

## **IN GENERAL**

### **Sec. 1-1 Purpose**

The animal control regulations as established in this ordinance have been made for the purpose of promoting the health, safety, morals and general welfare of the City of Rocksprings. This ordinance contains standards regulating the use, type, location, maintenance, registration, confinement and harboring of certain animals. The intent of these regulations, prohibitions and provisions is to protect property values within the city, to enhance the quality of life of persons, pets and other animals, and to protect the general public from damage and injury which be caused by unregulated animals.

### **Sec. 1-2 Definitions**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this ordinance, except where the context clearly indicates a different meaning:

Animal means any living, vertebrate creature, domestic or wild, other than homo sapiens.

Animal control officer means an employee of the City of Rocksprings designated to supervise the animal control operation and to carry out and enforce the provisions of this ordinance.

Dangerous dog means 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 was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(2) Commits unprovoked attack 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.

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

Estray (livestock) means domestic animals generally used or raised on a farm for profit or use, including, but not limited to, a stallion, horse, mare, gelding, filly, mule, jinny, jack, jennet, sheep, goat or any species of cattle, but specifically excluding prohibited animals.

Owner means any person owning, keeping or harboring one or more animals. An animal shall be deemed to be owned by a person who shall harbor, feed or shelter such animal for more than three consecutive days.

Pet animals means and shall include dogs, cats, rabbits, rodents, birds, fish and any other species of animal, except prohibited animals, which are kept for pleasure rather than utility.

Prohibited animals means any animal prohibited in section 1-3.

Rabies vaccination means the vaccination of a dog, cat or other domestic animal with an antirabies vaccine approved by the state department of health and administered by a veterinarian licensed by the state.

Residential premises means any property zoned for, or utilized, as a multifamily, four-plex, tri-plex, duplex, single-family dwelling or mobile home.

Running at large means to be free of restraint as provided in section 1-11.

Serious bodily injury means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

## Sec. 1-3 Prohibited animals

(a) The animals which are prohibited for sale or possession include, but are not limited to, the following:

(1) Class reptilia:

- a. Family helodermatidae (the venomous lizards) and all varanidae (monitor).
- b. Order ophidian, family biodae (boes, pythons, anacondas); family hydrophildae (marine snakes); family viperidae (rattlesnakes, pit vipers and true vipers); family elaspidae (coral snakes and mambas); family colubridae-dispholidus typus (boomslang); bioga dendrophila (mangrove snake) and kirtlandii (twig snake) only.
- c. Order crocodillia (such as crocodiles and alligators).

(2) Class aves: Order falconiforms (such as hawks, eagles, falcons and vultures).

(3) Class mammalian:

- a. Order carnivores, the family felidae (such as lions, tigers, bobcats, jaguars, leopards and cougars), except commonly domesticated cats; the family canidae (such as wolves, dingos, coyotes, foxes and jackals), except commonly domesticated dogs; the family mustelidae (such as weasels, skunks, martins, minks, badgers); family procyonidae (raccoon); family ursidae (such as bears).
- b. Order chiropetera (bats).
- c. Order edentate (such as sloths, anteaters and armadillos).
- d. Order rodentia (such as beavers and porcupines).
- e. Order ungulate (such as antelope, deer, bison and camels).

f. Prohibited animals shall also include nonpoisonous snakes of a species which reaches a length greater than six feet, those species of fish the possession of which is prohibited by state law, and pigs, including hogs or sows.

**Sec. 1-4 Exceptions for prohibited animals**

1. A publicly or privately owned zoo maintained or operated by a nonprofit organization or government entity.
2. Publicly or privately maintained circus, traveling show, or rodeo, which does not remain in the city longer than thirty days out of the year.
3. Hospitals, clinics, or other premises operated by licensed veterinarians for the care and treatment of animals.
4. Projects of 4-H and FFA shall be maintained in accordance with standards established by the County Agent and Ag teacher (animals must be kept at the 4-H facility).

<b>Are chickens allowed</b>	<b>Yes</b>
<b>Max chickens allowed</b>	<b>4 square feet per hen</b>
<b>Are roosters allowed</b>	<b>Yes</b>
<b>Max roosters allowed</b>	<b>One (1) per six (6) hens</b>
<b>Additional Information</b>	<b>More than seven (7) fowl must be kept 150 feet from and dwelling</b>

A maximum number of five (5) cats or five (5) dogs or an aggregate number of five (5) may be permitted at a residence within the city limits.

**Sec. 1-5 Tampering with traps and equipment**

No person shall remove, alter, damage or otherwise tamper with a trap or

equipment set out by the animal control officer.

## **ADMINISTRATION**

### **Sec. 1-6 Animal control officer-Duties**

It shall be the duty of each animal control officer under the supervision of the Public Works Director to carry out all applicable provisions of this ordinance and to pick up and impound all animals found to be in violation of this ordinance.

### **Sec. 1-7 Same –Right of Ingress**

Any animal control officer shall have the right of ingress on any property within the city in order to carry out the provisions of this ordinance, and to determine the condition of any animal, bird or fowl.

## **CARE AND CONTROL**

### **Sec. 1-8 Animals running at large, generally**

- a) It shall be unlawful for any person owning an animal to permit such animal to run at large.
- b) An animal shall be considered to be running at large unless it is restrained under the following circumstances:
  - 1) It is securely caged or confined to its owner's home or yard, which yard is enclosed by a fence of sufficient strength and height to prevent the animal from escaping there from, or secured on the premises by a chain, leash or other restraining line of sufficient strength to prevent the animal from escaping from the premises when the chain, leash or restraining line is stretched to full length. No such chain or restraining line shall be less than ten feet in length.
  - (2) It is secured by a leash or rein of sufficient strength to restrain and control the animal.

- c) Any animal control officer of the city is authorized to impound any animal running at large or otherwise found in violation of this ordinance. If the animal running at large, or in violation of this ordinance, is on private property, or property of the animal's owner, the animal control officer may enter such premises for the purpose of impoundment or the issuance of a citation, or both, subject to the applicable provisions of the law.

**See 1-9 Fowl running at Large**

It shall be unlawful for any person to permit, suffer or allow any chickens, ducks, turkeys, geese or other fowl, kept or possessed by them or under their control, to run at large outside of a cage or pen.

**Sec. 1-10 Fees**

(a) Impoundment of neutered or spayed animal:

First impoundment: \$40.00

Second impoundment: \$50.00

Third impoundment: \$65.00

Fourth impoundment: \$95.00

(b) Impoundment of non-surgically altered animal:

First impoundment: \$50.00

Second impoundment: \$65.00

Third impoundment: \$95.00

Fourth impoundment: \$125.00

(c) Feed and care, per day: \$15.00

(d) Impoundment at owner's request:

If picked up by animal control officer: \$20.00

If delivered by owner: \$15.00

(e) Poundage for all strays (livestock):

First impoundment: \$75.00

Second impoundment: \$100.00

Third impoundment: 150.00

(f) Feed and care for strays (livestock):

Per day: \$50.00

(g) The owner shall pay for any veterinarian or drug fees incurred for the animal while it is in the custody of the city.

### **Sec. 1-11 Animal care**

If the following shall occur, the animal may be impounded and the owner shall be guilty of a violation of this ordinance:

- (1) The owner shall fail to provide an animal with sufficient and wholesome food and water, adequate shelter and protection from weather, veterinary care when needed to prevent suffering, and humane care and treatment.
- (2) A person shall beat, cruelly ill treat, torment, abuse, overload, overwork or otherwise harm an animal, or cause, instigate or permit any dog fight, cock fight or other combat between animals and humans.
- (3) A person shall abandon or dump any animal.
- (4) A person shall willfully wound, trap, maim or cripple by any method any animal, bird or fowl. It shall also be unlawful for a person to kill any animal, bird or fowl within the city.

### **Sec. 1-12 Barking/noise**

Any person who shall harbor or keep on his premises, or in or about the premises under his control, any animal which barks, whines, howls, crows, cackles, or makes any noise excessively and continuously, and such noise causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof, shall be guilty of a violation under this ordinance.

### **Sec. 1-13 Sanitary condition of animal pens**

Any person who shall harbor to keep on his premises, or in or about a premise under his control, any animal or fowl, and who shall allow such premises to



become a hazard to general health and welfare of the community, or who shall allow such premises to give off noxious or offensive odors due to the activity or presence of such animals, shall be guilty of a violation of this ordinance.

#### **Sec. 1-14 Keeping of prohibited animals**

It shall be unlawful to keep or harbor any prohibited animal within the city.

#### **Sec. 1-15 Disposal of dead animals**

It shall be illegal for an owner of any dead animal, fowl or livestock (estrays) to fail to lawfully dispose of the dead animal within 24 hours of its discovery by the owner.

Residents whose animals die can call City Hall to have the animal picked up at no charge. The animal must be bagged in a black heavy weight bag and placed in the city right of way and weigh no more than 50 lbs.

#### **Sec 1-16 Dangerous dogs**

##### **(a) Determination that a dog is dangerous**

- (1) If a person reports an incident described by the definition of dangerous dog as contained in section 1-2 of this ordinance, the animal control officer may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control officer determines the dog is a dangerous dog, it shall notify the owner of that fact.

##### **(b) Requirements for owner of dangerous dog**

- (1) After a person learns that the person is the owner of a dangerous dog the person shall:
  - a. Register the dangerous dog with the city animal control department.
  - b. Restrain the dangerous dog at all times on a leash, harness, or other restraining device, and with a muzzle in the immediate control of a person or in a secure enclosure.
  - c. 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 animal control officer for the area in which the dog is kept; and

d. Comply with all applicable city or state regulations, requirements or restrictions on dangerous dogs.

- (2) In addition to or in lieu of the requirements of subsection (b)(l) of this section of this ordinance, the Public Works Director may order that the dog be permanently removed from the city within said 30-day period.
- (3) The owner of a dangerous dog who does not comply with subsection (b)(l) of this section shall deliver the dog to the animal control officer not later than the 30<sup>th</sup> day after the owner learns that the dog is a dangerous dog.
- (4) If the Public Works Director finds that the owner of a dangerous dog has failed to comply with subsection (b)(l) of this section of this ordinance, the Public Works Director shall order the animal control officer to seize the dog. The animal control officer shall seize the dog and shall provide for the impoundment of the dog in secure and humane conditions.
- (5) The owner shall pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment or destruction of the dangerous dog.
- (6) The Public Works Director shall order the animal control officer to humanely destroy the dog if the owner has not complied with subsection (b) (l) of this section of this ordinance before the 11<sup>th</sup> day after the date on which the dog is seized or delivered to the animal control officer. The Public Works Director shall order the animal control officer to return the dog to the owner if the owner complies with subsection (b)(l) of this section of this ordinance before the 11<sup>th</sup> day after the date on which the dog is seized or delivered to the animal control officer.
- (7) The Public Works Director may order the humane destruction of a dog if the owner of the dog has not been located before the 15<sup>th</sup> day after the seizure and impoundment of the dog.
- (8) For purpose of this ordinance, a person learns that the person is the owner of a dangerous dog when:

- a. The owner knows of an attack described by the definition of dangerous dog as contained in this ordinance.
- b. The owner received notice that the Public Works Director has found that the dog is a dangerous dog; or
- c. The owner is informed by the animal control officer that the dog is a dangerous dog under this ordinance.

(9) Registration

(1) The animal control officer shall annually register a dangerous dog if the owner:

a. Presents proof of:

1. Liability insurance of financial responsibility, as required by subsection (b)(1)c of this ordinance;
2. Current rabies vaccination of the dangerous dog; and
3. The secure enclosure in which the dangerous dog will be kept; and

b. Payment of an animal registration fee of \$100.00 is paid.

- 2 The animal control officer shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.
- 3 If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14<sup>th</sup> day after the date of the sale or move shall notify the animal control authority of the new address

where the dog is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee as set forth in this ordinance, the animal control officer shall issue a new registration tag to be placed on the dog's collar.

(4) An owner of a registered dangerous dog shall notify the animal control officer of any attacks the dangerous dog makes on people.

(f) Attack by dangerous dog

(1) 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.

(2) An offense under this ordinance is a class C misdemeanor.

(g) Authority of animal control officer

(1) In addition to any other authority conferred by this ordinance or state law, an animal control officer shall have the authority to immediately seize and impound any animal that bites a person.

(2) If impoundment cannot be done safely, nothing in this ordinance shall impair, restrict or remove the authority of an animal control officer to destroy an animal who is determined to be an immediate danger to a person.

**Sec. 1-17 Registration of dogs and cats**

(a) Any person owning or harboring any dog or cat or allowing such dog or cat to reside or be domiciled within the city has to register such dog or cat and obtain a registration tag for such dog or cat issued by the City of Rocksprings.

(b) The owner or harborer of a dog or cat in the city will be issued a registration tag upon certification of current rabies immunization in accordance with this ordinance

(c) Registration of a dog or cat will be performed at City Hall. Registration information shall include but not limited to the name, address, e-mail address and phone number of the owner or harborer, the breed, sex and coloring of the dog or cat registered, rabies tag number and the name and address of the veterinarian administering the rabies immunization.

## **ESTRAYS**

### **Sec. 1-18 Unattended strays (livestock)**

(a) It shall be unlawful for any person to allow an estray (livestock) to be unattended upon any public street, city right of ways, thoroughfare or upon the property of another in the corporate city limits of the city.

(b) The person having ownership or right to immediate control of such estray (livestock) shall have the burden to keep such strays (livestock) off the public streets, city right of ways, thoroughfare or the property of another in the city.

### **Sec. 1-19 Impoundment**

It shall be the duty of the animal control officer to take up any and all estrays (livestock) that may be found in and upon any street, city right of way or in or upon any enclosed lot in the city, or otherwise to be found at large, and to confine such estray (livestock) for safekeeping. Upon impounding an estrays (livestock), the animal control officer shall prepare a notice of estray and file such notice in the "estray book" located in the office of the animal control officer.

Each entry shall include the following:

- 1) The name and address of the person who notified the animal control officer of the estray (livestock).
- (2) The location of the estray (livestock) when found.
- (3) The location of the estray (livestock) pending disposition.

- (4) A description of the animal including its breed, sex, age and all marking of any kind, also any other identifying characteristics.

### **Sec 1-20 Advertisement of impounded estrays (livestock)**

When an estray (livestock) has been impounded, the animal control officer shall make a diligent search of the register of recorded labels in the county for the owner of the estray (livestock). If the search does not reveal the owner, the animal control officer shall post a notice of the impoundment of the estray (livestock) on the public board of the city hall for the next 15 days following the impoundment of the estray (livestock).

### **Sec. 1-21 Recovery by owner**

The owner of an estray (livestock) may recover possession of the animal at any time, during business hours, before the disposition of the animal if:

- 1) The owner has provided the animal control officer with an affidavit of ownership of the estray (livestock) containing at least the following information:
  - a. The name and address of the owner.
  - b. The date the owner discovered that the animal was an estray.
  - c. The property from which the animal strayed.
  - d. A description of the animal, including its breed, color, sex, size, and all markings of any kind, and any other identifying characteristics.
- (2) The animal control officer has approved the affidavit.
- (3) The affidavit had been filed in the estray book.
- (4) The owner had paid all fees owed to the City of Rocksprings.

**Sec. 1-22 Sale of estray (livestock)**

(a) If the ownership of an estray (livestock) is not determined within 14 days following the final advertisement by this ordinance, title to the estray (livestock) rests in the city and the animal control officer shall then cause the estray to be sold.

(c) The disposition of the proceeds derived from the sale of an estray will be as follows:

- (1) Payment of all handling fees to those entitled to receive them.
- (2) Execution of a report of sale of impounded stock.
- (3) If the bids are too low, the animal control officer shall have the right to refuse all bids.

**Sec. 1-23 Use of impounded estray (livestock)**

During the period of time an estray (livestock) is impounded the estray may not be used by any person for any purpose.

**Sec. 1-24 Death or escape of estray (livestock)**

If the estray (livestock) dies or escapes while it is being impounded, the person shall report the death or escape to the animal control officer. The report shall be filed in the estray book.

**Sec. 1-25 Restrictions on size and locations of area for keeping livestock**

It shall be unlawful to keep and maintain any mule, donkey, mare, horse, colt, bull, cow, calf, sheep, goat, cattle or other livestock at a distance closer than 75 feet from any building located adjoining property that is used for human habitation or within an enclosed area of less than 400 square feet per animal. All such livestock shall be kept within enclosed areas, and a fence of sufficient strength to contain such animals shall be provided to maintain the 75 foot separation required hereby. All premises upon which such livestock are kept or maintained shall be brought into compliance with terms of this ordinance.

## **RABIES CONTROL**

### **Sec. 1-26 Annual immunization of dogs, cats or any other animal required; vaccination tag**

(a) It shall be unlawful for any person to own or keep any dog or cat beyond the normal weaning age in the city unless the dog or cat is immunized by rabies vaccination.

(b) A veterinarian shall supply the owner of a vaccinated dog or cat with a rabies vaccination tag which shall have stamped upon it the veterinarian's name and vaccination certificate number. It shall be unlawful for an owner to have, harbor or keep any dog or cat without a current rabies vaccination tag fastened securely to a harness or collar worn about the shoulders or neck of the dog or cat.

### **Sec. 1-27 Rabies vaccination certificate required; display upon request**

(a) Every person owning or keeping any dog or cat immunized against rabies, as provided in section 1-26, shall procure a written rabies vaccination certificate, signed by the veterinarian administering the vaccine, and the name and address of the owner.

(b) The animal control officer may request to see rabies vaccination certificates at any time, and the failure of the owner or person in possession of such dog or cat to furnish such certificate of vaccination upon such request shall constitute a violation of this ordinance.

### **Sec. 1-28 Confinement of dogs and cats held for observation**

Any dog or cat which has bitten a person shall be observed for a period of ten days from the date of the bite. The procedure and place of observation shall be designated by the animal control officer in compliance with state law. If the dog or cat is not confined on the owner's premises, confinement shall be by impoundment in the city animal shelter, or at any veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. The owner of any dog or cat that has been reported to have inflicted a bite on any



person shall on demand produce such dog or cat for impoundment, as prescribed in this ordinance. Home quarantine, as defined in this article, may be allowed only in those instances where permitted by state law and agreed to by the animal control officer. Refusal to produce such dog or cat constitutes a violation of this chapter and each day of such refusal shall constitute a separate and individual violation. Any prohibited animal which has bitten a person shall be caught and humanely killed and the brain submitted for rabies examination to a state department of health certified laboratory for rabies diagnosis.

(b) The city may sell and retain the proceeds, keep, grant adoption, or dispose of any animal that the owner or custodian does not take possession of within 72 hours following the final day of the quarantine. The animal shall be subject to removal and disposal at the direction of or by the animal control officer if found to be rabid or if it cannot be maintained in secure quarantine facilities.

#### **Sec. 1-29 Quarantine by owner**

Quarantine observation may be made at the owner's house if the following qualifications are met:

1. Secure facilities are available at such designated place, and approved the animal control officer.
2. The dog or cat is contained in an enclosed structure, house or garage for ten days.
3. If maintained outside, the dog or cat must be behind a fence from which it cannot escape and on a chain from which it cannot break loose, or inside a covered pen or kennel from which it cannot escape.
4. The dog or cat must be kept away from other animals and people, except those in the immediate household.
5. The animal may not be removed from the place of quarantine without notice and consent of the animal control officer.

### **Sec. 1-30 Animals which have died of rabies**

The head of animals that have died of rabies or are suspected of having died of rabies shall be turned over to an animal control officer or a licensed veterinarian for dispatch to an authorized state department of health certified laboratory for diagnosis.

## **IMPOUNDMENT**

### **Sec. 1-31 Duty to impound**

Animals owned or harbored in violation of this ordinance or any law of the state shall be taken into custody by an animal control officer and impounded under the provisions of this ordinance.

### **Sec. 1-32 Disposition of impounded animals**

(a) Reasonable effort shall be made by the animal control officer to contact the owner of any animal impounded which is wearing a current vaccination tag: however, final responsibility for location of an impounded animal is that of the owner. Any impounded animal may be redeemed upon payment of the impoundment fee, care and feeding charges and other such costs as set by the animal control officer. If such animal is not redeemed within two days after notification to the owner where the owner is known, it shall be deemed abandoned and may be placed for adoption, subject to payment of the adoption fee, rabies vaccination charges, and such other cost as set by the animal control officer, or disposed of by means approved by the animal control officer.

(b) Once an animal, where ownership is unknown or the owner cannot be located, has been impounded for a period of 72 hours, and not redeemed by the owner, the animal control officer shall dispose of the animal or place the animal for adoption. If the person adopting the animal fails to obtain vaccination shots within 72 hours of adopting the animal shall authorize reimpoundment and/or citation being written.

### **Sec. 1-33 Removal of dogs and cats from confinement**

It shall be unlawful for any person to remove from any place of confinement or quarantine any dog, cat or other animal which has been confined or quarantined as authorized by this ordinance, without the consent of the animal control officer.

### **Sec. 1-34 Injured or diseased animals**

Any impounded animal that appears to be suffering from extreme injury or illness may be disposed of by an animal control officer.

### **Sec. 1-35 Adoption of dogs or cats**

The animal control officer shall be authorized to place for adoption dogs or cats impounded by the city under the following conditions:

- 1) The animal control officer shall be the sole judge as to whether a cat or dog is healthy enough for adoption, and its health and age adequate for vaccination. However, such decision by the animal control officer shall not constitute a warranty of the health or age of the animal.
- (2) The adoption fee is paid





