

CHAPTER 2

ANIMAL CONTROL

ARTICLE 2.100 ANIMALS AND FOWL^{*(1)}

Sec. 2.101 Definitions

Animal. Any living creature, including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.

Animal Control. The Animal Control Division of City of Brownfield.

Animal Control Officer. Any person designated by the chief of police to enforce the provisions of this article.

Commercial Business. A facility that regularly sells animals.

Commercial Stable. A facility where a fee is charged to house, pasture or rent horses or other livestock.

Dangerous Reptile. Any reptile that as a result of its physical makeup or nature is capable of inflicting physical harm or death to human beings or animals as herein defined. This shall include all constrictors in excess of six (6) feet in length.

Large Livestock. Horses of any member of the domesticated horse family, including but not limited to mules, donkeys and ponies; and all types and varieties of cattle, bulls and all members of the cow family.

Owner. Any person, firm or corporation having title to any animal, or a person who has, harbors or keeps, or who causes or permits to be harbored or kept, an animal in his care, or who permits an animal to remain on or about his premises.

Running At Large. Not completely confined by a building, wall or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the

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owner's private property.

Small Livestock. All types of domesticated swine, sheep and goats.

Vicious Animal. Any individual animal of any species that has on two (2) previous occasions without provocation attacked or bitten any person or other animal, or any individual animal which the chief of police has reason to believe has a dangerous disposition, or any species of animal which the supervisor has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

Wild Animal. Any poisonous or dangerous reptile or any other animal which can normally be found in the wild state not normally capable of being domesticated, including, but not limited to, skunks, foxes, leopards, panthers, tigers, lions, lynx, unless certified for medical, biological, herpetological or other scientific research or study.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-1)

Sec. 2.102 Enforcement

Enforcement of this article shall be the responsibility of the chief of police or any animal control officer. Any animal control officer shall have the authority to issue citations for any violation of this article. If the person being cited is not present, the animal control officer may send the citation to the alleged offender by registered or certified mail. It shall be unlawful for any person to interfere with any animal control officer in the performance of his duties. (1965 Code of Ordinances, Chapter 3, Article I, Section 3-2)

Sec. 2.103 Running at Large ^{*(2)}

(a) It shall be unlawful for any dog or other animal possessed, kept or harbored, other than a cat, to run at large as is defined in Section 2.101 above.

(b) The chief of police is authorized to impound such animals running at large, other than a cat, and may impound a cat under conditions specified in Section 2.105 below, and when he has received a complaint that the cat causes a nuisance or hazard to the health or welfare of human or animal population.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-3)

Sec. 2.104 Animal Registration

(a) Vaccination Required. All dogs and cats over four (4) months of age must be vaccinated

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annually for rabies with an antirabies vaccine approved by the city health officer and administered by a duly authorized veterinarian. A metal certificate of vaccination with the year of vaccination, a certificate number, and the name, address and phone number of the vaccinating veterinarian, must be securely attached to a collar or harness that must be worn by the dog or cat at all times. In addition to the metal certificate, a paper certificate must be issued stating the name of the owner, the address of the owner, description of the dog or cat, the date of the vaccination, the number of the metal certificate and the kind of vaccine used.

(b) When Registration Required; Certificate. No owner shall have within the city any dog or cat four (4) months of age or older unless such dog or cat is currently registered with animal control. A current metal registration certificate issued by animal control or a veterinarian authorized by animal control to issue the certificate, must be affixed to a collar or harness that must be worn by the dog or cat at all times. No dog or cat shall be registered until it has a current vaccination.

(c) Application; Fee. Application for initial issuance or renewal of each registration must be made by the owner in writing or in person, and be accompanied by a fee as set forth in the fee schedule in the appendix of this code, unless the cat or dog being registered has been neutered or spayed and proof of such surgical sterilization can be shown to animal control officer or a veterinarian authorized to issue such registrations; then the fee will be as set forth in the fee schedule in the appendix of this code. Dogs and cats under the age of one year shall be registered at the sterilized fee. Animals may be exempted from the sterilization provision upon written recommendation from a veterinarian that such alteration would be harmful or dangerous to the animal.

(d) Duplicate Certificate. If the original current registration certificate is lost or destroyed, the owner may obtain a duplicate registration from the chief of police by paying a fee as set forth in the fee schedule in the appendix of this code.

(e) Renewal of Registration. Registration certificates shall be renewed annually. The registration period will be from January 1 to December 31. Certificates for the new period shall be available for sale at least thirty (30) days in advance of, and sixty (60) days following, January 1st and shall constitute a valid registration upon issuance. Registration and/or vaccination certificates (and tags) shall be valid only for the animal for which it was originally issued.

(f) Transferal of Registration. If there is a change in ownership of registered dog or cat, the new owner shall have the registration transferred to his name. There shall be no charge for said transfer. Application for such transfer shall be made to animal control in writing or in person.

(g) Fee-Exempt Registration. Fee-exempt registrations may be issued for the following:

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- (1) Police or sheriff's department dog; and
- (2) Dogs trained to assist the audio or visually impaired person.

Eligibility for fee-exempt registration does not relieve the owner of his responsibility under other provisions of this article.

(h) Denial of Registration. The chief of police may refuse to register a cat or dog, or revoke a permit issued to any person who has been convicted in any duly authorized court of jurisdiction in the State of Texas, or resides with any person so convicted of any of the following:

- (1) Cruelty to animals as defined in the Texas Penal Code, Article 42.11, inhumane treatment or negligence to an animal; or
- (2) Conviction of four (4) or more separate and distinct violations of an animal control ordinance of a municipality in the State of Texas within any twelve month period.

(i) Appeal After Denial of Registration. Any person denied such a registration may appeal the refusal to a committee made up of the chief of police or his appointed representative, the city manager or his appointed representative, and the city attorney or his appointed representative. This committee shall uphold or overturn the chief of police's refusal to issue a registration certificate.

(j) Guard Dogs. Every person having care, control, or custody of any dog which has received guard dog training must register such dog with the chief of police. Any dog which has received guard dog training may be destroyed when such dog is found running at large. The owners or keepers of guard dogs shall be subject to the other provisions of this article. An ID collar identifying the dog as a guard dog must be worn at all times and the dog must wear a muzzle when out of confinement.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-4)

Sec. 2.105 Impoundment^{*(3)}

(a) The Following Animals May be Impounded:

- (1) Dogs not exhibiting evidence of being vaccinated or registered, as described in Section 2.104. Cats whose owners do not have evidence of being vaccinated or registered, as described in Section 2.104.

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- (2) Any animal infected or kept under conditions which could endanger the public or animal health.
- (3) Any animal that creates a nuisance as defined in Section 2.108.
- (4) Any animal running at large as stipulated in Section 2.103.
- (5) Any animal treated in a manner determined by the chief of police to be cruel or inhumane.
- (6) Any animal that has bitten a human being or needs to be placed under observation for rabies determination, as determined by an animal control officer.
- (7) Any animal violating any provision of this article.

(b) Owner of Premises May Confine Animal. If any of the animals named in this article are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify an animal control officer to come and impound such animal. When so notified, it shall be the duty of an animal control officer to have such animal impounded as herein provided.

(c) Contact of Owner of Animal. Reasonable effort shall be made by an animal control officer to contact the owner of any animal impounded which is wearing a current registration tag; however, final responsibility for location of an impounded animal is that of the owner.

(d) Redemption of Impounded Animals. The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees and any veterinarian bills incurred by animal control for the welfare of the animal, and upon compliance with vaccination and registration provisions of this code, except where prohibited in subsections (e) and (f) of this section.

(e) Animals Impounded Because of Cruel or Inhumane Treatment. Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.

(f) Quarantined Animals. If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.

(g) Place of Impoundment. The city manager shall select and establish a place for impounding all animals impounded under any provision of this article.

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(h) Vicious or Wild Animals. Any impounded vicious or wild animal, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the chief of police.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-5)

(i) Adoption of Impounded Dogs or Cats. Any impounded dog or cat may be adopted from the animal control facility as follows:

- (1) Dogs or cats impounded not wearing a registration tag may be placed for adoption after seventy-two (72) hours. Dogs or cats wearing a registration tag may be placed for adoption after seven (7) days. If the rightful owner appears and claims his dog or cat he may redeem the animal by paying all fees incurred plus any documented additional cost incurred by the adoptee.
- (2) The animal control officer shall determine whether a dog or cat is healthy enough for adoption and if its health and age are adequate for vaccination. However, such decision shall not constitute a warranty of the health or age of the animal.
- (3) There will be an adoption fee for all dogs and cats at an amount established in Appendix A to this code. The fee will include the cost of sterilization and vaccination.
- (4) All animals adopted from the animal control facility shall be vaccinated against rabies, and sterilized before ownership of the animal is transferred to the adoptee. The adoption fee shall be paid to the city secretary who shall issue to the adoptee a certificate which the adoptee shall present to a veterinarian who has previously agreed to accept such certificates for payment for sterilization of dogs and cats for adoption. The city secretary shall provide the adoptee with a list of veterinarians who will accept the certificates. After the veterinarian has certified that the animal has been sterilized, then title to the animal shall transfer to the adoptee. If, in the opinion of a licensed veterinarian, there is a legitimate health risk justifying the delay of this surgery, the adoptee shall sign a written agreement stating that they will have the animal sterilized. A person who signs a sterilization agreement commits an offense if he fails to have the animal sterilized on or before the sterilization completion date stated in the agreement. For the purposes of this section, a legitimate health risk cannot be based solely on the animal's age.
 - (A) If an adopted animal dies on or before the sterilization completion date, the adoptee must provide written documentation to the animal control officer that the animal has died.

- (B) If an adopted animal is lost or stolen before the sterilization date, the adoptee must provide written documentation to the animal control officer stating that the animal is lost or stolen and a police report verifying the report of theft. The letter shall be delivered not later than the seventh day after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the date of disappearance.

(Ordinance 1972 adopted 7/17/08)

(j) Euthanization of Certain Animals.

- (1) Any animal, except a vicious or wild animal, not reclaimed by the owner may be humanely euthanized after being impounded for seventy-two (72) hours, except that any animal wearing a current registration tag shall be impounded for six (6) days.
- (2) Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.
- (3) An owner who no longer wishes responsibility for an animal, or believes the animal to be in an ill or injured condition, may sign a written waiver supplied by animal control allowing the animal to be immediately euthanized in a humane manner, provided that no warm-blooded animal that has bitten a human being shall be euthanized before expiration of the ten day quarantine period.
- (4) Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a nonprofit human organization for the purpose of veterinary medical care, as determined by the chief of police.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-5)

Sec. 2.106 Impoundment Fees

- (a) Impoundment fees shall be as set forth in the fee schedule in the appendix of this code.
- (b) A daily handling fee as set forth in the fee schedule in the appendix of this code shall be charged for every day, or fraction thereof, that an animal is at the animal shelter.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-6)

Sec. 2.107 Animal Quarantine ^{*(4)}

(a) Authority to Order Quarantine. The chief of police shall have the authority to order the quarantine of the animals responsible for bite incidents or suspected of having any zoonotic disease considered to be a hazard to the human population or other animals.

(b) When Animals Shall be Quarantined. Every animal that bites a human or attacks another animal in an unnatural manner or has rabies or any other zoonotic disease or is under suspicion of having rabies or any other zoonotic disease shall be immediately confined by the owner, who shall promptly notify animal control or an animal control officer of the place where such animal is confined and the reason therefore. The owner shall not permit such animal to come in contact with any other person or animal. The owner shall surrender possession of such animal to animal control on demand for supervised quarantine. Supervised quarantine shall be at the animal shelter or a veterinary hospital, or lay any other method of adequate confinement approved by the chief of police. The quarantine shall be for not less than ten (10) days and shall be under the supervision of a veterinarian, who shall submit to animal control written reports as to the animal's health on the initial day of observation on the fifth and tenth days immediately following the date of said bite incident or above enumerated purposes of quarantine. A release from quarantine may be issued if no signs of rabies or other diseases have been observed during the quarantine period.

(c) Observation of Animal Other Than at Animal Shelter. Any animal quarantined other than at the animal shelter shall be observed by the same veterinarian throughout the entire required quarantine period in the same manner as outlined above, and the owner shall immediately notify animal control as to the veterinarian supervising the quarantine.

(d) Owner's Responsibility if Animal Quarantined Other Than at Animal Shelter. If the chief of police orders quarantine other than in the animal shelter or veterinary hospital, the owner shall be responsible for confining the animal. He shall also be required to obtain the same veterinary supervision of the animal and release from quarantine as required in a veterinary hospital or at the animal shelter.

(e) Violation of Quarantine. The violation of quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by animal control. It shall be unlawful for any person to interrupt the observation period.

(f) Animal Bites. All animal bite reports shall be investigated by animal control. Without permission of the chief of police, it shall be unlawful for any person to kill or remove from the city limits any animal that has bitten a person or other animal, or that has been placed under quarantine, except when it is necessary to kill such animal to protect the life of any person or other animal. Every animal that has been bitten by another animal shall be immediately confined

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by the owner, who shall promptly notify animal control of the place where such animal is confined and the reason therefore. The owner shall not permit such animal to come in contact with any person or animal.

(g) Animals Suspected of Having a Disease. The chief of police shall direct the disposition of any animal suspected of being rabid or having any other zoonotic disease considered to be a hazard to any other animal or human being.

(h) Dead Animals Exposed to Rabies. The carcass of any dead animal exposed to rabies or suspected of having been rabid shall upon demand be surrendered to animal control.

(i) Live Animals Exposed to Rabies. Any animal exposed to rabies shall be handled in one of the following manners:

- (1) Humane destruction, with notification to, or under supervision of, animal control.
- (2) If not currently vaccinated, quarantine in a veterinary hospital for at least six (6) months immediately following the date of the exposure.
- (3) If currently vaccinated, immediate revaccination and quarantine for at least thirty (30) days immediately following the date of the exposure.
- (4) No person shall fail or refuse to surrender an animal for supervised quarantine or humane destruction, as required herein for rabies control, when demand therefore is made by the chief of police.
- (5) Any person having possession of, or responsibility for any quarantined animal shall immediately notify animal control if such animal escapes or becomes or appears to become sick or dies and in case of death of the animal while under quarantine, shall immediately surrender the dead animal to animal control for diagnostic purposes.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-7)

Sec. 2.108 Animal Nuisance^{*(5)}

The following shall be considered a public nuisance and shall be unlawful:

- (1) The keeping of any animal, which by causing frequent or long continued barking or noise, shall disturb any person of ordinary sensibilities in the vicinity.
- (2) The keeping of any animal in such a manner as to endanger the public health, to

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annoy neighbors by the accumulation of animal wastes which cause foul and offensive odors, or are considered to be a hazard to any other animal or human being, or by continued presence on the premises of another.

- (3) All animal pens, stables or enclosures in which any animal may be kept or confined which from use have become offensive to a person of ordinary sensitivities.
- (4) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger personal health and welfare.
- (5) Persistent laxness in supervision of cats or dogs so that their running at large results in disturbance to persons of ordinary sensibilities.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-8)

Sec. 2.109 Prohibited Animals

- (a) It shall be unlawful to keep any wild animal inside the City of Brownfield.
- (b) It shall be unlawful to release or allow to run at large any wild or vicious animal or dangerous reptile.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-9)

Sec. 2.110 Vicious Animals

- (a) Destruction of Vicious Animals Found Running at Large. Any vicious animal found running at large may be destroyed by any peace officer or animal control officer in the interest of public safety.
- (b) Chief of Police May Order Removal, Appeal. The chief of police may order any owner or person having care, control or custody of any vicious animal or nuisance animal, as defined in Section 2.109 above, to take such animal permanently from the city. This animal must be removed immediately following receipt of such an order, even if an appeal is initiated. This order may be appealed in writing within ten (10) days to a committee made up of the chief of police or his representative, the city manager or his representative and the city attorney or his representative. Such committee may uphold, reverse or modify the chief of police's order, and may stipulate restrictions on the animal as a condition to allowing the animal to remain in the city. If the committee upholds the chief of police's order, the owner or person having care, control, or custody shall not bring the animal back inside the city limits.

(c) Failure to Remove. If the owner or person having care, custody or control of a vicious animal fails to remove such animal as provided for in subsections (a) and (b) above, such animal may be impounded and/or destroyed. The chief of police shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the city for being vicious has not been so removed.

(d) Report of Disposition and Relocation. The owner or person having care, custody or control of a vicious animal must report the disposition and relocation of such animal to the chief of police, in writing, within ten (10) days after the expiration date for removal of such animal from the city. Each day thereafter such information is not provided shall constitute a separate offense.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-10)

Sec. 2.111 Commercial Business

(a) Permit Required. No person shall conduct the commercial business of selling, grooming, breeding, showing, exhibiting or boarding of animals without a valid permit from animal control. It will be presumed that a commercial business exists where more than two (2) animals of the same species over three (3) months of age are kept.

(b) Application for Permit. Application for permits shall be made to animal control on forms furnished by animal control. The application will not be approved until certification has been received from appropriate city officials that the zoning, construction and facility comply with existing ordinances for establishments housing such business. If the permit application is approved by the chief of police, he shall issue the permit upon payment of the appropriate fee.

(c) Permit Fees. The fees shall be as set forth in the fee schedule in the appendix of this code.

(d) Display of Permits. All businesses described in this section must display the required permits in public view at said business.

(e) Term, Renewal of Permit. All permits issued under this section shall be valid for the following twelve (12) months and shall be renewed annually thereafter by proper written application and payment of fee. No permit issued under this section shall be renewed without the approval of the chief of police. Permits to show or exhibit animals (rodeos, circuses, shows, etc.) shall be valid only for the thirty day period immediately following issue. No permit shall be transferable.

(f) Revocation of Permit; Appeal. The chief of police may revoke any permit for failure to comply with regulations contained herein. Revocation may be appealed within ten (10) days to an administrative appeals board comprised of the city manager or his representative, the police

chief or his representative and the city attorney or his representative.

(g) Records Required. Every person holding a permit hereunder shall maintain accurate records of all transactions involving animals, which records shall show the date, type of animal, animal registration number and parties to such transaction. Such records shall be kept for a period of one year and must be available for inspection upon request by animal control.

(h) Compliance With Regulations Required. Every person engaged in the business of buying, selling, grooming, breeding, showing, exhibiting or boarding of animals, and all persons who conduct animal club shows must comply with all existing regulations governing said business or show, and shall maintain said animals in compliance with this code so as not to endanger the public or animal health or safety, or create a nuisance. Animal control shall make any inspections necessary to assure compliance under this article. Animals shall be kept under sanitary conditions so as not to endanger the public or animal health or create a nuisance.

(i) Chief of Police May Waive Requirements Under Certain Circumstances. In cases involving a scientific or educational program, a nonprofit organization's show, exhibition or humane activity, or animals owned by the city, the chief of police may waive requirements of this section concerning permits, fees or conditions, within his discretion.

(j) Exception. Licensed veterinarians and veterinary clinics are exempt from this section.

(k) Permit Required for Animal Trapping or Poisoning. Any form of animal trapping or poisoning without a permit from the chief of police is prohibited.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-11)

Sec. 2.112 Livestock^{*(6)}

(a) Swine. Swine may be kept within the city only for the following purposes: exhibition at stock shows, fairs, circuses, carnivals, on the property of a vocation school for educational purposes, at any slaughtering establishment, at stockyards or auction barns for sale.

(b) Cows and Horses. It shall be unlawful for any person to keep a cow or horse on any premises, the overall area of which is less than one-third (1/3) of an acre for each cow or horse kept, or keep more than can be cared for under sanitary conditions and not create a public nuisance and, in no event, exceed the permitted number of adults, and their foals or calves up to six (6) months of age. The number of cows or horses permitted shall not exceed one adult per one-third (1/3) acre for the first acre, and two (2) adults, per acre for each additional acre over two (2) acres of a single tract of land. The persons in lawful possession of the premises, as owner or tenant, may keep thereon cows or horses belonging to others, but the limitation as to the

number of cows or horses on the premises and the area and distance requirements of this article shall still apply and the keeping of cows or horses on the premises and the area and distance in violation of the zoning ordinance.

(c) Enclosures for Small Livestock. Any enclosure, pen, corral or other restrictive areas for small livestock shall consist of a solid wall stretching from the ground to at least four (4) feet in height, that does not sway or give way when tested by an animal control officer, or shall consist of a fence. Such a fence must have at least sixteen-gauge wire arranged in a grid pattern (hogwire) with the maximum size of any grid in the wire being seven and one-half (7-1/2) by twelve (12) inches. This wire pattern must stretch continuously from the ground to at least thirty-two (32) inches above the ground. Above this wire pattern must be stretched tautly at least two (2) strands of at least sixteen (16) gauge wire with one of these strands at least four (4) feet above the ground. The maximum distance allowed between fence posts shall be fifteen (15) feet. The fence posts must not sway more than six (6) inches when tested by an animal control officer. Trees may not be used as fence posts. Gates for such a small livestock enclosure shall be mounted on hinges to a solid wall or fence post and stretch from the ground to at least four (4) feet above the ground. Such a gate must connect with another fence post or solid wall in such a manner that small livestock cannot pass through it, and the gate itself must be constructed so that there is not an opening in it larger than seven and one-half (7-1/2) inches by twelve (12) inches. Such gates must have a latch or chain attached, capable of keeping the gate closed when tested by an animal control officer. Gates must be kept closed except when a human being is passing through a gate.

(d) Enclosures for Large Livestock. Any enclosure, corral or restrictive area for large livestock shall consist of a solid wall stretching from the ground to at least four (4) feet above the ground, that does not sway or give way when tested by an animal control officer, or shall consist of a fence. Such a fence must have at least sixteen-gauge wire stretched tautly between fence posts. Such a fence shall have at least four (4) strands of wire with one (1) strand one (1) foot above the ground and one strand at least four (4) feet above the ground, with the two (2) other strands uniformly spaced between the top and bottom strands. The maximum distance between fence posts shall be fifteen (15) feet. The fence posts must not sway more than six (6) inches when tested by an animal control officer. Trees may not be used as fence posts. Gates for large livestock shall be mounted on hinges to a solid wall or fence and stretch from one (1) foot above the ground to at least four (4) feet above the ground. Such a gate must connect with another fence post or solid wall in such a manner that large livestock cannot pass through it, and the gate itself must be constructed so that there is not an opening in it large enough for large livestock to pass through. Such gates must have a latch or chain attached capable of keeping the gate closed when tested by an animal control officer. Gates must be kept closed, except when a human being is actually passing through a gate.

(e) Small and Large Livestock Kept Together. When small and large livestock are kept

together the standards for small livestock must be met.

(f) Minimum Distance From Human Living Quarters. It shall be unlawful for any person, firm or corporation to keep on premises under his or its control, within the city limits, any small or large livestock in such a manner that the livestock will be quartered closer than three hundred (300) feet from any residence or business or any public right-of-way.

(g) Breeding of Horses. Male equines (horses) capable of breeding will be confined in such a manner that said animal will not be dangerous to human beings, and all breeding will be under the control of the owner or handler.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-12)

Sec. 2.113 Fowls and Rabbits

(a) Rabbits. Rabbits shall be kept in a secure pen or enclosure that is at least thirty (30) feet from any inhabited dwelling, other than that of the owner. It shall be unlawful to raise or keep rabbits for commercial purposes on property zoned other than agricultural.

(b) Housing Poultry. It shall be unlawful to maintain in the city a poultry yard within fifty (50) feet of any building used for residence purposes by anyone other than the one maintaining such poultry or animal yard or his immediate family, or within twenty-five (25) feet of any public way other than an alley, or within one hundred (100) feet of any church, school or other business.

(c) For the purpose of this section, the term "poultry yard" shall include every enclosure, shed, or structure used to house two (2) or more live fowl; included in the term "fowl" are chickens, ducks, geese and other poultry.

(d) Every person maintaining a poultry yard shall keep the same clean, sanitary and free from all refuse. Such yard shall be thoroughly swept at least once every twenty-four (24) hours, and it shall be unlawful to permit any decaying food or any refuse of any kind to remain in such yard. Refuse from such yard shall, when swept up or collected, be kept in airtight containers until disposed of in accordance with the ordinances of the city, and it shall be unlawful to permit any such refuse to remain uncovered.

(e) Every poultry yard shall be adequately enclosed so as to be impenetrable against rats or other rodents. The presence of any rats in any poultry or animal yard shall be prima facie evidence that such yard is maintained in violation of the provisions of this section.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-13)

Sec. 2.114 Sanitary Conditions

The owner or person in possession of animals shall keep yards, pens and enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes or other noxious insects, or to endanger the public health or safety in any manner, or create a public nuisance. All persons keeping such animals shall comply with the following sanitary regulations:

- (1) Manure and droppings shall be removed from pens, stables, yards, cages and other enclosures at least twice weekly and handled or disposed of in such manner as to keep the premises free of any nuisance.
- (2) Mound storage of droppings or manure between such removals shall be permitted only under such conditions as to protect against the breeding of flies and to prevent migration of fly larvae (maggots) into the surround soil.
- (3) The feeding of vegetables, meat scraps or garbage shall be done only in impervious containers or on an impervious platform.
- (4) Watering troughs or tanks shall be provided which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes or other insects.
- (5) No putrescible material shall be allowed to accumulate on the premises and all such material used to feed, which is unconsumed, shall be removed and disposed of by burial or other sanitary means.
- (6) Any pen or enclosure shall be maintained in such a manner as to be not less than five (5) feet from any adjoining residentially zoned property.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-14)

Sec. 2.115 Pet Care

The following are established as guidelines for pet and animal care and not intended to contravene the provisions for animal cruelty as contained in the Texas Penal Code.

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

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- (2) No person shall beat, cruelly ill-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.
- (3) No owner of an animal shall abandon such animal.
- (4) No person shall crop a dog's ears, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort, and in no event shall any person except a licensed veterinarian perform such an operation.
- (5) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

(1965 Code of Ordinances, Chapter 3, Article I, Section 3-15)

ARTICLE 2.200 DANGEROUS DOGS^{*(7)}

Dangerous dogs, as defined in V.T.C.A., Health and Safety Code, Section 822.041, shall be regulated in accordance with the provisions of V.T.C.A., Health and Safety Code, Chapter 822, Subchapter D. (Ordinance adopting Code)

Endnotes

1 (Popup - Popup)

* **State Law reference**-Authority of governing body to regulate animals, V.T.C.A., Local Government Code, Sec. 215.001, et. seq.

2 (Popup - Popup)

* **State Law reference**-Animals at large, V.T.C.A., Local Government Code, Sec. 214.026.

3 (Popup - Popup)

* **State Law reference**-Authority of city to regulate the capture and impoundment of animals, V.T.C.A., Local Government Code, Sec. 215.026(c).

4 (Popup - Popup)

* **State Law reference**-Rabies reports and quarantine, V.T.C.A., Health & Safety Code, Chapter 826, subchapter E; Quarantine and impoundment facilities generally, V.T.C.A., Health & Safety Code, Chapter 826, subchapter F.

5 (Popup - Popup)

* **Cross reference**-Chapter 8, Offenses and Nuisances

6 (Popup - Popup)

* **State Law reference**-Authority of municipality to prohibit or otherwise regulate the keeping of livestock and swine, V.T.C.A., Local Government Code, Sec. 215.026(b).

7 (Popup - Popup)

* **State Law reference**-Authority of city to regulate the keeping of dangerous dogs, V.T.C.A., Health & Safety Code, ch. 822, subchapter D.