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NOTICE OF A PUBLIC MEETING
TOWN OF RANCHO VIEJO
STRATEGIC PLANNING COMMITTEE

Monday, March 1, 2010

5:30 P.M.

NOTICE is hereby given of MEETING of the STRATEGIC PLANNING COMMITTEE of the TOWN OF RANCHO VIEJO, TEXAS, to be held on Monday, March 1, 2010, at 5:30 P.M. in the TOWN MUNICIPAL OFFICE, 3301 CARMEN AVENUE, RANCHO VIEJO, TEXAS.

Review of Draft Ordinances on Animals


Cheryl J. Kretz
Town Administrator

CURRENT ORDINANCE

Chapter 10

ANIMALS*

Article I. In General

Secs. 10-1—10-18. Reserved.

Article II. Dogs and Cats

Division 1. Generally

- Sec. 10-19. Dogs running at large; prohibited.
- Sec. 10-20. Rabies vaccination required.
- Sec. 10-21. Certificates required for vaccinated dogs.
- Sec. 10-22. Tags.
- Sec. 10-23. Reporting diseased dog.
- Sec. 10-24. Duty to confine dog suspected of hydrophobia.
- Sec. 10-25. Dogs suspected of hydrophobia.
- Sec. 10-26. Duty to exterminate dangerous dogs.
- Sec. 10-27. Duty to seize dogs.
- Sec. 10-28. Authority to seize and impound dog.
- Sec. 10-29. Duty to make registry of impounded dogs.
- Sec. 10-30. Time for redemption.
- Sec. 10-31. Right to redeem impounded dog.
- Sec. 10-32. Impoundment fee.
- Sec. 10-33. Fee for impoundment of unvaccinated dog.
- Sec. 10-34. Redemption of impounded dog by other than owner.
- Sec. 10-35. Monies for town general fund.
- Sec. 10-36. Health officer may be appointed.
- Secs. 10-37—10-60. Reserved.

Division 2. Noise

- Sec. 10-61. Unlawful keeping of unreasonably loud dogs and cats.
- Sec. 10-62. Complaint procedure.
- Secs. 10-63—10-82. Reserved.

Article III. Prohibited Animals

- Sec. 10-83. Livestock prohibited in town.
- Sec. 10-84. Certain live birds not to be kept in town.

***State law references**—Health and safety of animals, V.T.C.A., Health and Safety Code, § 821.001 et seq.; Type A municipality may regulate animals running at large, V.T.C.A., Local Government Code § 215.026.

ARTICLE I. IN GENERAL

Secs. 10-1—10-18. Reserved.

ARTICLE II. DOGS AND CATS**DIVISION 1. GENERALLY****Sec. 10-19. Dogs running at large; prohibited.**

(a) No person shall permit any dog to be at large in the town at any time. Dogs are at large when the animal is in any public street, alley, park or other public grounds or when off the premises of the owner or the person who has custody of said dog and not constrained by a leash or under the immediate physical control of the owner or the person who has custody of said dog. Within one hour when the dog escapes from either the owner or the person who has the custody of the dog, the owner or the custodian of the dog shall report the escape of said dog to the police department.

(b) Any dog found running at large within the town limits may be impounded by any peace officer or by the duly designated health or animal control official and processed as provided by this chapter.

(c) The owner or the person having custody of any dog shall not permit said dog to defecate on any school ground, public street, alley, sidewalk, tree bank, park or any other public grounds or any private property within the town other than the premises of the owner or the person having custody of such dog unless such defecation is removed immediately.

(Ord. No. 15, § 1, 12-9-1980; Ord. No. 15A, § 1, 9-11-1990)

Sec. 10-20. Rabies vaccination required.

It shall be the duty of every person who owns a dog or keeps a dog in or on his premises or on premises under his control, within the town to have said dog properly vaccinated each and every year, against hydrophobia, commonly called "the rabies", by a competent veterinarian duly licensed to practice such profession in the state.

(Ord. No. 15, § 2, 12-9-1980)

State law references—Vaccination of dogs and cats required, V.T.C.A., Health and Safety Code § 826.021; vaccination requirement, 25 Tex. Admin. Code § 169.29.

Sec. 10-21. Certificates required for vaccinated dogs.

Every veterinarian who shall vaccinate a dog against rabies shall furnish the owner of such dog with a certificate thereof, in triplicate, containing the name of such owner and the age, color, sex and general description of such dog sufficient to identify such dog.

(Ord. No. 15, § 3, 12-9-1980)

Sec. 10-22. Tags.

Along with the certificate of vaccination for a dog, the veterinarian vaccinating such dog shall furnish the owner with a metal tag for such dog containing lettering indicating the proper vaccination and inoculation of said dog, and the year during which said vaccination was administered, which said tag shall be attached to the collar of said dog.

(Ord. No. 15, § 4, 12-9-1980)

Sec. 10-23. Reporting diseased dog.

Every veterinarian or other person who is called to examine or professionally attend any dog within this town having rabies, within 24 hours thereafter, shall report to the duly designated health official of the town and to law enforcement the following facts:

- (1) A statement of the location of such diseased animal;
- (2) The name and address of the owner;
- (3) All known humans or animals suspected of having been exposed to the rabid dog.

(Ord. No. 15, § 5, 12-9-1980)

Sec. 10-24. Duty to confine dog suspected of hydrophobia.

It shall be the duty of every person who owns a dog or keeps a dog in or on his premises or on premises under his control, within the town, when such dog shows symptoms of hydrophobia, or has been exposed to such disease, or has injured some person or animal, upon such person being notified by the duly designated town health official, animal control official or law enforcement officer of such fact, to at once cause said dog to be confined and secured by a veterinarian for a period of not less than 14 days and until it can be reasonably determined by such town health officer, law enforcement officer or animal control personnel that such dog is not afflicted with such disease.

(Ord. No. 15, § 6, 12-9-1980)

Sec. 10-25. Dogs suspected of hydrophobia.

In the event no owner, keeper or person in control of a dog showing such symptoms of hydrophobia, or which has been exposed thereto, or which has injured some person or animal, can be found by the duly designated town health officer, law enforcement officer or animal control personnel, it shall be the duty of the town health officer, law enforcement officer or animal control personnel to confine said dog in a secure place for such period of time until it is determined that such dog is not afflicted with such disease.

(Ord. No. 15, § 7, 12-9-1980)

Sec. 10-26. Duty to exterminate dangerous dogs.

It is hereby made the duty of the designated official, officer or animal control personnel as well as any duly designated health official to kill and exterminate any and all dogs at large when said dogs are, or appear to be, affected with hydrophobia or any other infectious, contagious or dangerous disease.

(Ord. No. 15, § 8, 12-9-1980)

Sec. 10-27. Duty to seize dogs.

It shall be the duty of the town health officer, law enforcement officer or animal control personnel to seize and impound, subject to the articles of this chapter, all dogs found in violation of any article of this chapter within this town, whether such dog shall be in the immediate presence of the owner or custodian or otherwise.

(Ord. No. 15, § 9, 12-9-1980)

Sec. 10-28. Authority to seize and impound dog.

The town health officer, law enforcement officer or animal control personnel is hereby authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing and impounding any dog found in violation of this chapter.

(Ord. No. 15, § 10, 12-9-1980)

Sec. 10-29. Duty to make registry of impounded dogs.

The duly designated official, upon impounding or receiving any dog under the provisions of this division, shall make a complete registry of such dog, entering the breed, color and sex of such dog and whether such dog has been vaccinated, and the time and place of taking such dog into custody.

(Ord. No. 15, § 11, 12-9-1980)

Sec. 10-30. Time for redemption.

(a) Should any dog be impounded pursuant to this chapter and should said dog at such time have a metal tag affixed to its collar identifying the owner thereof and his address, then such dog shall not be subject to destruction as set forth by the terms of this chapter, but shall be delivered to a veterinarian for impoundment until the expiration of seven days after notice is mailed to the person and address shown on said tag or such person is otherwise contacted by the duly designated health officer, law enforcement officer or animal control personnel.

(b) All impounded dogs not having a tag affixed as set forth in subsection (a) of this section shall be redeemed within three days after the same were impounded.

(c) Any such dog not redeemed within such time may be sold, destroyed or otherwise disposed of.

(Ord. No. 15, § 12, 12-9-1980)

Sec. 10-31. Right to redeem impounded dog.

The owner of any dog which has been impounded under the provisions of this article shall have the right to redeem the same upon the payment of any and all fees which may be due and payable for the impoundment of such dog; provided, however, the payment of such impoundment fees shall not bar the imposition of any fine which may be imposed for the violation of this chapter.

(Ord. No. 15, § 13, 12-9-1980)

Sec. 10-32. Impoundment fee.

A fee in an amount as is determined from time to time by ordinance shall be charged for the impoundment of any dog under the provisions of this chapter. Whenever any dog is impounded, an additional fee in an amount as is determined from time to time by ordinance shall be charged for each day, or fraction thereof, of impoundment for the feeding and care of such dog.

(Ord. No. 15, § 14, 12-9-1980)

Sec. 10-33. Fee for impoundment of unvaccinated dog.

The owner of any impounded dog which has not been vaccinated as required by this article, upon satisfactory proof of ownership, may redeem his dog by making a deposit in an amount as is determined from time to time by ordinance with the health officer, law enforcement officer or animal control personnel and be allowed 24 hours to get such dog vaccinated. If such owner fails to produce a vaccination certificate within such 24 hours, the deposit shall be forfeited and the dog shall be impounded again. Upon presentation within such period of time of a certificate of vaccination, the deposit shall be refunded.

(Ord. No. 15, § 15, 12-9-1980)

Sec. 10-34. Redemption of impounded dog by other than owner.

If the owner of any dog impounded under this chapter shall fail to redeem his dog within the time allowed for redemption, any other person may, upon complying with all provisions of this chapter, redeem such dog from the pound and be the lawful owner of such dog thereafter.

(Ord. No. 15, § 16, 12-9-1980)

Sec. 10-35. Monies for town general fund.

All monies received and collected under the provisions of this chapter shall be deposited in the general fund of the town.

(Ord. No. 15, § 17, 12-9-1980)

Sec. 10-36. Health officer may be appointed.

The board may from time to time appoint a health officer to act pursuant to this chapter and/or may contract for the services of an individual or corporation to carry out the duties of a health officer as provided herein and to further handle the impounding and disposal of dogs as provided for in this chapter.

(Ord. No. 15, § 18, 12-9-1980)

Secs. 10-37—10-60. Reserved.

DIVISION 2. NOISE

Sec. 10-61. Unlawful keeping of unreasonably loud dogs and cats.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

(Ord. No. 127, § 1, 1-11-2000)

Sec. 10-62. Complaint procedure.

(a) Whenever any person shall complain to the police department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the town, the police department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, yelping or crying.

(b) If the warning given to the person alleged to be keeping a dog or cat as set forth in subsection (a) of this section is ineffective, then any person may present a verified complaint to the police department, alleging that a dog which habitually barks, howls or yelps, or a cat which habitually cries or howls is being kept by any person within the town. The police department shall investigate the complaint, and should the department find that the complaint has a reasonable basis, shall inform the owner of such dog or cat that said complaint has been received and shall cite the owner of the dog or cat for the violation alleged in said complaint.

(c) A person shall be deemed to have knowingly violated the terms of this division if such person shall have received the warning provided for in subsection (a) of this section and shall have failed or refused to correct such disturbance and prevent its recurrence.

(Ord. No. 127, § 2, 1-11-2000; Ord. No. 127A, § 1, 8-9-2005)

Secs. 10-63—10-82. Reserved.

ARTICLE III. PROHIBITED ANIMALS

Sec. 10-83. Livestock prohibited in town.

The keeping of any horses, jacks, jennets, cattle, sheep, swine, goats, hogs or other livestock within the town is declared a nuisance and is prohibited and unlawful.

(Ord. No. 66, § 1, 9-13-1988)

Sec. 10-84. Certain live birds not to be kept in town.

It shall be unlawful for any person to keep any chickens, turkeys, geese, ducks or pigeons within the town limits.

(Ord. No. 66, § 2, 9-13-1988)

Health & Safety

Revised
1/29/10

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF RANCHO VIEJO, TEXAS ESTABLISHING THE REGISTRATION AND LICENSING OF CATS, SETTING UP FEES, ESTABLISHING HOUSING FEES, ESTABLISHING FINES FOR VIOLATION, STRAY CAT PROCEDURES, PROVIDING FOR A PENALTY, PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION IN CAPTION FORM

WHEREAS, for the health, safety and welfare of the residents of Rancho Viejo, dog and/or cat regulations are deemed to be in the best interest of the Town of Rancho Viejo.

Section 1. The owner of any dog or cat shall license and register such owner's dogs and cats yearly. Dog and cat licenses shall be issued by the Town Office upon payment of a yearly license fee of five (\$5.00) dollars for each dog and/or cat. At the time the application is made for such license and upon forms provided for such purposes the owner shall state the owner's name, address and telephone number, and the name, breed, color and sex of each dog and/or cat. Proof of rabies vaccination by a licensed veterinarian must be presented annually.

Every owner shall be required to provide each dog and/or cat with a collar and identification tag or an "RFID" chip that shall be always worn while outdoors. In case a dog and/or cat tag is lost or destroyed, a duplicate tag shall be issued with a receipt showing the payment of the license fee for the current year. Dog and/or cat tags shall not be transferable from one dog and/or cat to another and no refund shall be made on any dog and/or cat license fee even in the event of the death of the dog and/or cat or because of an owner's relocation from the town.

Section 2. An owner of a dog and/or cat must have the animal vaccinated against rabies in a manner that satisfies the requirements of the state law. A rabies vaccination tag issued for a cat must be attached to the collar of the animal and must be worn at all times when outdoors. Rabies tags are not transferable.

Section 3. It shall be unlawful for any person owning a cat to permit it to be outside of such owner's premises, unless the cat shall be at all times under control of the owner.

Any dog and/or cat found roaming at large contrary to this ordinance will be apprehended and impounded at the Town Hall. If the dog and/or cat has a tag, the owner will be notified to pick up the dog and/or cat and a housing fee of \$25.00 will be

charged at that time, in addition to any other fines imposed by this Ordinance. If the dog and/or cat is not picked up by its owner by the end of the day, it will be turned over to the county animal control. On the second offense a housing fee of \$50.00 will be charged, in addition to any other fines imposed by this Ordinance. A dog and/or cat found roaming at large and without tags will be apprehended and PAWS will be called immediately. If they do not respond the dog and/or cat will be turned over to the county animal control for disposition in accordance with its policies.

Section 4. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined up to \$150.00 for the first violation and up to \$200.00 for any subsequent violations. Each day that a violation of this ordinance continues is a separate offense.

Section 5. If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be adjudged, invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 6. This Ordinance shall become effective when published in summary form according to law.

PASSED, ADOPTED, AND APPROVED on this the _____ day of _____, 2010.

Roberto Medrano, Mayor

ATTEST:

Cheryl J. Kretz, Town Secretary

ALTERNATIVE ANIMAL ORDINANCE

Chapter 10

Article II, Division 1, Section 10-37 – 10-60.

Definitions:

1. **Domestic/Companion Cat:** A cat that is humanely and responsibly cared for daily by an owner/family.
2. **Feral Cat:** A cat that was lost or abandoned and has reverted to a wild state, or a cat that was born to a stray or feral mother and has had little or no human contact and can very rarely, if ever be tamed and is not adoptable. They are descendants of domestic/companion cats.
3. **Stray Cat:** A domestic /companion cat that has been abandoned by the owner or has strayed from home and becomes lost. Once a companion animal, he/she can usually be re-socialized and placed in an adoptive home.
4. **Registered Group/Organization:** A group of persons organized for the purpose of providing a service to the residents of Rancho Viejo concerning the controlled, well-being of cats in a way of which the ultimate goal is to protect persons from being negatively impacted.

Domestic/Companion Cats

Rabies vaccination required.

It shall be the duty of every person who owns a domestic/companion cat or keeps a domestic companion cat on his premises or on premises under his control, within the town to maintain said cat with current vaccination against hydrophobia, commonly called "the rabies", by a competent veterinarian duly licensed to practice such profession in the state.

Certificates required for vaccinated cats.

The owner of a cat shall vaccinate such cat and obtain a certificate, containing the name of such owner, and the age, color, sex and general description of such cat sufficient to identify such cat.

Tags.

Along with the certificate of vaccination for a cat, the owner shall obtain from the veterinarian a metal tag for such cat containing lettering indicating the proper vaccination and inoculation of said cat, and the year during which said vaccination was administered. Said tag shall be in the owner's possession and available for display to authorities, if necessary. If tags are lost or destroyed, duplicates must be obtained by the owner.

Collars.

Owners of domestic/companion cats are strongly advised to fit their cat(s) with safe collar to hold tags particularly if the cat is let outdoors; in lieu of a collar with tags, an owner may ear tip the cat and register the cat(s) with the Town of Rancho Viejo.

Registration.

Owners will register their cat if allowed outdoors for any reason with the Town of Rancho Viejo for a fee of \$5.00. The registration process will be used, in cooperation with a registered group or organization, to help reunite lost cats and their owners.

A rabies vaccination certificate will be required to register as well as documentation of spaying/neutering of said cat if it is allowed at all outdoors. At the time of registration, the owner will be required to complete paperwork to include his/her name, address and telephone number, the breed, color and sex, and color of each cat.

Other Responsibilities of Owners of Domestic/Companion Cats.

Owners of domestic/companion cats shall:

1. Follow controlled feeding guidelines established by a registered group or organization if cat(s) is/are fed outdoors. In absence of a registered group or organization providing feeding guidelines, outdoor feeding will not be permitted.
2. Not permit their cat(s) to roam unsupervised if sexually intact (not spayed/neutered),

Feral and Stray Cats

It shall be unlawful to feed feral cats unless done in cooperation with a registered group or organization having expertise in this procedure.

Trapped Cats

- A. Any cat submitted to the Town shall be processed in the following manner:
 - 1) If identification of the cat is made, the owner shall be contacted and retrieval shall be completed within 8 hours; if not completed, a registered cat group or organization will be notified and given the opportunity to retrieve said cat(s). If unsuccessful, said cat(s) shall be submitted to the county.
 - 2) In cases of cat(s) without identification, a registered group or organization shall be notified and given 8 hours to retrieve. If unsuccessful, said cat(s) shall be submitted to the county.
- B. The owner of the cat shall be fined unless the following is established:
 - A. The owner is an active member of a registered cat group or organization,
 - B. The cat owner is a registered cat group or organization,
 - C. The person retrieving the cat becomes the owner and complies with the ordinance in its entirety.
- C. Cats apprehended that are not registered, must be registered by the owner and the owner will be in violation of this ordinance.

Penalties and Fees

The Town shall provide funds derived from this ordinance to a registered group or organization for the sole purpose of spaying/neutering, vaccinating, feeding and providing medical treatment, when necessary to feral and /or stray cats – domestic/companion cats are not included in this section. The funding amount shall be determined by the Town administration after a minimum amount of funds is kept for the purpose of processing cats or dogs. The amount shall be determined by the Town administrator.

Registration of Groups or Organizations

- 1) Any group or organization as defined in this ordinance shall be required to register at the Town Hall.
- 2) The group or organization shall submit documentation, credentials, certificates, licenses, supporting expertise in providing assistance needed by Rancho Viejo to comply with this ordinance.
- 3) The group or organization shall submit a detailed plan to the Town outlining the assistance available. The plan shall submit as a minimum the following elements:
 - a) Contact information for the group or organization,
 - b) Procedures for trapping feral/stray cats,
 - c) An outline of the medical attention given to trapped cats,
 - d) Guidelines for feeding outdoor cats,
 - e) An outline of what assistance the group provides residents, and what it does not provide,
 - f) Method for providing progress reports to the town.
 - g) Financial Capacity
- 4) The Town administration shall review and approve such plan upon meeting all requirements.
- 5) Modifications to an approved plan may be submitted and shall become effective once approved by the Town administration.

Anti-Cruelty

Animal Care and Humane Treatment of Animals.

Animals shall be cared for, treated and transported in a humane manner and not in violation of Section 42.092 of the Texas Penal Code, Chapter 821 of the Health and Safety Code, or any other provision of law, including federal, state and local laws, ordinances, and rules. This includes, but may not be limited to the following;

1. No animal may be left unattended inside a vehicle.
2. Cats may not be tied out. ???
3. No owner shall fail to provide his/her animal with food, water, proper shelter and protection from the weather, veterinarian care when needed to prevent suffering, humane care and treatment. Any owner of animals shall maintain a clean and healthful shelter for any animal being kept, which is free of accumulated waste and debris so that the animal is free to walk or lie down without coming in contact with such waste or debris. All pet living areas must be cleaned and maintained regularly so as to promote the health for the animals kept as well as to not offend neighbors.

4. No owner shall abandon any animal for a period of twenty-four hours without providing for someone to feed, water and check on the animals' condition. No owner shall leave an animal by the roadside or other area. Or leave such animal on either public or private property without the property owner's consent.
5. Not abandon their domestic/companion cat(s).
6. In addition a person commits an offense if:
 - a. A person other than a licensed veterinarian docks an animal's tail or crops an animal's ears.
 - b. A person who is in control of a motor vehicle which strikes a domestic animal fails to report the accident to the town hall or local police.
 - c. A person shall raise or kill a dog or cat for the skin or fur.
 - d. A person mutilates any animal whether such animal is dead or alive. (Medical or veterinary autopsies and reasons are exempt.)
 - e. A person who transports an animal fails to effectively restrain such animal so as to prevent the animal from leaving or being accidentally thrown from the vehicle during normal operation of the vehicle or fails to restrain the animal so as to prevent infliction of bodily harm to passersby.

Add to Sec. 10-62 Complaint Procedure

Section 10-62 Complaint procedure

(d) Owners of domestic/companion cats shall:

Take action to prevent their cat(s) creating a nuisance. Any person having a complaint about a nuisance cat(s) (other than howling or yelping) can notify the Town Office. The Town Office will notify the registered group or organization to contact the complainant to help find solutions to resolve the problem. If the problem is not resolved, the complainant can contact the Town Office to obtain a humane cage style trap for a refundable deposit of \$50.00 to trap the cat on their property. Once trapped, the cat can be turned over to the Town and the cat will then be submitted to the county.

Penalties

Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined up to \$500.00. Each day that a violation of this ordinance continues is a separate offense.

Add this section to the dog regulations in Chapter 10

Animal Care and Humane Treatment of Animals.

Animals shall be cared for, treated and transported in a humane manner and not in violation of Section 42.092 of the Texas Penal Code, Chapter 821 of the Health and Safety Code, or any other provision of law, including federal, state and local laws, ordinances, and rules. This includes, but may not be limited to the following;

- 1 No dog may be tied out between the hours of 10:00 p.m. and 6:00 a.m. except under certain circumstances. If a dog is tied out, food and water must be readily available.

Add this section Article II. Prohibited Animals

Article III. Prohibited Animals

Section 10-85 Prohibited Feeding of Raccoons, Opossums, Armadillos and Skunks

It shall be unlawful to feed raccoons, opossums, armadillos or skunks under any circumstance. Households/individuals feeding such animals shall be deemed in violation of this ordinance.