

CHAPTER 2

ANIMAL CONTROL

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE CITY OF SEYMOUR, TEXAS, REPEALING ALL EXISTING ORDINANCES AND UPDATING SAID ORDINANCE WITHIN THE CITY OF SEYMOUR, TEXAS BY ADDING TO ARTICLE 2.1100 LICENSING FEES AND ANIMAL CONTROL FEES TO SAID ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEYMOUR, TEXAS THAT THIS ORDINANCE BE PASSED AND APPROVED WITH :

ARTICLE 2.100 ANIMAL CONTROL

Sec. 2.101 Definitions

Abandonment. Leaving behind an animal alone or permitting the animal to be abandoned in circumstances which might cause harm to the animal.

Animal. Any live domestic creature, including livestock and fowl, unless indicated otherwise.

At-Large. Not restrained or confined by adequate physical means indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner or harbinger and not under the control of the owner or harbinger, either by leash, chain, cord or other suitable material attached to a collar or harness.

Dog. A domesticated carnivore, Canis Familiaris, bred in a great many varieties, any animal belonging to the same family Canidae.

Cat. Cat is defined as a domesticated carnivore, Fells Domestica, bred in a number of varieties.

Official Notice. Written notice personally delivered by the chief of police or his designee or mailed by certified mail, return receipt requested, addressed to the last known address of the recipient.

Owner. Any person, partnership, company, or corporation owning, keeping, maintaining, harboring, or having the care, custody, or control of one or more animals within the city limits shall be deemed the owner thereof.

Owner Abandonment. Occurs when the owner of an impounded animal is identified by tag, or has been confirmed by owner visually or otherwise, has been contacted a minimum of three (3) times, and refuses to reclaim the animal(s).

Public Nuisance. Any animal which:

- (1) Molests persons or vehicles passing by;
- (2) Attacks other animals;
- (3) Trespasses on school grounds;
- (4) Is at-large three or more times during a twelve-month period;

- (5) Damages private or public property;
- (6) Barks, whines, or howls in an excessive, continuous, or untimely fashion;
- (7) Is unconfined in-season; or
- (8) Defecates on public or private property that does not belong to the animal owner
- (9) Is a dangerous animal not confined as required by this article.

Vicious Animal. Any animal meeting the criteria to be declared a "dangerous dog," as defined in [article 2.300](#) herein (vicious dog and "dangerous dog" are considered synonymous for the purposes of this chapter), or any animal that, by reason of its behavior, would constitute a physical threat to human beings or other animals. An animal that has, without intentional provocation, attacked or bitten a human being or attacked another animal, or has, in a vicious or terrorizing manner, approached any person in an apparent attitude of attack, shall be considered vicious.

Vicious Animal (Wildlife). Any nondomestic creature, including, but not limited to: mammals, amphibian, reptile, or fowl, which is of a species which is wild by nature and which can normally be found in the wild state and which is not naturally tame or gentle, but is of a wild nature or disposition, or which, because of its size, vicious nature, or other characteristics, would constitute a danger to human life or property. Such creatures shall include, but not be limited to, snakes, both poisonous and nonpoisonous, and nonhuman primates. Hamsters, gerbils, ferrets, and domesticated breed of rabbits, guinea pigs, rats, and mice shall be excluded from this definition.

Sec 2.102. – Animal Control Officer Responsibilities

State Law reference— Animal control officer, V.T.C.A., Health and Safety Code § 829.001 et seq.

- (a)The city administrator shall employ or cause to be employed an animal control manager and/or officers.
- (b)In addition to the Seymour Police Department, the animal control manager, animal control officers, or his/her designated assistant, shall be responsible for the enforcement of this chapter and no person shall interfere with, hinder, molest, or abuse the animal control manager, animal control officers, or his/her assistant, in the exercise of such powers.
- (c)The animal control manager and animal control officers shall operate under the supervision of the police department to enforce the city ordinances regulating animals and shall serve as the local rabies control authority when charged by the city administrator. An animal control officer and the animal control manager shall be required to receive the pre-exposure rabies vaccination within six months of employment.
- (d)The animal control manager, animal control officer or police officer, while on duty, is hereby authorized to enter upon any public place or the front and back of unfenced private property within the city, whether in the immediate presence of the owner or custodian or otherwise, for the purpose of seizing or impounding any animal running at-large thereon.

Article 2.200 OWNER/KEEPER RESPONSIBILITIES

It is the requirement, duty, or provision of the owner of any animal(s):

- (1) It shall be unlawful for any dog, licensed or not, to run at large within the limits of the city.
- (2) It shall be unlawful for any dog to be left unattended and unrestrained, even when on the owner's property.

In the interest of safety for both the public and the pet, an enclosure or restraint is required at all times.

(3) It shall be unlawful for any owner or handler of an animal to fail to keep the premises where the animal is kept free from odors that are disturbing to any person residing within reasonable proximity of the premises or to allow animals or premises where animals are kept to become infested with fleas, ticks or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control.

(4) It shall be unlawful for the keeper of an unneutered dog or cat to allow such dog or cat to be off the premises unless accompanied by the keeper.

(5) It shall be unlawful for the keeper or owner of an animal to allow the animal to defecate on the property of another, or upon public property, without immediately cleaning the feces from the property and properly disposing of it in a trash receptacle.

(6) No dog or cat shall be allowed by its keeper to cause a nuisance as defined in sec 2.101.

(7) A dog or cat suspected to have rabies may leave the premises only to be taken to a veterinary hospital. It shall be unlawful for any person who knows or suspects a dog and/or cat to have rabies to allow such dog and/or cat to be taken off the premises for any other reason without the written permission of the designated local rabies control authority. Owner shall comply with ARTICLE 2.1300.

(8) It shall be unlawful for any person to abandon an animal within the city. This shall also apply to any person who brings an animal to the city and abandons such animal.

(9) No person shall beat, cruelly 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.

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

(11) No person may use any license for any animal other than the animal for which it was issued.

(12) Every person owning or keeping any dog or cat shall procure a written rabies vaccination certificate, signed by the veterinarian administering the vaccine. The certificate shall include an accurate description of the dog or cat, date of immunization, and the name and address of the owner of such dog or cat.

(13) No person shall transport or confine any animal in a cruel manner to include a parked vehicle when the temperature may rise or fall to levels that may lead to an immediate danger to the animal. Any animal control officer or police officer is authorized to use reasonable force, including the breaking of a side window, to remove an animal from a vehicle whenever the safety or health of the animal is endangered. The animal will then be impounded.

(14) No person shall surrender or bring to the city animal control facility any animal that lives or was found outside of the city limits.

(15) Any person who, as the operator of a motor vehicle, strikes a domestic animal or cat shall immediately notify the animal's owner or keeper of such injury or death. If the owner or keeper cannot be located, the operator shall report the incident to the animal control officer for the city.

(16) No person shall expose any known poisonous substance, whether mixed with food or not, so that the

same may be eaten or ingested by any domestic animal or cat or by a person. This does not mean to prohibit the prudent use of herbicides, insecticides, or rodent control materials. No person shall expose an open trap of the metal jaw type that shall be liable to injure any domestic animal or cat or any person.

(17) No owner shall abandon, as defined as Owner Abandonment Sec 2.101, an animal to the city impoundment facility.

Reserve ARTICLE 2.200 RUNNING AT-LARGE*

ARTICLE 2.300 DANGEROUS DOGS[†]

Sec. 2.301 Health and Safety Code

The following provisions of the *Health and Safety Code of the State, chapter 822*, relating to dangerous dogs, are hereby adopted as follows.

Sec. 2.302 Definitions (§822.041)

Animal Control Officer. A municipal animal control officer.

Dangerous Dog. A dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own;
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or
- (3) Any dog that, by reason of its behavior, would constitute a physical threat to human beings or other animals. A dog that has, without intentional provocation, attacked or bitten a human being or attacked another animal, or has, in a vicious or terrorizing manner, approached any person in an apparent attitude of attack, shall be considered a vicious/dangerous dog.

Dog. A domesticated animal that is a member of the canine family.

Secure Enclosure. A fenced area or structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the local animal control authority.

Owner. A person who owns or has custody or control of the dog.

Sec. 2.303 Requirements for Owner of Dangerous Dog (§822.042)

- (a) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

- (1) Register the dangerous dog with the municipal animal control authority;
 - (2) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;
 - (3) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the municipal animal control authority; and
 - (4) Comply with an applicable municipal regulation, requirement, or restriction on dangerous dogs.
- (b) The owner of a dangerous dog who does not comply with subsection (a) shall deliver the dog to the animal control authority not later than the 30th day after the owner learns that the dog is a dangerous dog.
- (c) If, on application of any person, the municipal court finds, after notice and hearing as provided by *§822.0423*, that the owner of a dangerous dog has failed to comply with subsection (a) or (b), the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.
- (d) The owner shall pay any cost or fee assessed by the municipality related to the seizure, acceptance, impoundment, or destruction of the dog. The governing body of the municipality may prescribe the amount of the fees.
- (e) The court shall order the animal control authority to humanely destroy the dog if the owner has not complied with subsection (a) before the 11th day after the date on which the dog is seized or delivered to the authority. The court shall order the authority to return the dog to the owner if the owner complies
- (f) The court may order the humane destruction of a dog if the owner of the dog has not been located before the 15th day after the seizure and impoundment of the dog.
- (g) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:
- (1) The owner knows of an attack described in *§822.041(s)(A)* or (B);
 - (2) The owner receives notice that municipal court has found that the dog is a dangerous dog under section *§822.0423*; or
 - (3) The owner is informed by the animal control authority that the dog is a dangerous dog under section *§822.0421*.

Sec. 2.304 Determination that Dog is Dangerous (§822.0421)

- (a) If a person reports an incident described by *§822.041(2)*, the animal control authority may investigate the incident. If, after receiving the sworn statements of any witnesses, the municipal judge determines the dog is a dangerous dog, the court shall notify the owner of that fact.
- (b) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the decision of the municipal court in the same manner as appeal for other cases from the justice, county, or municipal court.

Sec. 2.305 Registration (§822.043)

- (a) The city animal control authority shall annually register a dangerous dog if the owner:
 - (1) Presents proof of:
 - (A) Liability insurance or financial responsibility, as required by *§822.042*;
 - (B) Annual rabies vaccination of the dangerous dog; and
 - (C) The secure enclosure in which the dangerous dog will be kept; and
 - (2) Pays an annual registration fee provided for in the fee schedule found in [appendix A](#) of this code.
- (b) The animal control authority shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.
- (c) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the municipal animal control authority in which the new address is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee provided for in the fee schedule found in [appendix A](#) of this code, the municipal animal control authority shall issue a new registration tag to be placed on the dangerous dog's collar.
- (d) An owner of a registered dangerous dog shall notify the office in which the dangerous dog was registered of any attacks the dangerous dog makes on people.

Sec. 2.306 Attack by Dangerous Dog (§822.044)

- (a) A person commits an offense if the person is the owner of a dangerous dog, and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.
- (b) An offense under this section is a class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a class A misdemeanor.
- (c) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person listed in *§822.003*.
- (d) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000.00. An attorney having civil jurisdiction in the municipality where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the municipality.

Sec. 2.307 Violations (§822.045)

- (a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with *§822.042* or *§822.0422(b)* or an applicable municipal regulation relating to dangerous dogs.
- (b) Except as provided by subsection (c), an offense under this section is a class C misdemeanor.
- (c) An offense under this section is a class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this section.

ARTICLE 2.400 ANIMAL BITE PROCEDURE

Any animal that bites, scratches, or otherwise injures a person shall immediately be quarantined at the owner's expense by city personnel at a licensed veterinarian office or at the city's animal shelter for a period of not less than ten (10) days or more than twelve (12) days from the date the injury occurred. Provided, however, that an animal which is not located, apprehended, or picked up within the ten (10) to twelve (12) day period from the date of the injury, shall immediately upon apprehension be taken to a licensed veterinarian for the purposes of testing or checking the animal for rabies or any other communicable diseases. Any animal that bites, scratches, or otherwise injures a person shall immediately be examined by a licensed veterinarian or other rabies control specialist for rabies or other communicable disease.

(1) Quarantine shall mean that the animal be secured in such a manner that prohibits the animal from being exposed to any other person during the ten (10) to (12) day period. The chief of police or his designee shall determine if the quarantine facility is adequate to prevent exposure of the animal to any other person.

(2) A licensed veterinarian or rabies control specialist shall inspect any animal that bites, scratches, or otherwise injures a person as soon as possible after the injury occurs. The licensed veterinarian or rabies control specialist may also inspect the animal at any time during the quarantine period. The licensed veterinarian or rabies control specialist shall also inspect the animal before the animal is released from quarantine and shall authorize the release of the animal from quarantine.

ARTICLE 2.500 TRAPPING OR DETENTION

The chief of police for the city, or his designee, is authorized to use and/or employ the use of humane cage traps for the purpose of capturing animals or wildlife at-large. Authorized persons may also use a catch noose or tranquilizer darts to seize animals when necessary.

ARTICLE 2.600 RECORDS

The animal control officer shall keep records giving the description of all animals and wildlife seized and/or captured. Records shall reflect the description of the animal, location seized or captured, date of impoundment, date of reclaim, date of euthanasia or adoption, amount realized for the sale and reclaim, and name of purchaser. The animal control officer shall also maintain records concerning the daily operation of the animal shelter and/or rabies quarantine facility.

ARTICLE 2.700 FACILITIES*

The city administrator may select and establish suitable animal shelter or shelters for the impoundment of animals seized or impounded by the city.

ARTICLE 2.800 TEMPORARY PERMIT - RELEASE ORDER

(a) The city judge may issue a permit for the care, keeping and protection of an infant or injured wild animal, native to this area, which has been deemed incapable of surviving in the wild on its own.

(b) The city judge shall have the power to order the release of any infant or injured animal kept under the

temporary permit. Said animal shall be released to the Wichita County Humane Society or to the owner for relocation.

ARTICLE 2.900 NOISE

No person shall keep any animal of any kind that makes an unreasonable disturbance to the peace of the occupants of adjacent premises or vicinity thereof:

f. Noises include, but are not limited to, howling, barking, and bawling. The chief of police, or his designee, shall give notice to correct the disturbance and prevent its reoccurrence. Failure to correct the disturbance and prevent the reoccurrence is a violation of this article and is subject to the appropriate fine. Each day that the reoccurrence occurs is a separate offense.

ARTICLE 2.1000 VIOLATIONS; PENALTY

(a) Any person violating any prohibition, requirement, duty, or provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed five hundred dollars (\$500.00).

(b) If any person be found guilty of cruelty to any animal or wildlife under municipal, state or federal law, that person's permit or permits to keep, harbor, or have custody of any animal or wildlife shall be deemed automatically revoked and no new permit or permits may be issued.

(c) If any person be found guilty of 3 animal control violations within a 1 year term, it shall be considered unlawful for them to keep, harbor, or have custody of any animal(s) for two (2) years after the date of the last issued violation and that person's permit or permits to keep, harbor, or have custody of any animal or wildlife shall be deemed automatically revoked and no new permit or permits may be issued.

ARTICLE 2.1100 LICENSING FEES & ANIMAL CONTROL FEES

(a) It shall be the duty of any person who is the owner of any dog or cat, whether male or female, within the corporate limits of the city, to license such animal each year. Each license shall be valid from a period beginning July 1st and each license shall expire June 30th. Publication shall be made on two (2) separate occasions during the month of June of each year informing the citizens of the requirement to license dogs and cats.

(b) The cost of the license shall be as provided for in the fee schedule found in appendix A of this code.

(c) Said license shall consist of a metallic tag with a number stamped thereon, and said license tag will be stamped with the current calendar year thereon. Said license tag shall be attached to the collar on the neck of any dog or cat at all times.

Licensing Fees

Removed

Impound and Shelter

- (a) Impoundment Fee: \$10.00- one - time fee
- (b) Shelter Fee: \$3.00 per day
- (c) Vaccination Fee: \$30.00
- (d) Adoption Fee: \$35.00
- (e) Surrender Fee: \$100.00

Livestock, Fowl, Other Animals, Permits and Other

- (a) Annual Permit Fee: See Appendix "A" Fee Schedule
- (b) Collection and/or Disposal of dead animals from the City as follows:
Varmits \$20.00
Small Livestock \$50.00
Large Livestock \$100.00
After hours pick-up -Add \$25 to above fees

Kennel Permits

- (a) Business Kennel: \$40.00
- (b) Non-business Kennel \$10.00

Dangerous Dogs

- (a) Registration: Annual registration fee of \$100.00
- (b) Transfer of Registration: \$35.00

Private Care Facilities (Rescue Shelters)

- (a) Annual Permit Fee: NO CHARGE

ARTICLE 2.1200 IMPOUND AND SHELTER*

Sec. 2.1201 Fees

- (a) Impoundment fee shall be provided for in the fee schedule found in [appendix A](#) of this code and shall be paid before the dog is released to the owner.
- (b) Shelter fee shall be provided for in the fee schedule found in [appendix A](#) of this code for each full or partial day an dog is kept in the shelter and shall be paid before the animal is released to the owner.
- (c) Dogs that are not licensed with the city shall be licensed as required under [article 2.1100](#) of this chapter before being released from the impound.
- (d) Owners/adoptioners must show proof of current rabies vaccination before an dog will be released. If the owner/adoptioner cannot show proof of current rabies vaccination, then the dog shall be vaccinated against rabies and a fee provided for in the fee schedule found in [appendix A](#) of this code or applicable fee for the vaccination shall be paid before the dog is released.

- (e) An adoption fee provided for in the fee schedule found in [appendix A](#) of this code shall be charged for the adoption of any animal by a private individual. This fee includes the cost of rabies vaccination and city tags if applicable. If the rabies vaccination, city tag, or both is not required, the adoption fee will still be set as provided for in the fee schedule found in [appendix A](#) of this code.
- (f) Any dog adopted from the city impound shall be allowed 30 days to complete spay or neuter per a sterilization agreement signed before the dog is released.
- (g) All fees shall be paid at the City of Seymour Police Department, 102 West California Street, Seymour, Texas 76380.
- (h) All fees received pertaining to this article and [article 2.1100](#) shall be deposited in the general account fund of the city.
- (i) An adoption fee as provided for in the fee schedule found in [appendix A](#) of this code per animal will be charged for an adoption by a city approved private kennel. This fee covers the cost of rabies vaccination and city tags for the private kennel in adopting/rescuing an dog from euthanization no other cost will be assessed for such adoptions.
- (j) The city and its assigned designee has final determination regarding the availability of an animal for adoption.
- (k) All adoptions be it an individual or a private care facility must sign a liability waiver, have said dog vaccinated against rabies, and sterilize or sign sterilization agreement prior to any dog being released from the city impound.

Sec. 2.1202 Rules and Regulations

- (a) Dogs that are impounded by the city who are wearing a tag as described in [article 2.1100](#) of this chapter shall be kept for a period of ten (10) days, exclusive of the day of impoundment and the day of disposition, before city officials dispose of the dog.
- (b) Dogs that are impounded by the city who are not wearing a tag as described in [article 2.1100](#) shall be kept for a period of five (5) days, exclusive of the day of impoundment and the day of disposition, before city officials dispose of the dog.
- (c) If an animal that has been impounded by the city has any type of tag, license, collar, or such item that identifies the owner of the animal, then the city will make a reasonable effort to notify the owner that the animal has been impounded. It will be assumed that a reasonable effort has been made to contact the owner if, on at least three separate occasions, the city has attempted to contact the owner either in person at the last known address or has attempted to contact the owner by telephone at the last published telephone number.
- (d) Unclaimed animals will be disposed of by euthanasia by a licensed veterinarian or properly trained animal control officer.

ARTICLE 2.1300 RABIES NOTIFICATION

- (e) The health officer for the county and the city is authorized and empowered to issue public

proclamations and instructions as he shall deem necessary to the public generally to protect the health and safety of the public from any rabies infestation within the city and the county, and strict compliance shall be required of any public proclamations or instructions issued by the county health officer to cope with any cases or suspected cases of rabies affecting any animals in the city or county.

(f) If shall be the duty of every person to report to the county health officer any and all cases of rabies which the person comes into contact with or to which their attention has been directed. This report shall be made immediately upon diagnosis or suspicion of such cases of rabies.

(g) Any animal that has rabies or symptoms thereof, or that has had positive exposure to rabies, shall immediately be impounded by the animal control officer, secured and quarantined until a licensed veterinarian directs the animal control officer to release or properly dispose of the animal.

(h) Every dog and cat kept or maintained in the city shall be vaccinated by a licensed veterinarian or approved anti-rabies clinic with rabies vaccine. Except as otherwise provided by any rule promulgated by the state board of health, the owner of each dog or cat shall have the dog or cat vaccinated against rabies by the time the dog or cat is four (4) months of age and at regular intervals thereafter as prescribed by rule of the state board of health.

(i) No performing animal exhibition or circus shall be permitted in which any animals are induced or encouraged to perform for entertainment through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause or is likely to cause physical injury or suffering. All equipment used on a performing animal shall fit properly and be in good working condition.

Reserve 2.1400

ARTICLE 2.1500 LIVESTOCK, FOWL, OTHER ANIMALS*

Section 2.1501

(a) No person shall keep a wild animal as a pet. For the purposes of this article, wild animal shall be defined as lions, tigers, cougars, panthers, bears, wolves, wolf-hybrid, cat-hybrid, and other non-domesticated animals of an unstable disposition, notwithstanding that their natural wildness may be intermittently dormant, as said wildness is likely to be awakened at any time, suddenly and unexpectedly. The failure to list any animal in this subsection will not preclude such animal from being deemed an innately wild animal of untamable disposition. The keeping of wild animals constitutes a danger to the safety, health, and welfare of the citizens of the city and the keeping of wild animals within the corporate limits of the city is hereby prohibited.

(b) No person shall be permitted to keep, quarter, keep penned in any pen, pigsty, or any type of enclosure, or keep under restraint in any way, within the corporate limits of the city, any hog or hogs. Hog or hogs is defined and intended to include and mean swine and any and all types of animals commonly classified in such a category. Provided, however, it shall not be unlawful for anyone to transport hogs through the city, in the usual course of business, nor shall it be unlawful for anyone to carry on a meat processing plant after having obtained a city permit and said plant being operated in compliance with all city ordinances, state and federal statutes and regulations.

(c) It shall be unlawful for any person to stake any livestock, for the purpose of grazing within the limits

of the city.

(d) Every owner of animals shall cause the litter and droppings to be disposed of in a manner approved by the city animal control officer.

(e) Every owner shall provide adequate feed and water for animals. Feed shall be stored and kept in a rat proof, fly tight building, box, container, or receptacle.

Section 2.1502 Definitions

For the purpose for this article, the terms:

Animal or Animals. Unless otherwise specified, shall include all of the following: any horse, mule, jack, jenny, cow, cattle, sheep, goat, or similar animal, and any chicken, turkey, geese, guinea, duck, pigeons, pheasant, or similar fowl, and monkey, raccoon, opossum, skunk, chinchilla, and similar animals, regardless of sex.

Owner. Any person, firm, or corporation owning, keeping or harboring, or having control of any animal or animals.

Permit. The permits described in subsection below, authorizing the keeping of animal or animals in the city limits.

Section 2.1503 Permit Procedure

(a) Any owner desiring to keep an animal within the corporate limits of the city, shall make application to the city animal control officer, on such application form provided by the city, containing the following information:

- (1) Name of owner and date of application;
- (2) Description of and number of animals to be kept;
- (3) Legal description of property and address where animal or animals will be kept;
- (4) Description of any fencing located on, or to be placed, on the property.

The city animal control officer shall inspect and provide to City Secretary for approval or rejection the animal permit. The City Secretary may approve or deny the permit based on the conditions being in the best interest, health, and general welfare of the citizens of the city.

(b) No permit shall be issued if:

- (1) The requested animal permit would be injurious to the health, well-being, and general welfare of the citizens of the city.
- (2) There already exists on the property or the permit would result in obnoxious odors, flies, insects, or unclean conditions to exist on the property where such animals are kept such that it is or would be a public nuisance.
- (3) An abandoned or substandard structure is on the property.
- (4) The necessary information provided by the owner in the application referenced in subsection (e)(1)–(4) is found to be substantially inaccurate and/or false.
- (5) The fence constructed is not adequate to secure the animals for which the permit is being requested.
- (6) The owner will be notified by certified mail, sent to the address listed on the application, that the

permit has been denied and/or cancelled. Appeals of denial and/or cancellation of a permit must be made to the city council within ten (10) business days from the date of the mailing of the certified letter by contacting the city administrator and requesting a public hearing before the city council. A protest form will then be given to the property owner to complete and return to the city secretary at least ten (10) days prior to the date of the public hearing set for this permit. The decision concerning the appeal shall rest with the city council and shall be final.

(c) The annual permit fee for the owners of the animals as required by this section shall be provided for in the fee schedule found in [appendix A](#) of this code. Permits will expire on December 31st of each year and are not transferable from person to person.

(d) At least once every six (6) months the city animal control officer, or his authorized designee, shall inspect every area or place for which a permit has been issued for the keeping of animals. Owners will be given thirty (30) days to remedy any violations noted during the first inspection before a second inspection is made. If the violations noted in the first inspection have not been remedy before the second inspection, the permit will be immediately suspended.

Section 2.1504 Affidavits Required

It shall be unlawful for any owner to keep any animal or animals within the city limits, unless such owner has obtained and has in his possession a permit issued and authorized by the city secretary. No person shall keep an animal or animals in any type of enclosure, pen, stable, parcel of land, etc. within two hundred feet (200') of any other building belonging to another, that is occupied at any part of the day or night, unless an affidavit consenting to the placement of the animal is signed by the owner and/or occupant of said building. Said affidavit(s) must be presented to, and a copy given to, the city secretary when the application for the permit is prepared.

Section 2.1505 Public Nuisance Declared

Complaints regarding the keeping of livestock and/or fowl will be referred to and investigated by the appropriate officer or department. Any stable, barn, pen, or other area where livestock and/or fowl are kept which produces any obnoxious odor, in which flies or rodents may be found or may be breeding or where unreasonable accumulations of fecal material or decaying organic matter may be found is hereby declared a health hazard and a nuisance, injurious to the welfare of the citizens of the city. If such conditions are found, the animal control officer or other designee inspecting the premises shall serve written notice of nuisance, itemizing those matters found in violation of this code, on the landowner and the owner of the livestock and/or fowl if not the same as the owner, and shall also post notice at the site. Thereafter, the landowner and/or owner of the livestock and/or fowl shall have ten (10) days to correct the violation and remove the nuisance.

Property must also maintain the integrity as to which it is zoned and is not permitted to become a place of disposal or storage of items that are outlined in [article 7.200](#) property maintenance requirements, [section 7.201](#) particular lots declared a nuisance of the city code of ordinances that would deem it a public nuisance.

Section 2.1506 Livestock Kept for Educational Purposes

Any person, firm, or corporation shall be entitled to raise, keep, breed, and maintain livestock and/or fowl within the limits provided by this section if such person, firm, or corporation is a public or private school located within the city, or an nonprofit corporation or association as defined by the IRS Code, including the FFA and 4-H clubs or is a member of or student in such school, corporation, or association. If such person, firm, or corporation qualifies hereunder, the fee requirements of this section shall be waived. Such waiver must be renewed annually. The privileges of this section will terminate if the provisions of subsection **Sec 2.1504** and **Sec 2.1505** are violated.

Section 2.1507 Exceptions

The following are exempted from this section upon city administrator approval:

- (1) Veterinary hospitals, clinics, and related practices of veterinary medicines.
- (2) Stock shows, pet fairs, pet shops, humane societies, slaughter houses, auction pens, rodeo arenas, riding stables, circuses, public zoos, governmental agencies, laboratories, and research facilities.

Section 2.1508 Penalty

Any person, firm, or corporation violating the provisions of this article shall be deemed guilty of a separate offense for each day or portion of a day during which any violation hereof shall be committed and conviction of any such violation shall be held punishable by a fine of not less than one hundred sixty-five (\$165.00) and no more than five hundred dollars (\$500.00).

(Ordinance 2019-03 adopted 2/21/19)

ARTICLE 2.1600 TETHERED ANIMALS AND KENNELS

Section 2.1601 Tethering

(a) It shall be unlawful to stake a dog or cat outside on a leash, rope, chain, or any other similar tethering apparatus unless:

- (1) A person is holding the tethering device; or the dog's owner or handler remains outside, within 50 feet of the dog, throughout the entire period of restraint.
- (2) Any dog that is maintained outside unattended will be confined within fencing appropriate for the size and/or breed of the animal and will be provided adequate shelter at all times. Food and water will be placed in bowls, containers, buckets, etc., that are constructed, made or adapted in a manner that prevents said bowls, containers, buckets, etc., from being turned over, spilled, dumped, urinated in, or otherwise disrupted. Water will be sufficiently provided to the animal during the entire period the animal is maintained outside within the required fenced-in area. Shelters shall be constructed, made, adapted, placed, etc. in a manner that enables the animal to seek shelter at all times and will be constructed of adequate materials to provide sufficient protection from the elements at all times. Any conditions concerning animal welfare within the city limits are subject to periodic evaluations by the city animal control officer or designated representative(s) at which time any corrective actions deemed necessary to maintain acceptable animal welfare standards will be addressed and enforced.

Section 2.1602 Kennels

(a) A "kennel" shall mean an establishment where animals, dogs, or cats, as defined in [article 2.101](#), are bred, raised, trained, kept, boarded, or in any way maintained. Any owner, who keeps, harbors, boards, raises, breeds, or in any way maintains more than three (3) animals, dogs, or cats, as defined in this article, of the same or like species, and who is not operating a for-profit business is hereby determined to have a "nonbusiness kennel." Any owner who is determined to have a kennel, as defined herein, and who operates such kennel as a for-profit business, whether or not there are animals or cats at the kennel and regardless of the number of animals or cats that can be kept at the kennel at any time, shall be determined to have a "business kennel."

(b) Any owner who is determined to have a kennel, as defined in subsection (a) above, shall make application to the city animal control officer, on such application form provided by the city, containing the information as required in **Section 2.1503**.

(c) Kennels shall also be governed by the procedures set out under **Section 2.200**.

(d) No owner of a kennel, as defined in subsection (a) above, shall have more than six (6) total animals, dogs, or cats, as defined in [article 2.101](#), unless owner falls under the provision of Section 2.1700. Puppies and kittens under the age of four (4) months are exempt from this subsection.

Section 2.1603 Permitting

Permit fee(s) for a kennel shall be established as provided for in the fee schedule found in [appendix A](#) of this code and shall be valid for one (1) calendar year, effective on July 1st and expiring on June 30th of each year.

Section 2.1604 Exemptions

Exemptions apply to all city approved private care facilities as set forth in article 2.1700.

ARTICLE 2.1700 PRIVATE CARE FACILITIES (RESCUE SHELTERS)

Sec. 2.1701 Definitions

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning.

Private Care Facility. A facility that houses animals for adoption that have been rescued or owner surrendered that has been approved and recognized as a rescue or private care facility by the city.

Sec. 2.1702 Certain Conduct Declared Unlawful

(a) The purpose of this article is to establish certain requirements of sound animal care which are intended to avoid problems that may otherwise be associated with the keeping of animals in populated areas, especially protection of persons from personal injury.

(b) Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any private care facility to keep any animal in such a manner or of such disposition as to cause unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

Sec. 2.1703 Permits

- (a) The annual permit fee for the owners of animals, as required by this section shall be as provided in the fee schedule found in [appendix A](#) of this code for nonprofit private care facilities that have shown proof of nonprofit status or application, or for private care facilities that do not have a nonprofit status. Permits will expire on July 1st of each year and are not transferable from person to person.
- (b) At least once every six (6) months the city animal control officer, or his authorized designee, shall inspect every area or place for which a permit has been issued for the keeping of animals. Owners will be given a reasonable amount of time to remedy any violations noted during the first inspection before a second inspection is made. The allotted time to correct any violations will be as followed: 1st notice will be given with 10 days to correct violation, a 2nd notice of violations will be issued if needed with an additional 10 days to correct violation, if compliance is not met by the end of the ten days after the second violation, then a final notice will be issued notifying the private care facility that the animal permit is voided and the private care facility must reduce the number of animals, to (3) animals as allotted in the city ordinance for private individuals without a city approved permit.
- (c) Any disputes regarding compliance issues if unable to be settled between the private care facility and the city's authorized designee will be presented to the municipal court to find if the private care facility is in violation of city ordinance.
- (d) Any person who violates this section is subject to penalties under [article 2.1000](#) for each offense. Each and every day shall constitute a separate offense.

Sec. 2.1704 Adoption Fees and Guidelines

All adoptions will have to be vaccinated for rabies, obtain a city tag if applicable, and be sterilized or have a sterilization agreement signed and sterilization compliance must be met.

Sec. 2.1705 Animals Permitted

- (a) The city sets forth that a minimum amount of space required for each animal housed at a private care facility be one hundred (100) square feet per animal.
- (b) Maximum number of animals allowed at a private care facility shall not exceed twenty (20) animals not including puppies from the same litter under the age of four (4) months regardless the size of the private care facility unless prior approval is obtained from the city council.

Sec. 2.1706 Standards

- (a) Running water must be present on the premises.
- (b) All structures must be sound and periodically checked for integrity and soundness.
- (c) Food must be stored in a dry area that is free of any and all pests.
- (d) Food and water bowls must be clean.
- (e) All animal food must be dry (if it is dry animal food) and free of pest.
- (f) Shelter must be provided from the elements.
- (g) A shaded area must be provided that has adequate air flows.
- (h) Pens must be kept clean of trash, junk, brush, and feces.

- (i) Fences and pens must be maintained and have no grass/weeds in excess growing.
- (j) Multiple shelter option should be available for sleeping in or escaping the elements.

Sec. 2.1707 Foster Homes

It is allowable for a private care facility to foster out animals from this facility as long as the following occurs:

- (1) The private care facility will notify the city what animals are being kept and where the foster location is.
- (2) A foster home may not exceed six (6) foster animals.
- (3) Any foster home will be treated the same as a private kennel therefore, must comply with all regulations and ordinances set forth **Section 2.1602** with the exception of permit fees.

ARTICLE 2.1800 ANIMAL WASTE

- (a) An owner or person having custody of any animal(s), including cats, with the exception of city owned animals, shall not permit said animal to defecate on any public property including public streets, alleys, sidewalks, parks, or any other public grounds within the city unless said defecation is removed immediately.
- (b) An owner or person having custody of any animal, including cats, with the exception of city-owned animals, shall not permit said animals to defecate on any private property unless defecation is removed immediately, other than the premises of the owner or person having custody of said animal.
- (c) Any person who violates the provisions of this section shall be fined not less than \$165.00, and will not exceed more than \$500.00.

(Ordinance 2016-03 adopted 4/21/16)

ARTICLE 2.1900 BEEKEEPING

Sec. 2.1901 Findings

The city council finds that honeybees are of benefit to mankind by providing agriculture, fruit, and garden pollination services and by furnishing honey, wax, and other useful products; domestic strains of honeybees have been selectively bred for desirable traits, including gentleness, honey production, and tendency not to swarm; and gentle strains of honeybees can usually be maintained within populated areas in reasonable densities without causing a nuisance if the bees are properly located and carefully managed.

Sec. 2.1902 Definitions

As used in this article, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning.

Apiary. A place where one (1) or more bee colonies are kept.

Bee. Any stage of the common domestic honeybee, *apis mellifera* species.

Colony. A hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

Hive. A structure intended for the housing of a bee colony.

Tract. A contiguous parcel of land under common ownership.

Undeveloped Property. Any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school, or governmental facilities, or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property, used for commercial agricultural purposes.

Sec. 2.1903 Certain Conduct Declared Unlawful

(a) The purpose of this article is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas, especially protection of persons from personal injury.

(b) Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

Sec. 2.1904 Hives

All bee colonies shall be kept in Lang troth-type hives with removable frames, which shall be kept in sound and usable condition.

Sec. 2.1905 Fencing of Flyways

In each instance in which any colony is situated within twenty-five feet (25') of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet (6') in height consisting of a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and extends ten feet (10') beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet (6') above ground level over the property lines in vicinity of the apiary. It is a defense to prosecution under this section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least twenty-five feet (25') from the property line of the apiary tract.

Sec. 2.1906 Water

Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcock, pet watering bowls, bird baths, or other water sources where they may cause human, bird, or domestic pet contact.

Sec. 2.1907 General Maintenance

Each beekeeper shall ensure that no bee comb or other materials that might attract bees to the location are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

Sec. 2.1908 Queens

All hives shall be re-queened annually when a quarantine or regulated area declared by the Texas Apiary Inspection Service is in effect. In addition, in any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly re-queen the colony. Queens shall be

selected from stock bred for gentleness and non-swarming characteristics. Queens must be obtained from a nonquarantined area.

Sec. 2.1909 Colony Densities

(a) It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size of configuration of the tract on which the apiary is situated:

- (1) One-quarter (1/4) acre or less tract size: Two (2) colonies;
- (2) More than one-quarter (1/4) acre, but less than one-half (1/2) acre tract size: Four (4) colonies;
- (3) More than one-half (1/2) acre, but less than one (1) acre tract size: Six (6) colonies;
- (4) One (1) acre or larger tract size: Eight (8) colonies;
- (5) Regardless of tract size, where all hives are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies;
- (6) Regardless of tract size, so long as all property, other than the tract upon which the hives are situated, that is within a radius of at least two hundred feet (200') from any hive remains undeveloped property, there shall be no limit to the number of colonies.

(b) For each two (2) colonies authorized under colony densities (subsection (a)), there may be maintained upon the same tract one (1) nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths inch (9-5/8") depth ten-frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days.

Sec. 2.1910 Marking Hives; Presumption of Beekeeping

(a) In apiaries the name and telephone number of the beekeeper shall be branded, painted, or otherwise clearly marked upon the structure of at least two (2) hives and placed at opposite ends of the apiary. Instead of marking the hives, the beekeeper may conspicuously post a sign setting forth the name and telephone number of the beekeeper. It is a defense to prosecution under this subsection that a colony is kept upon the same tract upon which the owner resides.

(b) Unless marked in accordance with subsection (a) above, it shall be presumed for purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.

Sec. 2.1911 Inspection

(a) The animal control officer shall have the right to inspect any apiary. Presence of an apiary constitutes consent for the animal control officer to enter the premises. Where practicable, prior notice shall be given to the beekeeper if he resides at the apiary or if his name is marked on the hives.

(b) The authority provided for in this article is only for the general protection of the public health and

safety. Neither the city nor any officer or employee charged with the enforcement of this article shall owe any duty to any person in carrying out any provision of this article, nor shall any of them be liable to any person for any act or omission in carrying out any provision of this article. Nothing herein shall waive any immunity from liability of the city or any of its officers or employees, or imply any duty or liability in any area of city operations.

Sec. 2.1912 Compliance

(a) Upon receipt of information that any colony situated within the city is not being kept in compliance with this article, the animal control officer shall cause an investigation to be conducted. If he/she finds that grounds exist to believe that one (1) or more violations have occurred, he/she shall cause a written notice of hearing to be issued to the beekeeper.

(b) The notice of hearing shall set forth:

(1) The date, time, and place at which the hearing will be conducted;

(2) The violation(s) alleged;

(3) That the beekeeper may appear in person or through counsel and present evidence; and

(4) That the bees may be ordered destroyed or removed from the city if, after the hearing, the animal control officer finds that they have been kept in violation of this article.

Notices shall be given by certified United States mail or personal delivery. However, if the animal control officer is unable to locate the beekeeper, then the notice may be given by publication one (1) time in a newspaper of general circulation, at least five (5) days prior to the date of the hearing.

(c) The hearing shall be conducted by the municipal court judge. The burden shall be on the city to demonstrate by a preponderance of credible evidence that the colony or colonies have in fact been kept in violation of this article. If the municipal court judge finds that the colony or colonies have been kept in violation of this article then he/she may order that the bees be destroyed or removed from the city, within a period not to exceed twenty (20) days, and that bees shall not thereafter be kept upon the tract for a period of two (2) years. In instances where the municipal court judge finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then he/she may issue a warning in lieu of ordering the bees destroyed or removed. Upon failure of the beekeeper to comply with the order, the municipal court judge may cause the bees to be destroyed and the hive structures to be removed. In each instance in which a bee colony is destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall, upon the beekeeper's request, be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.

(d) The decision of the municipal court judge may be appealed to the city council by filing a notice of appeal with the city secretary within ten (10) days following the date that the municipal court judge announces his/her decision, or if the decision is not announced at the conclusion of the hearing, then within fifteen (15) days following the date that the hearing officer places written notice of his decision in the mail to the beekeeper. The decision of the city council shall be final.

(e) The provisions of this section shall not be construed to require the conduct of a hearing or any right

of administrative appeal for the destruction of:

- (1) Any bee colony not residing in a hive structure intended for beekeeping;
- (2) Any swarm of bees;
- (3) Any colony residing in a standard or manmade hive, which by virtue of its condition has obviously been abandoned by the beekeeper; or
- (4) Where immediately necessary to protect the public health or safety.

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

SECTION 1. This ordinance shall become effective at the completion of publication as provided by law.

SECTION 2. The City Secretary shall, after passage of this ordinance , publish the caption of this ordinance as required by law in the local paper.

PASSED AND APPROVED ON THIS THE _____ DAY OF _____, 2023.

MAYOR MARK McCORD

ATTEST:

CITY SECRETARY, CONCHITA TORREZ, TRMC