Chapter 4

ANIMALS AND FOWL

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ARTICLE I. IN GENERAL

Sec. 4-1. Limitation on number of head of livestock which may be kept.

(a) It shall be unlawful for any person to harbor, keep or maintain within the city any cows, sheep, goats, hogs, pigs, calves or any other livestock; provided, this section shall not apply to the following:

(1) One (1) milk cow per family, two (2) milk goats per family, and four (4) horses per family;

(2) Cattle, sheep or goats which are maintained on property which does not adjoin a residential lot with improvements thereon which are being used for sleeping, dining and living purposes;

(3) Cattle, sheep and goats which are maintained on property which is adjacent to a residential lot with improvements thereon which are being used for sleeping, dining and living purposes only if the following minimum space requirements are met:

a. With regard to cattle:

1. Three thousand five hundred (3,500) square feet for each two (2) animals;
2. Seven thousand (7,000) square feet for each three (3) animals;

3. Seven thousand (7,000) square feet for each additional animal;

b. With regard to sheep and goats:

1. One thousand (1,000) square feet for each two (2) animals;
2. Five hundred (500) square feet for each additional animal;

and the lot is enclosed with a fence.

(4) Two (2) sheep per family may be maintained on any property provided that the sheep are owned by a child of the family as a 4-H or FFA project.

(b) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined as provided in section 1-6. Each violation of the provisions of this section shall constitute a separate offense, and each day shall constitute a separate violation. (Ord. of 1-14-30, § 1; Ord. No. 84-12, § 1, 11-27-84; Ord. No. 84-13, Div. 1, § 1, 12-11-84)

State law reference—As to estrays, see V.T.C.S., art. 6911 et seq.

Sec. 4-2. Fowl at large—Prohibited.

No chickens, guineas, turkeys, ducks, geese or any other domestic fowl shall be permitted to be at large on any street or other public place, or upon any premises not owned or controlled by the person owning such fowl. (Ord. of 5-22-14, § 1)

Sec. 4-3. Same—Complaint from owner prerequisite to prosecution.

No person shall be tried or convicted upon any complaint sworn to by any person other than the person or his agent whose premises are being or have been depredated by any fowl. (Ord. of 5-22-14, § 3)

Sec. 4-4. Vicious animals—Unlawful possession.

(a) No person shall own, possess, or harbor, within the city limits of the city, any dog, cat or any other animal of such a

vicious and fierce disposition that it will attack human beings or domestic animals without provocation.

(b) A finding that a dog, cat or other animal has previously attacked a human being or domestic animal without provocation shall be prima facie evidence that the dog, cat or other animal has a vicious and fierce disposition.
(Ord. of 4-9-73, § 2; Ord. No. 91-1, § 1, 5-14-91)
Note—See the editor's note following §§ 4-36, 4-37.

Sec. 4-5. Same—Complaint; impoundment.

When any complaint is filed in the municipal court alleging a violation of section 4-4 of this chapter, the person against whom the complaint is filed or any other person having control or custody of the animal alleged to be vicious and dangerous, shall deliver the animal to:

(1) The animal control officer or his duly appointed representative for confinement in the city animal shelter; or

(2) A duly licensed veterinary clinic or kennel until a hearing can be had.

If the municipal court finds the party against whom the complaint is filed is guilty of violating the provisions of this chapter, the court may impose a fine or order the animal to be destroyed at the court's discretion. If the municipal court's judgment is appealed to a higher court as provided by the statutes of the state and the laws of this city, the animal shall not be destroyed until the appeal is disposed of by the appellate court.
(Ord. No. 91-1, § 1, 5-14-91)
Note—See the editor's note following §§ 4-36, 4-37.

Sec. 4-6. Animal nuisance.

(a) It shall be unlawful for any person to own or maintain an animal in such a manner as to constitute a public nuisance. The following acts shall constitute a public nuisance:

(1) Failure to restrain an animal;

(2) Damage to property caused by an animal;

(3) Maintaining an animal in an unsanitary environment; or

(4) Permitting an animal to bark, whine, howl, crow, cackle, or make any other noise which causes annoyance or interference with the reasonable use and enjoyment of a premises.

(b) Any person who violates any portion of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum of not more than five hundred dollars ($500.00). Each separate violation shall constitute a separate offense.
(Ord. No. 94-8, §§ 1, 2, 10-11-94)

Secs. 4-7—4-10. Reserved.

ARTICLE II. HORSE PENS AND ENCLOSURES*

Sec. 4-11. Registration and permit—Required, definition; qualifying of premises.

(a) Every person, firm, corporation or anyone who keeps horses, including mule, jack, jenny, all being hereinafter referred to as horses, on any premises located within the city limits of the City of Dalhart, shall comply with this article.

(b) "Having in possession" shall be construed to mean all horses that are owned by any person whether maintained at that person's residence or at any other place that is within the city limits of the City of Dalhart, Texas.

(c) No horses may be moved within the city limits without first complying with the provisions of this article.
(Ord. of 5-27-68, §§ 1, 2; Ord. No. 84-13, Div. 2, § 1, 12-11-84)

Secs. 4-12, 4-13. Reserved.

Editor's note—Ord. No. 96-3, adopted April 9, 1996, repealed §§ 4-12 and 4-13 in their entirety. Former §§ 4-12 and 4-13 pertained to permits and fees for maintaining horse pens or lots in the city and derived from an ordinance adopted May 27, 1968, §§ 7 and 10.

Sec. 4-14. Space requirements—Schedule, fencing enclosures; applicable near residences only.

(a) No person shall maintain horses within the City of Dalhart, Texas, unless the following minimum space requirements are met:

(1) Three thousand five hundred (3,500) square feet for each two (2) animals;

(2) Seven thousand (7,000) square feet for each three (3) animals;

(3) Seven thousand (7,000) square feet for each additional animal; and the lot is enclosed with a fence.

*Cross reference—Fences, § 6-101 et seq.

(b) The provisions of this section shall apply only where the lot or property being used for maintaining horses adjoins another residential lot with improvements thereon which are being used for sleeping, dining and living purposes.
(Ord. of 5-27-68, § 3; Ord. No. 84-13, Div. 2, § 3, 12-11-84)

Sec. 4-15. Same—Exceptions.

The provisions of this article as to the minimum space requirements under section 4-14 of this article shall not apply to any of the following:

(1) Any sales barn within the city that is in the business primarily of selling horses.

(2) Any person engaged in the business of professionally training horses or breaking the same.

(3) Any veterinarian or veterinary hospital within the city.
(Ord. of 5-27-68, § 6; Ord. No. 84-13, Div. 2, § 6, 12-11-84)

Sec. 4-16. Waiver of requirements during XIT Rodeo and Reunion.

The minimum space requirements required by this article shall not apply from August first through August tenth of each year, during which period of time the city annually celebrates the XIT Rodeo and Reunion.
(Ord. of 5-27-68, § 8; Ord. No. 84-13, Div. 2, § 7, 12-11-84)

Sec. 4-17. Vaccination of horses.

The city health officer may, if at any time in his opinion the keeping of horses within the city is jeopardizing the health and welfare of the citizens of the city, require the owner of any horses to have the same vaccinated to prevent the spreading of any contagious disease which would be detrimental to the citizens of the city.
(Ord. of 5-27-68, § 4; Ord. No. 84-13, Div. 2, § 4, 12-11-84)

Sec. 4-18. Manure disposal.

All owners of premises upon which manure accumulates shall provide for storage and disposal thereof as follows:

(1) The owner or person in control of the premises will be required to build a bin which will be used as a storage place for all manure from such horses.

(2) Under no circumstances will the city pick up any manure; it shall be a violation of this article for any individual to use or attempt to use for manure disposal any disposal facilities which are used by the city for collection of garbage.

(3) Any person who maintains any horse lot shall make two (2) collections each week of all manure.

(4) All collections of manure stored in the bin required by this section shall be removed from the premises at least once each week.

(5) The owner or person in control of the premises shall apply whatever chemical is necessary on the collections of manure to prevent odor from the storage bins or the breeding of flies therein.

(6) Such bins shall be of such size as to adequately accommodate in a sanitary manner the weekly collection of manure.

(Ord. of 5-27-68, § 5; Ord. No. 84-13, Div. 2, § 5, 12-11-84)

Sec. 4-19. Inspections of premises; remedying defects.

If at the time of any inspection the premises are not being maintained in a proper sanitary condition, a written notice shall be given to the person owning such premises and/or the person owning such horses to correct the defects. A reinspection shall be made at the end of three (3) days and, if the corrections are not made, such persons shall be subject to the penalties established in this article and each day will constitute a separate offense.

(Ord. of 5-27-68, § 2; Ord. No. 84-13, Div. 2, § 2, 12-11-84)

Secs. 4-20—4-29. Reserved.

ARTICLE III. DOGS GENERALLY*

Sec. 4-30. Definitions.

As used in this article, the following terms will have the meanings ascribed to them in this section unless the context indicates otherwise:

At large shall mean off the premises of the owner or other person authorized by the owner to care for the dog, and not controlled and restricted by leash, cord, or chain, or confined in such person's vehicle.

Dog shall mean both male and female dogs.

Owner shall mean any person who owns a dog, or who keeps or harbors a dog.

Vaccination is an injection of a vaccine, approved by the state board of health, administered by a legally licensed veterinarian. Dogs must be vaccinated at the age of six (6) months, revaccinated at twelve (12) months, and annually thereafter.

(Ord. of 3-12-51, § 1)

Sec. 4-31. License, vaccination and registration required; fee.

All dogs kept, harbored or maintained in the city shall be licensed, vaccinated and registered. Dog licenses shall be issued upon payment of a license fee. Before a dog license will be issued, the owner of the dog must present a certificate from a legally licensed veterinarian showing that said dog has been vaccinated for rabies within the calendar year. The owner shall state at the time application is made for such license, upon forms furnished for such purpose, his name and address, and the name, breed, and

*Editor's note—The city has advised the editor that the provisions of Ord. No. 83-20, herein set out as Art. IV, §§ 4-52—4-58 and 4-69—4-75, are in addition to the provisions of this article. In case of conflict, presumably the provisions of Ord. No. 83-20 shall control.

color of said dog. Such license shall be good for the life of the dog licensed, as long as the dog shall have, and keep a valid rabies vaccination.
(Ord. of 3-12-51, § 2; Ord. No. 96-3, 4-9-96)

Cross reference—Vaccination required for animals generally, § 4-56.

Sec. 4-32. Issuance of tag and collar.

Upon the payment of the required license fee, the chief of police shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number of the certificate. Every dog owner shall be required to provide each dog with a collar and tag which shall be worn constantly. In case a tag is lost or destroyed, a duplicate will be issued by the chief of police upon presentation of the receipt showing the payment of the license fee for the calendar year and the payment of a fifty cent ($0.50) fee for such duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of the death of the dog, or the owner leaving the city, or the sending of the dog from the city, before the expiration of the license period.
(Ord. of 3-12-51, § 3)

Cross reference—Tags and tag attachment for dogs and cats, § 4-57.

Sec. 4-33. Entry on premises to determine compliance with article; search warrant.

If the chief of police or other officer has reason to believe that there is an unvaccinated or unlicensed dog within the city, which dog is located on private property, such officer shall request permission of the person in control of said property to enter upon such property for the purpose of inspection to determine if such violation of this article exists. If such permission is refused, the officer shall obtain a search warrant from the judge of the municipal court for the purpose of entering upon such private property to determine if a dog is licensed and vaccinated.
(Ord. of 4-9-73, § 3)

Sec. 4-34. Impounding of dogs found at large.

It shall be the duty of the chief of police or any city policeman while on duty, to seize and impound, subject to the provisions of this article, all dogs found at large upon any street or other public place or upon any unfenced lot, tract or parcel of land within the city, whether in the immediate presence of the owner or custodian or otherwise, unless under the control of such person by a leash, chain or cord, and such city policeman is authorized to enter upon any unfenced lot, tract or parcel of land for the purpose of seizing and impounding any dog going at large thereon.
(Ord. of 4-9-73, § 1)

Cross reference—Interference with animal control department, § 4-54.

Sec. 4-35. Impounding and redemption of dogs not wearing collar and tag.

Any dog not provided with a collar to which is attached a metal license tag as required by this article shall be seized by the chief of police or other policeman and impounded in a place provided for that purpose; and if said dog is not called for by the owner within three (3) days after the same has been taken up, the dog shall be destroyed humanely. However, any person owning any dog impounded under the terms of this article shall be allowed to take such dog from the place where impounded upon the following conditions:

(1) Upon the payment of an impounding fee of four dollars ($4.00) for each day or fractional part of a day the dog has been impounded, said fee to be placed in the general fund of the city.

(2) If the owner of such dog does not have a certificate showing that said dog has been vaccinated within the calendar year, the aforesaid dog can be redeemed by the owner only after the dog has been vaccinated by a licensed veterinarian and certification thereof fur-

nished the city health officer or his authorized representative.

(3) The owner thereof must secure a license tag for such dog as provided in this article.

(Ord. of 3-12-51, § 4; Ord. No. 90-7, 9-11-90)

Secs. 4-36, 4-37. Reserved.

Editor's note—Ord. No. 91-1, § 1, adopted May 14, 1991, repealed § 4-36 and enacted a new § 4-37 and 4-37.1. For purposes of classification, said provisions have been redesignated as §§ 4-4 and 4-5 at the discretion of the editor. Former §§ 4-36 and 4-37 pertained to vicious dogs and derived from an ordinance adopted March 12, 1951, § 5 and an ordinance adopted April 9, 1973, § 2.

Sec. 4-38. Rabies notice.

If a dog has bitten any person, the owner of said dog shall notify the chief of police and the city health officer immediately, and such dog shall be confined in the city dog pound for a period of at least ten (10) days or shall be confined at a veterinary hospital for the same period of time, at the expense of the owner. No dog held for observation shall be released from impoundment without the authorization of the city health officer. Any dog suffering a bite from a rabid animal shall be quarantined in a veterinary establishment at the owner's expense for a period of at least six (6) months before being released. Under no circumstances shall a dog under quarantine be allowed to remain on the premises of, or in the care of, the owner. (Ord. of 3-12-51, § 6)

Sec. 4-39. Proclamation of rabies control regulations.

The mayor, upon recommendation of the health officer, shall have authority by proclamation to make any additional rules or regulations that he might deem necessary to protect the public from rabies. (Ord. of 3-12-51, § 7)

Sec. 4-40. Enforcing officers.

The chief of police and any police officer of the city shall have the right to enforce any of the provisions of this article and the chief of police is hereby delegated authority to appoint any person to aid and assist him in carrying out the enforcement of this article. (Ord. of 3-12-51, § 8)

Sec. 4-41. Violation of provisions; punishment.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined as provided in Section 1-6. Each violation of the provisions of this article shall constitute a separate offense, and each day shall constitute a separate violation. (Ord. No. 3-12-51, § 9)

Secs. 4-42—4-51. Reserved.

ARTICLE IV. PROVISIONS GOVERNING THE KEEPING OF ANIMALS AND THE LICENSING AND MAINTENANCE OF KENNELS*

DIVISION 1. KEEPING OF ANIMALS GENERALLY

Sec. 4-52. Words, terms and phrases defined.

As used in this article, the following terms shall be construed to have the following meanings:

Animal: Any live, vertebrate creature, domestic or wild.

At large: Off the premises of the owner or other person authorized by the owner to care for the animal and not controlled and restricted by a leash, cord or chain or confined in such person's vehicle.

Domestic animals: Those which are naturally tame and gentle or which, by long association with man, have become thoroughly domesticated and are now reduced to such a state of subjection to his will that they no longer possess the disposition or inclination to escape. This definition specifically includes household pets such as dogs and cats.

Kennel: Any place where five (5) or more dogs or cats or any combination thereof over the age of four (4) months are raised, trained, boarded, harbored or kept. Veterinary clinics, animal hospitals and animal shelters are specifically excluded.

Owner: Any person who owns, keeps, harbors, controls (physically or orally), feeds, shelters or aids any animal; or any person who is the owner's agent left in charge of an animal or any person who states that he will be responsible for an animal.

Restraint: An animal shall be deemed to be restrained when it is:

*Editor's note—Ordinance No. 83-20, passed and approved Nov. 22, 1983, was not enacted as a specific amendment or addition to the Code, and hence is included herein as Art. IV, §§ 4-52—4-58, and 4-69—4-75, at the discretion of the editor. It should be noted that in case of conflict between this article and Art. III of this chapter, the provisions of Ord. No. 83-20 would presumably control.

Cross reference—Licenses and business regulations, Ch. 14.

(1) Confined on the premises of the owner within a fenced enclosure capable of confining the animal; or

(2) Fastened or picketed by a lead rope or chain so as to keep the animal on the premises; or

(3) Under the control of a person by a leash; or

(4) Within a vehicle being driven or parked; or

(5) At heel and obedient to oral command.

Wild animals: Those of a wild nature or disposition so as to require to be reclaimed and made tame by art, industry or education, or else must be kept in confinement to be brought within the immediate control of the owner. (Ord. No. 83-20, Art. I, 11-22-83; Ord. No. 90-7, 9-11-90)

Sec. 4-53. Running at large prohibited.

It shall be unlawful for the owner of any animal to permit such animal to run at large in the city limits. (Ord. No. 83-20, Art. III, 11-22-83)

Cross reference—Impoundment of dogs found at large, § 4-34.

Sec. 4-54. Interference with department.

It shall be unlawful to interfer with, hinder or molest any agent of the animal control department in the performance of any duty of the agent, or seek, to release any animal in the custody of the animal control department, or its agents. (Ord. No. 83-20, Art. III, 11-22-83)

Sec. 4-55. Records.

It shall be the duty of the animal control department to keep, or cause to be kept, accurate and detailed records of:

(1) *Impounding and disposition.* Impoundment and disposition of all animals coming into its custody. Such records shall be kept for a period of at least three (3) years and shall give the description of all animals impounded, date of impounding, date of sale or other disposition, and amount realized for such animal and the name and address of the purchaser.