

**CITY OF ROMAN FOREST  
ORDINANCE NO. 311-2004**

**AN ORDINANCE FOR THE CONTROL OR IMPOUNDMENT OF LIVESTOCK, FOWL, DOGS, AND/OR DANGEROUS ANIMALS WITHIN THE CITY OF ROMAN FOREST, TEXAS.**

State law reference(s) –Livestock, V.T.C.A., Agriculture Code § 141.001 et seq.; permitting a head of cattle or a domestic turkey to run at large in certain counties, V.T.C.A., Agriculture Code § 1430082; local regulation of public health, V.T.C.A., Health and Safety Code Ch. 121 et seq.; health and safety of animals, V.T.C.A., Health and Safety Code Ch. 821 et seq.; cruelty to animals, V.T.C.A., Penal Code § 42.11; dog fighting, V.T.C.A., Penal Code § 42.111; keeping vicious dog, V.T.C.A., Penal Code § 42.12; certain tax exemptions for charitable organizations, V.T.C.A., Tax Code § 11.18.

**ARTICLE I**

**IN GENERAL**

**1.1 Definitions**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

*Cat* means any animal of the feline family.

*Dog* means any four-legged animal belonging to the genus *Canis*.

*Fowl* means any chickens, turkeys, guineas, pigeons, doves or other feathered animals.

*Livestock* means any of the following: Horses, mules, cows, bulls, hogs, goats, sheep, rabbits, jacks, jennets, mares or stallions.

*Owner* means any person owning, keeping, or harboring, or having control of, or custody of, any livestock, fowl, dog or cat.

*Run at large* means:

(1) When applied to fowl, means not restrained securely within a fence, cage or other enclosure, or by other suitable restraint.

(2) When applied to livestock and dogs, means not under the control of the owner by a leash, chain, cord or other suitable material attached to a collar or harness; or not restrained securely within an enclosure or fence.

**1.2 State rabies control act adopted; enforcing officer designated.**

(a) The city hereby adopts the provisions of V.T.C.A., Health and Safety Code Ch. 826, known as the Rabies Control Act of 1981, except where specifically modified in this chapter.

(b) The city designates the Montgomery County Animal Control Officer as the local health authority for the purpose of carrying out such provisions.

State law reference(s) –Local health authority, V.T.C.A., Health and Safety Code § 826.017.

**1.3 When keeping declared to be a nuisance.**

The keeping of livestock, fowl, dogs or cats within the city in such manner or under such conditions as to cause the spread of germs liable to produce disease or noxious odors or noise hazardous or dangerous to the public health, or which cause discomfort to the inhabitants of the locality wherein the same are kept, is hereby prohibited and declared to be a nuisance. (Code 1973§ 6-2)

Cross reference(s)—Offensive conditions on premises, § 20-106 et seq.

State law reference(s)—Control of animal diseases and pests, V.T.C.A., Agriculture Code § 161.001 et seq.

**1.4 Running at large.**

The running at large within the city of livestock and fowl is hereby prohibited and herein declared to be a nuisance; and anyone owning, controlling or having responsibility for the control of any of the above-named animals who knowingly permits such animals to run at large within the city shall be guilty of a misdemeanor.

State law reference(s)—Estrays, V.T.C.A., Agriculture Code § 142.001 et seq.; animals running at large on highways, V.T.C.A., Agriculture Code § 143.101 et seq.

**1.5 Bird sanctuary—City declared.**

The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary, subject to the provisions of section 7-6 below.

State law reference(s)—Protection of birds, nests and eggs, V.T.C.A, Parks and wildlife Code §§ 64.002, 64.003.

**1.6 Destruction of birds, nests, eggs prohibited; *exception.***

(a) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests. If European starlings, English sparrows, grackles, ravens, red winged blackbirds, cowbirds, feral rock doves (*Columba livia*) or crows are found to be congregating in such numbers in a particular locality that they constitute a nuisance

or a menace to health or property in the opinion of the proper health authorities of the city, then in such event said health authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of such clubs as are found to exist in the city, after having given at least three (3) days' actual notice of the time and place of such meeting to the representatives of such clubs.

(b) If as a result of such meeting no satisfactory alternative is found to abate such nuisance, then such birds may be destroyed in such manner and in such numbers as is deemed advisable by such health authorities under the supervision of the chief of police of the city.

State law reference(s)—Penalty for violating provisions relating to birds, V.T.C.A., Parks and wildlife Code §§ 12.406, 64.005.

### **1.7 Beekeeping within city unlawful.**

(a) *Keeping.* It shall be unlawful for any person to place, keep or harbor upon any premises situated within the corporate limits of the city any bees, beehive or any container or receptacle similar to a beehive, designed or used for the swarming or collecting of bees or for collecting the honeycomb or honey of bees.

(b) *Nuisance.* Any beehive used or occupied by bees is hereby declared to be a nuisance; and it shall be unlawful to keep or maintain any such hive in the city.

(c) *Penalty.* Violation hereof shall be punished by a fine as provided in section 2.4.

State law references(s)—Bees, V.T.C.A., Agriculture Code § 131.001 et seq.

## **ARTICLE II**

### **IMPOUNDMENT OF LIVESTOCK, FOWL**

#### **2.1 Authorized.**

Any livestock or fowl found within this city in violation of the provisions of this chapter may be taken up and impounded by the city.

State law reference(s)—Impoundment of strays, V.T.C.A. Agriculture Code § 142.009.

## **2.2 Right to redeem.**

The owner of any livestock or fowl which has been impounded under the provisions of this article shall have the right to redeem the same upon the payment of any and all fees which may be due and payable for such impoundment; provided, however, the payment of such impoundment fees shall not bar the imposition of any fine which may be imposed for the violation of this article.

State law reference(s)—Redemption of strays, V.T.C.A, Agriculture Code §§ 142.004, 142.010.

## **2.3 Time for redemption.**

Any impounded livestock or fowl shall be redeemed by its owner within forty-eight (48) hours after the same was impounded. Any such livestock or fowl not redeemed within such time may be sold or otherwise disposed of as provided in this article.

## **2.4 Fees.**

The fees to be charged for the impoundment of livestock or fowl under the provisions of this article shall be as determined by the city council from time to time.

## **2.5 Sale authorized.**

Should the owner of any livestock impounded under the provisions of this article fail, refuse or neglect to redeem the same, the animal warden by sell the same to the highest bidder at an auction to be held after three (3) days notice is given of such sale. After such sale, the animal warden shall turn over the proceeds thereof to the city secretary, who shall credit the amount against any and all costs incurred by the city arising from such impoundment, and pay the excess, if any, to the owner of such livestock.

State law reference(s)—Sale of impounded strays, V.T.C.A, Agriculture Code § 143.013.

# **ARTICLE III**

## **DOGS; DANGEROUS ANIMALS\***

State law reference(s)—Certain dogs prohibited from running at large, V.T.C.A., Health and Safety Code § 822.011; rabies, V.T.C.A., Health and Safety Code § 826.001 et seq.; restraint, impoundment and disposition of dogs and cats, V.T.C.A, Health and Safety Code § 826.033.

### **3.1 Dogs running at large.**

It shall be unlawful for any owner to allow or permit his dog to run at large upon any public or private property within this city.

### **3.2 Destruction of dangerous, vicious dogs.**

Any dog found at large after the owner thereof has previous knowledge or notice that such dog has engaged in vicious conduct as defined in V.T.C.A., penal Code § 42.12 may be killed by any police officer of the city without such officer having to catch or impound such dog.

### **3.3 Surrender of dangerous, biting animal; criteria for destroying.**

(a) Any dog or other domestic animal that has engaged in vicious conduct as defined in V.T.C.A., Penal Code § 42.12 and which has either escaped or been loosed from its owner's property and has bitten any person while at large and then is or has returned to the owner's property, shall be immediately delivered by the owner to the city animal warden upon demand by the animal warden.

(b) The animal warden shall impound such animal for at least fourteen (14) days. Upon expiration of the period, if evidence of rabies in the dog or domestic animal is detected, the animal shall be destroyed. The animal shall also be destroyed, even if it shows no evidence of rabies, if the animal has bitten a person to death or has bitten a person more than one (1) time while at large and is capable of causing serious injury or death of any person by reason of biting.

State law reference(s)—Destruction of dog causing death of a person, V.T.C.A., Health and Safety Code § 822.001 et seq.

### **3.4 Report of rabid dogs.**

(a) A person having knowledge of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies or of an animal that the person suspects is rabid, within twenty-four (24) hours thereafter, shall report the incident or animal to the city animal warden and the chief of police, if the person lives in this city, if the animal is located in this city, or if the exposure occurs in this city. The report shall include the name and address of any victim and of the owner of the animal, if known, and any other data which may aid in locating the victim or the animal.

(b) Every veterinarian or other person who is called to examine or professionally attend any dog within this city having rabies, within twenty-four (24) hours thereafter, shall report to the city animal warden and the chief of police the following facts:

- (1) A statement of the location of such diseased animal.
- (2) The name and address of the owner thereof.
- (3) All known humans or animals suspected of having been exposed to the rabid dog.

State law reference(s)—Reports of exposure to rabies, V.T.C.A., Health and Safety Code § 826.041.

**3.5 Suspicion of rabies—Confinement by owner.**

It shall be the duty of every person who owns a dog or keeps a dog in or on his premises, or on premises under his control, within the city, when the dog shows symptoms of rabies or has been exposed to such disease or has injured some person or animal, upon such person being notified by the city animal warden of such fact, to at once confine the dog in a secure place for a period of not less than fourteen (14) days, or such longer period as may be specified by the state board of health, and until it can be reasonable determined by the city animal warden that the dog is free of such disease.

**PASSED AND APPROVED THIS 19 DAY OF FEBRUARY 2004.**

**By:** \_\_\_\_\_  
**Floyd O. Jackson, Jr., Mayor**

**ATTEST:**