Two Hundred Dollars (\$200.00) and each and every day that the same shall continue shall constitute a separate and distinct offense.

**SECTION XX**

**SAVING CLAUSE**

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

**SECTION XXI**

**EMERGENCY CLAUSE**

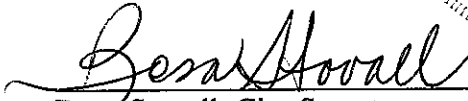
The fact that the present City regulations are inadequate to properly protect the public health, safety and welfare, creates urgency and an emergency and requires that this ordinance shall take effect immediately from and after the publication of its caption as the law in such cases provides.

Duly passed and approved by the City Council of the City of Lavon, Collin County, Texas, this the 21<sup>st</sup> day of August, 2003.



  
\_\_\_\_\_  
Stephen Parker, Mayor

ATTEST:

  
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Rosa Stovall, City Secretary