

CITY OF LAVON, COLLIN COUNTY TEXAS

ORDINANCE NO: 2016-05-01

Animal Control

AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS: PROVIDING FOR THE CONTROL OF ANIMALS; PROVIDING FOR IMPOUNDMENT; PROVIDING FOR FEES; PROVIDING FOR QUARANTINE; PROHIBITING ANIMAL NUISANCES; PROHIBITING CERTAIN ANIMALS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING A PENALTY PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Council of the City of Lavon recognizes that failure to properly control animals in the city of Lavon is a growing problem; and

WHEREAS, City Council of the City of Lavon recognizes that establishing clear rules for animals in the City will improve the quality of life for the animals and our citizens; and

WHEREAS, City Council of the City of Lavon recognizes that previous animal control ordinances have become outdated; and

WHEREAS, City Council of the City of Lavon believes it is in the best interest of the citizens of the City, to enact new regulations relating to the control of animals within the City of Lavon;

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

SECTION 1 - FINDINGS

1.1 The City Council of the City of Lavon finds that the above foregoing recitals are true and correct and are hereby incorporated for all purposes as official findings of the City Council of the City of Lavon.

SECTION 2 - DEFINITIONS

2.1 4-H -NATIONAL COUNCIL - the 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.

2.2 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.

2.3 ANIMAL CONTROL OFFICER - Shall mean any person designated by the Supervisor of Animal Control to enforce the provisions of this ordinance.

2.4 ANIMAL CONTROL SUPERVISOR - Shall mean the person designated by the Animal Control Authority to supervise all aspects of Animal Control

- 2.5 ANIMAL PROJECT, LARGE - Shall mean Cows, Steers, Bulls, or Heifers
- 2.6 ANIMAL PROJECT, MEDIUM - Shall mean Pigs, Sheep, or Goats.
- 2.7 ANIMAL PROJECT, SMALL - Shall mean Chickens, Roosters, or Rabbits.
- 2.8 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.
- 2.9 CAT - Shall mean any live or dead Cat (Felis Catus)
- 2.10 CISD- Community Independent School District.
- 2.11 COMMERCIAL STABLE - Shall mean a facility where a fee is charged to House, Pasture or Rent Horses or other Livestock.
- 2.12 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 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person or another animal.
- 2.13 DOG - Shall mean any live or dead Dog (Canis Familiaris)
- 2.14 DOMESTIC ANIMALS - Shall mean all species of animals commonly accepted as being domesticated.
- 2.15 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.
- 2.16 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.
- 2.17 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.
- 2.18 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.
- 2.19 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

- 2.20 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.
- 2.21 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.
- 2.22 PROPERTY LAYOUT - A drawing of the overall lay out of the land including all buildings and enclosures on the premises.
- 2.23 SMALL LIVESTOCK - Shall mean all types of domesticated swine, sheep and goats.
- 2.24 STRAY ANIMAL - Any animal for which there is no identifiable owner or harborer.
- 2.25 STUDENT- A youth that is currently attending Public or Private School. Between the grades of Kindergarten and 12th Grade.
- 2.26 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.
- 2.27 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.
- 2.28 VACCINATED CURRENTLY - Means vaccinated and satisfying the following criteria:
- 2.28.1 The animal must have been at least three (3) months of age at the time of Vaccination.
 - 2.28.2 At least thirty (30) days has elapsed since the initial vaccination.
 - 2.28.3 No more than three (3) years have elapsed since the most recent Vaccination.
- 2.29 VARIANCE- Approval by The City Council to do some act contrary to the usual rule.
- 2.30 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.

SECTION 3 - RABIES CONTROL

- 3.1 VACCINATIONS - Every owner of a dog or cat three (3) months of age or older shall have such animal vaccinated against Rabies.
- 3.1.1 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.
- 3.1.2 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 act to the Veterinarian, and no Rabies Vaccine shall be administered until after the ten (10) days observation period.
- 3.2 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:
- 3.2.1 The name, address and telephone number of the owner of the vaccinated Dog or Cat;
- 3.2.2 The date of vaccination;
- 3.2.3 The type of Rabies Vaccine used;
- 3.2.4 The year and number of Rabies Tag; and,
- 3.2.5 The breed, age, color, and sex of vaccinated Dog or Cat
- 3.3 RABIES TAGS - Concurrent with the issuance and delivery of the Certificate of Vaccination referred, 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.
- 3.4 DUPLICATE TAGS – In the event of loss or destruction of the original rabies tag, 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.
- 3.5 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.
- 3.6 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.
- 3.7 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:

- 3.7.1 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.
- 3.7.2 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 4 - REPORTING HUMANS BITTEN BY ANIMALS

- 4.1 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.
 - 4.1.1 The owner of the biting animal will place that animal in quarantine under the supervision of the Local Health Authority.
 - 4.1.2 Utilizing Standardized Reporting Forms provided by the TDH, the Local Health Authority will investigate each bite incident.
 - 4.1.3 Human Bites from Rodents, Rabbits, Birds and all cold-blooded animals are excluded from the reporting requirements of this section.
- 4.2 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.
 - 4.2.1 The ten (10) day observation period will begin on the day of the bite incident.
 - 4.2.2 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.
 - 4.2.2.1 Secure facilities must be available at the home of the animal's owner and must be approved by the Local Health Authority.
 - 4.2.2.2 The animal is currently vaccinated against rabies.
 - 4.2.2.3 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.

- 4.2.2.4 If the animal becomes ill during the observation period, the Local Health Authority must be notified by the person having possession of the animal.
- 4.2.2.5 At the end of the observation period, the release from quarantine must be accomplished in writing.
- 4.2.2.6 The animal was not in violation of any laws at the time of the bite.
- 4.2.2.7 The victim of the bite was a member of the immediate family.
- 4.2.3 If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to the TOH Certified Laboratory for rabies diagnosis.
- 4.2.4 It shall be unlawful for any person to interrupt the ten (10) day observation period.
- 4.2.5 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 TOH Certified Laboratory for rabies diagnosis.

SECTION 5 - RUNNING AT LARGE

- 5.1 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 this Ordinance.
- 5.2 The Animal Control Officer is authorized to impound such animals running at large, other than a cat.
- 5.3 The Animal Control Officer may impound a cat under conditions specified in 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.
- 5.4 All dogs kept in the City must be kept in an enclosure of sufficient strength and type to ensure the dog does not escape.
 - 5.4.1 A fence around all or part of the property shall serve as an approved enclosure as long as the fence is capable of keeping the dog from leaving the property.
- 5.5 It shall be the responsibility of every person residing at a location where a dog is kept to ensure that the enclosure is maintained in a manner capable of containing all dogs kept on the property.
 - 5.5.1 Any dog running at large shall be prima facie evidence that the enclosure was not maintained in a manner to keep the dog contained.
- 5.6 It shall be unlawful for any person to fail to maintain an enclosure in compliance with paragraph 5.5.

SECTION 6 - ANIMAL NUISANCE

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 Persistent laxness in supervision of cats so that their running at large results in disturbance to persons of ordinary sensibilities is prohibited.

SECTION 7 - PROHIBITED ANIMALS

- 7.1 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.
- 7.2 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.
- 7.3 It shall be unlawful to keep and/or sell any wild animal inside the city.

SECTION 8 - DANGEROUS ANIMALS

- 8.1 Any dangerous animal found running at large may be destroyed by any Peace Officer or Animal Control Officer in the interest of public safety.
- 8.2 The animal control officer or Code Enforcement Officer may order any owner or person having care, control, or custody of any dangerous animal to take such animal permanently from the City.
 - 8.2.1 This animal must be removed immediately following receipt of such an order, even if an appeal is initiated.
 - 8.2.2 This order may be appealed in writing within ten (10) days to the Municipal Judge.

8.2.3 The Municipal Judge may uphold, reverse or modify the order, and may stipulate restrictions on the animal as a condition to allowing the animal to remain in the City.

8.2.4 If the Municipal Judge upholds the order, the owner or person having care, control, or custody shall not bring the animal back inside the city limits.

8.3 If the owner or person having care, custody or control of a dangerous animal fails to remove such animal as provided for in this section, such animal may be impounded and/or destroyed.

8.4 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.

8.4.1 Each day thereafter- such information is not provided shall constitute a separate offense.

8.5 The Animal Control Officer or Code Enforcement 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 9 - IMPOUNDMENT

9.1 The following animals may be impounded:

9.1.1 Cats or dogs not exhibiting evidence of being vaccinated as described in this ordinance;

9.1.2 Cats or dogs not exhibiting evidence of being registered as described in this ordinance;

9.1.3 Any animal infected with rabies or kept under conditions that could endanger the public or animal health;

9.1.4 Any animal that creates a nuisance, in this ordinance;

9.1.5 Any animal found running at large;

9.1.6 Any animal treated in a manner determined by an Animal Control Officer to be cruel and inhumane;

9.1.7 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;

9.1.8 Any animal violating any provisions of this Ordinance.

9.2 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.

9.2.1 When so notified, it shall be the duty of the Animal Control Officer to impound such animal.

9.3 Except where otherwise prohibited, the owner can resume possession of any impounded animal upon payment of required fees and any charges incurred for the care of the animal, and upon compliance with vaccination and registration provisions of this Ordinance.

9.4 Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the Court of Jurisdiction.

9.5 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.

9.6 The City Mayor shall select and establish a place for impounding animals under any provisions of this Ordinance or may contract with an outside agency to provide such service.

SECTION 10 - IMPOUNDMENT FEES

10.1 All fees related to animal control shall be as established by the City's animal contractor or in the absence of an animal control contractor, fees shall be as established in the City's comprehensive fee schedule.

SECTION 11 - ADOPTION

11.1 The adoption of animals shall be regulated by the City of Lavon animal control contractor.

SECTION 12 -LIVESTOCK

12.1 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.

12.2 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.

12.2.1 In no event shall the cows and horse kept exceed the permitted number of adult animals and their foals or calves.

12.2.2 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.

- 12.2.3 Within the limitations stated above, persons in lawful possession of the premises, as owner or tenant, may keep thereon cows and horses belonging to others, but not as a commercial business in violation of the Zoning Ordinance.
- 12.3 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.
- 12.3.1 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").
- 12.3.2 The wire pattern must stretch continuously from the ground to at least thirty-two inches (32") above ground.
- 12.3.3 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.
- 12.3.4 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.
- 12.3.5 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.
- 12.3.5.1 Such a gate must connect with another fence post or wall in such a manner that small livestock cannot pass through it.
- 12.3.5.2 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").
- 12.3.5.3 Such gates must have a latch or chain attached capable of keeping the gate closed when tested by an Animal Control Officer.
- 12.4 Any enclosure, pen, corral or restrictive area for large livestock shall consist of a fence.
- 12.4.1 Such fence must have at least sixteen (16) gauge wire stretched tautly between fence posts.
- 12.4.2 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.
- 12.4.3 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.

12.4.4 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.

12.4.4.1 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.

12.4.4.2 Such gates must have a latch or chain attached capable of keeping the gate closed when tested by an animal control officer.

12.5 When small and large livestock are kept together, the standards for small livestock must be met.

12.6 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.

12.7 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 13 - VARIANCE FOR FFA OR 4-H PROJECTS

13.1 Any student wishing to house a livestock project in the City of Lavon may do so within the requirements of this section.

13.2 Obtain a student project permit by:

13.2.1 Show proof of participation in either FFA or 4-H and be a member in good standing.

13.2.2 Present a property layout of the premises where the animal will be housed. No pen or enclosure shall be closer than 25 feet from any adjoining property.

13.2.3 Show the number and types of animals to be housed.

13.3 There will be no more than two (2) large animal projects on a single tract of land.

13.4 There will be no more than four (4) medium animal projects on a single tract of land.

13.5 There will be no more than twelve (12) small animal projects on a single tract of land.

13.6 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.

13.7 Student Project Permits shall be restricted to premises of one (1) acre or larger.

13.8 Except where modified herein all other sections of this ordinance must be followed.

SECTION 14 - FOWL

14.1 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 on any lot in City.

14.1.1 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.

SECTION 15 - SANITARY CONDITIONS

15.1 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.

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

15.2.1 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.

15.2.2 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.

15.2.3 The feeding of vegetables, meat scraps or garbage shall be done only in impervious containers or on an impervious platform.

15.2.4 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.

15.2.5 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.

15.2.6 Any pen or enclosure shall be maintained in such a manner as to be not less than fifty feet (50') from any adjoining residentially zoned property.

SECTION 16 - TREATMENT OF ANIMALS

- 16.1 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.
- 16.2 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.
- 16.3 No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal; or cause instigate or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- 16.4 No owner of an animal shall abandon such animal.
- 16.5 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 animal's owner; in the event owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency.
- 16.6 The use of steel jaw traps shall be prohibited.

SECTION 17 - ENFORCEMENT

- 17.1 Primary enforcement of this Ordinance shall be the responsibility of the Local or contracted animal control agency.
- 17.1.1 Any Code Enforcement Officer, Public Health Officer or Police Officer shall possess the authority to enforce any provision of this ordinance.
- 17.1.2 Any authority vested with an animal control officer by this ordinance shall vest an equal authority with any Lavon Code Enforcement Officer, Public Health Officer or Police Officer.
- 17.2 Any Animal Control Officer, Lavon Code Enforcement Officer, Public Health Officer or Police Officer shall have the authority to issue citations for any violation of this Ordinance.
- 17.3 If the person being cited is not present, the officer may send the citation to the alleged offender by registered or certified mail.
- 17.4 It shall be unlawful for any person to interfere with the Animal Control Officer, Lavon Code Enforcement Officer, Public Health Officer or Police Officer in the performance of his duties as outlined in this ordinance.
- 17.5 The Any Animal Control Officer, Lavon Code Enforcement Officer or Public Health 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 18 - PENALTY

18.1 Any person found to be violating any provision of this ordinance and who has not been previously found guilty of any provision of this ordinance in the last 12 months shall be deemed guilty of a class C misdemeanor and upon conviction shall pay a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).

18.2 Any person found to be violating any provision of this ordinance a second or subsequent time within any 12 month period shall be deemed guilty of a class C misdemeanor and upon conviction shall pay a fine of not less than five hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00).

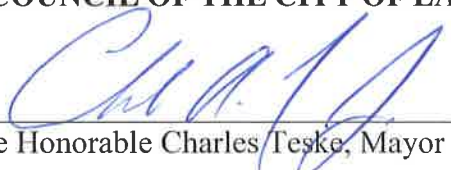
SECTION 19 - SEVERBILITY

19.1 It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

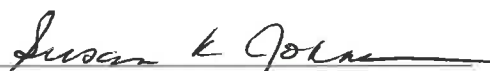
SECTION 20 - Effective Date

20.1 This ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON,
TEXAS ON THIS 3rd DAY OF MAY, 2016.**


The Honorable Charles Teske, Mayor

Attest:


Susan K. Johnson, Interim City Secretary