

CITY OF OAK RIDGE
KAUFMAN COUNTY, TEXAS

ORDINANCE 10-09
ANIMALS

AN ORDINANCE OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS, ESTABLISHING REGULATIONS FOR ANIMALS IN THE CITY OF OAK RIDGE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS THAT:

WHEREAS, the City Council of the City of Oak Ridge in Kaufman County, Texas, has determined that it is necessary to regulate animals in the City of Oak Ridge; and

WHEREAS, it is the obligation of this Council to protect the health, welfare and property of the inhabitants of this City.

Section I.

NOW THEREFORE, BE IT ORDAINED that the following regulations will apply to keeping of animals in the City of Oak Ridge.

Section II.

Animal Cruelty

- A. A person commits an offense if they intentionally or knowingly:
1. Tortures or seriously overworks an animal
 2. Fails to provide necessary food, care, or shelter for an animal in custody;
 3. Abandons an animal in his/her custody
 4. Transports or confines an animal in a cruel manner.
 5. Kills, injures, or administers poison to an animal belonging to another without legal authority or the owner's effective consent
 6. Causes one animal or fowl to fight with another
 7. Uses a live animal as a lure in dog race training or in dog coursing on a racetrack
 8. Trips a horse

B. For purposes of this section:

1. "Animal" means a domesticated, living creature, and/or a wild, living creature previously captured.
2. "Trip" means to use an object to cause a horse to fall or lose its balance.

C. It is a defense under Section II, Chapter A, Subsection I, Number 5, if the animal was discovered on the person's property in the act of, or immediately after, injuring or killing the person's goat, sheep, cattle, horses, swine, or poultry and that the person killed or injured the animal at the time of this discovery.

D. It is a defense under Section II, Chapter A, Number 8, if the actor tripped the horse for the purpose of identifying the ownership of the horse or giving care to the horse.

E. Any person found guilty of cruelty to animals in the City of Oak Ridge is subject to a fine.

F. City adopts Texas Penal Code 42.09

Unlawful Restraint of a Dog

An owner, or person in control of, may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:

G. Between the hours of 10:00 p.m. and 6:00 a.m.; or

H. Within 500 feet of a school; or

I. In case of extreme weather conditions, including conditions in which:

1. The actual or effective outdoor temperature is below 32 degrees Fahrenheit; or
2. A heat advisory has been issued by a local or state authority or jurisdiction; or
3. A hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

J. Unreasonable Restraint

A restraint unreasonably limits a dog's movement if the restraint:

1. Uses a collar that is pinch-type, prong-type, choke-type, or that is not properly fitted to the dog; or
2. Is length shorter than the greater of five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
3. Less than 10 feet; or
4. Is in an unsafe condition; or
5. Causes injury to a dog.

K. Exceptions

This ordinance does not apply to:

1. A dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;
2. A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal state, or local authority or jurisdiction;
3. A dog restrained for a reasonable period, not to exceed three hours in a 24 hour period, and no longer than is necessary for the owner to complete temporary task that required the dog to be restrained.
4. A dog restrained while the owner is engaged in, or training for, an activity that is conducted pursuant to a valid license issued by the State if the activity for which the license is issued is associated with the use or presence of a do
5. A dog restrained while the owner is engaged in conduct directly related to the business

of shepherding of herding cattle or livestock;
or

6. A dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog; or
7. Hand held leashes.

The Unlawful Restraint Ordinance is based on Texas House Bill 1411, which went into effect on September 1, 2007.

Section III.

A. Dumping of Animals, Reptiles or Fowl

It shall be unlawful for any person or persons to dump, or leave unattended, any animal reptile, or fowl within the city limits of the City of Oak Ridge.

Section IV.

A. Animal Vaccinations

1. No person shall own, keep or harbor a dog, cat or ferret over the age of 4 months within the city limits unless the dog, cat or ferret has been vaccinated by a licensed veterinarian periodically at 3 year intervals.
 - a. The vaccination tag issued by the licensed veterinarian shall be on the animal's neck collar at all times.

Section V.

Animal Nuisances

A. Running at Large

It shall be unlawful for any person raising, owning, and/or keeping any animal or fowl to permit any such creature to run at large upon the public streets, avenues, alleys, parks, or other public property of the city, or to permit any animal or fowl to run at large,

or to go upon the premises owned, or in possession of, or under the control of any other person in the City. For the purposes of this chapter, an animal or fowl shall be considered “at large” if it is not confined to the premises of the owner or person in charge of the animal or fowl, by a substantial fence of sufficient strength and height to prevent the animal or fowl from escaping therefrom, inside the house or other enclosure. Electronic (shock) fencing will not be considered acceptable fencing for the purposes of this Ordinance. An animal or fowl shall not be considered “at large” when held and controlled by some person by means of a leash or chain of proper strength and length to control the actions of the animal, or while confined within a vehicle.

1. Any animal or fowl running at large within the City limits, which entered the City from beyond the City limits, and whose owner, keeper or harbinger does not reside in the City of Oak Ridge, is subject to provisions of Chapter V., A.

B. The following shall be considered animal or fowl nuisances:

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

Section VI.

Special Requirements for Dangerous Animals

A. Definition of Dangerous Animals(s)

1. Any animal that when unprovoked inflicts or attacks a human being or other animal either on public or private property or, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, or any other private or public grounds or places; or
2. Any animal with a known propensity, tendency, or disposition to attack unprovoked to cause injury or to otherwise endanger the safety of human beings or other animals; or
3. Any animals suspected of being a dangerous animal will be deemed a dangerous animal by the City if the owner, keeper, or harborer of such animal fails or refuses to make such animal available for inspection by authorized City official.
4. Every owner, keeper, or harborer of a dangerous animal(s) within the City limits shall be required, within 30 days from the adoption of this chapter, to provide the City with the following:
 - a. The name, address and telephone number of persons keeping or harboring a dangerous animal; and
 - b. Secure a \$250.00 registration fee for each dangerous animal being kept; and
 - c. Proof that each dangerous animal which is 4 months of age or over, has been vaccinated against rabies by a licensed veterinarian within the last 3 years, and supply the name address and phone number of the veterinarian; and
 - d. Two identification color photographs, of at least 3"x 5" of each dangerous animal, with one photograph showing the frontal view and the other showing a side view; and
 - e. Proof of current liability insurance policy in the amount of at least \$250,000 for personal injury or death, and \$50,000 for property damage to cover injury or damage caused by a

dangerous animal, which policy shall name the City of Oak Ridge as a co-insured. Existing homeowners insurance is acceptable, provided that the dangerous animal is covered by the policy, and the owner, keeper or harborer provides written proof.

- f. Every owner, keeper or harborer of a dangerous animal shall be required to maintain the animal(s) behind a fence, wall, or other solid structure designed to prevent small children from inadvertently wandering into the enclosure. Such fence, wall, or other structure shall completely surround the animal and shall not be less than 6 feet in height, with no openings, holes, or gaps large enough to put a human hand through. All doors or gates opening directly into such enclosure shall be equipped with locks designed to keep, and capable of keeping, such doors or gates securely closed at all times when the animal is in such enclosure. A notice shall be posted by the door or gate to the enclosure stating, "BEWARE, DANGEROUS ANIMAL(S) ON PREMISES."

Section VII.

Enforcement

- A. Upon the occurrence of an incident, or the submission of a written complaint by a citizen of the City, the mayor, his/her subordinates, or designee authorized by the City and charged with code and ordinance enforcement, shall inspect all animals suspected of being dangerous animals. When determination by said official that in his/her judgment, an animal(s) is a dangerous animal, the official shall provide written notice of such determination to the owner, keeper, or harborer of such animal by registered mail, return receipt requested.
- B. No action or proceeding shall be brought against an owner, keeper, or harborer of an animal(s) identified as dangerous, by the City official, for any act committed in violation of this ordinance prior to, or less than 10 days after, notification has been sent to such person.

- C. The burden of rebutting a dangerous animal(s) designation by an authorized City official lies with the party keeping or harboring the animal(s).

Section VIII.

Prohibited Animals

An animal, other than a common domestic species and regardless of state or duration of captivity, that poses a potential physical or disease threat to the public, or that is protected by international, federal, or state regulations, including but not limited to the following:

A. Class Reptilia

1. Family Helodermatidae (venomous lizards)
2. Family Viperidae (rattlesnakes, copperheads, cottonmouths, and pit or true vipers)
3. Family Elapidae (coral snakes, cobras, mambas, and other elapids)
4. Family Coubridae-Dispholidus typus (boomslang)
5. Hyrodynastes gigas (water cobra, mangrove snake)
6. Thelotornis (African twig snake)
7. Order Ophidia (racers and water snakes)
8. Order Crocodilia (crocodiles, alligators, caimans, and gavials)

B. Class Aves

1. Order Falconiformes (hawks, eagles, and vultures)
2. Subdivision Ratitae (rheas and cassowaries)
3. Order Strigiformes (owls)
Exceptions: a bird kept in a cage or aviary that is not regulated by international, federal, or state law;

C. Class Mammalia

1. Order Carnivora, Family Felidae (such as but not limited to, ocelots, lions, margays, tigers, jaguars, leopards and cougars)
Exception: common, domesticated cats
2. Family Canidae (wolves, dingos, coyotes, and jackels)
Exception: domesticated dogs

3. Family Mustelidae (weasels, skunks, martins, mink, and badgers)
Exception: ferrets
4. Family Procyonidae (raccoons)
5. Family Ursidae (bears)
6. Order Marsupialia (kangaroos and opossums)
7. Order Edentata (sloths, anteaters, and armadillos)
8. Order Proboscidea (elephants)
9. Order Primata (monkeys, chimpanzees, and gorillas)
10. Order Rodentia (porcupines)
Exceptions: gerbils, hamsters, guinea pigs, or pet mice or rats
11. Order Ungulata (camels)
Exceptions: antelope, deer, bison or alpaca

D. The City may declare any species of animal not listed in Section II, Chapter I, Subsections 1, 2, or 3 as “prohibited” if the confinement of the animal within the City limits can be shown to constitute a threat to public health and safety.

E. Penalties

Violations of the provisions contained in Ordinance 10-08 will be subject to fines.

Section IX.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section X.

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

PASSED AND APPROVED on this 22nd day of July 2010.

ROY W. PERKINS, Mayor

ATTEST:

seal

JAN SHEDD, City Secretary