

ORDINANCE 211A

AN ORDINANCE GOVERNING THE OWNERSHIP, BREEDING AND TREATMENT OF ANIMALS, CATS, DOGS, FOWL, LIVESTOCK, DANGEROUS WILD ANIMALS AND REPTILES WITHIN THE TOWN LIMITS AND PROVIDING FOR A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, IT IS THE DESIRE OF THE TOWN OF ENCHANTED OAKS TO AMEND THE PENALTY SECTION TO CHANGE THE CLASSIFICATION OF THE MISDEMEANOR TO A CLASS C:

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS AS FOLLOWS:

SECTION 1. DEFINITIONS

- A. *Animal* means any warm-blooded vertebrate creature, domestic or wild, excluding the human species.
- B. *Cat* means any domesticated member of the family felis catus.
- C. *Dog* means a domesticated member of the family canidae but shall not include a wolf, jackal, fox, or other wild animal of this family.
- D. *Domesticated animal* means one that is tame by nature, or from time immemorial has been accustomed to the association of human beings, or by human industry has been subjected to human will and has no disposition to escape human dominion. It is one that is normally born and raised in captivity.
- E. *Dangerous wild animal or reptile* means one not normally considered domesticated, that is wild by nature, which, because of habit, mode of life, or natural instinct, is incapable of being completely domesticated, and requires the exercise of art, force or skill to keep it in subjection; and is dangerous by nature, capable of inflicting serious injury, death or disease to humans, and is more likely to do so than a domestic animal. Dangerous wild animals or reptiles shall include but not be limited to the following:

1. Alligators	13. Lynx
2. Bats	14. Monkeys and other nonhuman primates
3. Bears	15. Mountain lions
4. Bobcats	16. Ocelots
5. Cheetahs	17. Panthers
6. Constrictor snakes	18. Raccoons
7. Coyotes	19. Skunks
8. Crocodiles	20. Tigers
9. Foxes	21. Venomous snakes
10. Jaguars	22. Wildcats
11. Leopards	23. Wolves; Wolf-hybrids
12. Lions	

F. *Fowl* means any heavy bodied, terrestrial bird of the order Galliformes, including but not limited to chickens, ducks, geese, pheasants, turkeys, grouse, guineas, or other common domestic fowl, but not including caged pet birds kept inside a building and otherwise not a bird defined as fowl herein.

G. *Livestock* means any horse, hog or swine, cattle, sheep, goat, mule, jack, jenny, emu, ostrich or rhea.

H. *Owner* means any person, corporation, partnership, trust, or association or other entity owning, keeping, or harboring an animal or who has possession or control or has the responsibility to control an animal.

I. *Person* means any individual, corporation, partnership, trust, association or other legal entity.

J. *Rabies* means an acute viral disease of human and animal affecting the central nervous system usually transmitted through the bite of a rabid animal and/or including the condition commonly known as rabies.

K. *Reptile* means any cold-blooded vertebrate of the class reptila, such as lizards, snakes, etc.; of particular concern are those that are poisonous, constrictors, and/or carnivores.

L. *Restraint*, except as otherwise provided, an animal shall be deemed to be *restrained* when it is:

1. Confined on the premises of the owner within a fence or enclosure; or
2. Fastened or picketed by a lead, rope, or chain so as to keep the animal on the premises of the owner; or

3. Under the control of a person by means of a harness, leash, chain, or similar device attended by a person of sufficient strength to prevent the animal from running at large; or
4. On or within a vehicle being driven or parked if the owner is present to control the animal from jumping or falling out.

SECTION 2. BREEDING

- A. It is unlawful for any resident or person to engage in the breeding of dogs and cats for the purpose of monetary gain (business) within the Town of Enchanted Oaks.
- B. Housing of more than 3 dogs is prohibited at any residence or property within the Town of Enchanted Oaks.

SECTION 3. PROHIBITED

- A. Livestock. It is unlawful to own, keep, or harbor, any livestock within the Town of Enchanted Oaks.
- B. Fowl. It is unlawful to own, keep, or harbor any fowl within the Town of Enchanted Oaks.
- C. Dangerous wild animals or reptiles. It is unlawful to own, keep, or harbor any dangerous wild animals or reptiles with the Town of Enchanted Oaks

SECTION 4. LEASH LAW

- A. It shall be unlawful to allow dogs to roam at large.
- B. It shall be unlawful to walk a dog on public property without being restrained by a leash with a length of 10 feet or less.
- C. No dog or cat excrement shall be left on public property or property not belonging to the dog or cat owner. Persons walking dogs or cats shall have the means to collect up any excrement left by their dog or cat and dispose of it properly.

SECTION 5. TETHERING

- A. Must comply with all State of Texas Laws as amended from time to time.
- B. Additional requirements:
 - (1) the weight of the chain and/or tether is not more than 1/10 th of the dog's weight.
 - (2) the dog must have access to water
 - (3) the dog must have access to shade if the outside temperature is more than 85 degrees Fahrenheit.
 - (4) the dog must not bark excessively as to be objectionable to any neighbor.

SECTION 6. VACCINATION

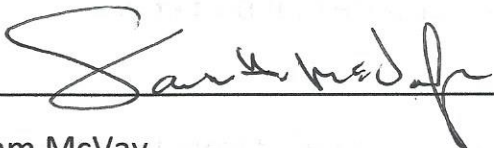
- A. All dogs and cats within the Town of Enchanted Oaks must be vaccinated against rabies by the time the animal is four (4) months of age and at regular three-year intervals thereafter, and the owner must obtain some sort of proof confirming that vaccination.
- B. If a citation for no proof of rabies vaccination is written against the owner, or person in control of an unvaccinated dog or cat, the person may have the citation dismissed by producing a current rabies certificate or other confirmation to the Court on or before the appearance date showing the animal has been properly vaccinated.

SECTION 7. PENALTY

- A. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a class C Misdemeanor and upon conviction in the municipal court shall be subject to the maximum fine allowed by law for each misdemeanor plus court costs, but not less than \$100 per day and each day such violation continues it shall constitute a separate misdemeanor.
- B. The Town of Enchanted Oaks has the authority to remove the cat, dog, livestock, fowl, dangerous animal or reptile from the Town to a shelter, refuge or other authority.
- C. The Town of Enchanted Oaks accepts no liability for injuries to the cat, dog, livestock, fowl, dangerous animal or reptile removed by the Town or any fees incurred to have the animal released.

WHEREAS, THIS ORDINANCE SHALL BE EFFECTIVE TWO (2) DAYS FROM THE APPROVED DATE AND SHALL CANCEL AND SUPERCEDE ORDINANCE 211.

PASSED, AMENDED AND APPROVED by the Town Council of the Town of Enchanted Oaks, this 9th day of April 2019.

APPROVED:  MAYOR
Sam McVay

ATTEST:  TOWN SECRETARY
Pam Foster