

ARTICLE I. - IN GENERAL

[Sec. 4-1. - Definitions.](#)

[Sec. 4-2. - Enforcement.](#)

[Sec. 4-3. - Running at large.](#)

[Sec. 4-4. - Animal nuisances.](#)

[Sec. 4-5. - Animals prohibited as novelties.](#)

[Sec. 4-6. - Wild; wild-hybrid; prohibited animals.](#)

[Sec. 4-7. - Miniature swine.](#)

[Sec. 4-8. - Livestock.](#)

[Sec. 4-9. - Chickens.](#)

[Sec. 4-10. - Commercial businesses.](#)

[Sec. 4-11. - Sanitary requirements.](#)

[Sec. 4-12. - Animal care.](#)

[Sec. 4-13. - Slaughter of animals.](#)

[Sec. 4-14. - Texas Department of State Health Services.](#)

[Sec. 4-15. - Penalty.](#)

[Secs. 4-16—4-20. - Reserved.](#)

Sec. 4-1. - Definitions.

In this chapter the following words and terms shall have the following meanings ascribed to them unless the context indicates otherwise:

Abandon shall mean to dump, desert, or leave any animal on public or private property with the intent of terminating any further responsibility for said animals and shall also mean failing to properly redeem any animal impounded or quarantined by the city.

Animal shall mean any living creature, domestic or wild, including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowls, chickens and livestock but specifically excluding human beings.

Animal control officer shall mean the person designated by the city manager to enforce this chapter or an authorized representative.

Cat shall mean a domesticated animal that is a member of the felidae (feline) family but does not include a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other wild animal of this family or hybrids.

City shall mean the City of Taylor, Texas.

Dangerous Dog shall mean a dog that:

(1)

Makes an unprovoked attack on a person or other animal that causes bodily injury to the person or animal and occurs 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; or

(2)

Commits unprovoked acts 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 caused a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Designated veterinarian shall mean a licensed veterinarian who has been approved by the city to collect fees for and issue licenses for animals.

Dog shall mean a domesticated animal that is a member of the canidae (canine) family but does not include a wolf, jackal, fox or other wild animal of this family or hybrids.

Fowl shall mean all birds, e.g., turkeys, pheasants, quail, guineas, geese, ducks, peafowl and other domestic feathered creatures and nondomestic feathered creatures, regardless of age or sex, except chickens which are shall be subject to the provisions of section 4-9, below.

Guard Dog shall mean any dog which has been trained for the purpose of protecting property by a guard dog company which is required to be licensed pursuant to V.T.C.S. art. 4413(29bb), as amended from time to time.

Hybrid shall mean the product of the mating of two (2) different species of animals regardless of the number of generations born since that original mating.

Licensed veterinarian shall mean a person licensed to practice veterinarian medicine.

Livestock shall mean horses, or any member of the domesticated horse family, including but not limited to, mules, donkeys, and ponies; and all types of varieties of cattle, bulls, and all members of the cow family, and all types of domesticated swine, sheep, goats, ostriches and emus.

Miniature swine shall mean any member of the swine family which has, through selective breeding, been genetically manipulated so as to attain a maximum height of eighteen (18) inches at the shoulder and a maximum weight of sixty (60) pounds.

Owner shall mean any person owning, keeping or harboring an animal.

Person shall mean an individual, firm, partnership, association, corporation or other legal entity.

Prohibited animal:

(1)

Means an animal, other than a common domestic species and regardless of state or duration of captivity, that poses a potential physical or disease threat to the public or that is protected by international, federal or state regulations including, but not limited to the following:

a.

Class Reptilia: Family Helodermatidea (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); Family Elapidae (coral snakes, cobras, mambas, and other elapids); the following listed species of Family Colubridae - Dispholidus typus (Boomslang), Hydrynastes gigas (water cobra), Boiga (mangrove snake), and Thelotornis (African twig snake) only Order Phidia, Family Boidae (racers, boas, water snakes and pythons); and Order Crocodilia (crocodiles, alligators, caimans, and gavials);

b.

Class Aves: Order Falconiforms (such as hawks, eagles, and vultures); Subdivision Ratitae (such as rheas, and cassowaries); and Order Strigiforms (such as owls):

c.

Class Mammalia: Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), except commonly accepted domesticated cats; Family Canidae (such as wolves, wolf-dog hybrids, dingos, coyotes, and jackals), except domesticated dogs; Family Mustelidae (such as weasels, skunks, martens, ferrets, mink, and badgers); Family Procyonidae (raccoon); Family Ursidae (such as bears); Order Marsupialia (such as kangaroos and common opossums); Order Edentata (such as sloths, anteaters, and armadillos); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees, and gorillas); Order Rodentia (such as porcupines); and Order Ungulata (such as antelope, deer, bison, and camels);

d.

Animals not listed: The animal control officer may declare any species of animal not listed in this subsection as "prohibited" if the confinement of the animal within the city can be shown to constitute a threat to public health and safety; and

2.

Does not mean:

a.

A bird kept in a cage or aviary that is not regulated by international, federal, or state law; or

b.

A gerbil, hamster, guinea pig, or laboratory mouse or rat.

Running at large shall mean 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 owner's private property. Any animal confined within an automobile or other vehicle shall not be deemed running at large. All feral cats that are fed as part of a Trap Neuter Return program shall not be deemed to be running at large.

Secure enclosure means a fenced area or structure that is:

(1)

Locked;

(2)

Capable of preventing the entry of the general public, including children;

(3)

Capable of preventing the escape or release of a dog or other animal;

(4)

Clearly marked as containing a dangerous dog; and

(5)

In conformance with the requirements for enclosures established by the animal control officer.

Serious bodily injury means any physical injury that involves a substantial risk of death, disfigurement, or impairment of any part of the body including, but not limited to, a broken bone or a laceration requiring either multiple stitches or cosmetic surgery.

Slaughter means the act of killing cattle, goats, sheep, rabbits, swine or fowl.

Unprovoked means action by an animal that is not:

(1)

In response to being tormented, abused, or assaulted by any person; or

(2)

In protection of itself or its food, kennel, immediate territory, or nursing offspring.

Wild animal shall mean any animal except the common domestic species (dogs, cats, horses, livestock and other common farm animals) regardless of the state or duration of captivity.

(Ord. No. 2009-7, § 1, 2-12-09; Ord. No. 2009-38, § 2, 1-14-10)

Sec. 4-2. - Enforcement.

(a)

City manager shall designate an employee as the animal control officer.

(b)

Enforcement of this chapter and any state laws regulating animal control shall be the responsibility of the animal control officer.

(c)

The animal control officer is authorized to:

(1)

Impound any animal in violation of this chapter;

(2)

Issue citations for any violation of this chapter or applicable state law.

(d)

No person shall interfere with any animal control officer or any authorized representative in the performance of their duties.

(e)

The city council shall establish the fees required by this chapter by resolution from time to time.

(Ord. No. 2009-7, § 2, 2-12-09)

Sec. 4-3. - Running at large.

It shall be unlawful for an owner of an animal without regard to mental state, to fail to keep the animal from running at large as defined in this chapter.

(Ord. No. 2009-7, § 8, 2-12-09)

Sec. 4-4. - Animal nuisances.

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

(a)

The keeping of an animal in such a manner as to endanger the public health, by the accumulation of animal waste which causes foul and offensive odors considered to be a hazard to other animals or human beings.

(b)

To permit or allow an animal to urinate and/or defecate upon private or public property other than public streets or the property of the owner of said animal; and to fail to remove and dispose of in a sanitary manner any feces left by such animal.

(c)

Property not kept free from carrion or other putrescible material.

(d)

The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger the health and safety of others.

(e)

The keeping of any animal which causes loud and unusual or frequent barking, howling or other noise that disturbs the peace and quiet of any person of ordinary sensibilities.

(f)

The breeding, raising or keeping of any fighting roosters, game cock or other fowls which are to be used for fighting purposes.

(Ord. No. 2009-7, § 15, 2-12-09)

Sec. 4-5. - Animals prohibited as novelties.

(a)

It shall be unlawful for any person to sell, offer for sale, rent, barter or give away as toys, premiums or novelties, baby chickens, ducklings or other fowl under three (3) weeks old, rabbits under two (2) months old, unless the manner or method is first approved by the animal control officer.

(b)

It shall be unlawful to color, dye, stain or otherwise change the natural color of any chickens, ducklings, or other fowl or rabbits or to possess for the purpose of sale or to be given away, any of the above-mentioned animals which have been so colored.

(Ord. No. 2009-7, § 16, 2-12-09)

Sec. 4-6. - Wild; wild-hybrid; prohibited animals.

(a)

It shall be unlawful to own, possess, keep or harbor any wild, wild-hybrid, or prohibited animal within the city.

(b)

It is a defense to prosecution under this subsection that the owner or possessor:

(1)

Holds a valid prohibited animal permit issued under this section; or

(2)

Is a governmental entity.

(c)

A permit for possession of a prohibited animal may be issued to:

(1)

Public zoo:

(2)

Public or private primary or secondary school; or

(3)

An animal exhibition, rodeo, or circus of which the animal is an integral part, if the animal is restrained from inflicting injury upon persons, property, or other animals.

(Ord. No. 2009-7, § 17, 2-12-09)

Sec. 4-7. - Miniature swine.

(a)

The owner of miniature swine shall annually register the animal with the city. Written application for registration and payment of applicable registration fees shall be made to the animal control officer or designated veterinarian. The application shall include the name and address of the owner, a description of the animal and the current rabies vaccination certificate. Upon acceptance of the application, a city license tag shall be issued, which shall bear an identifying number for the animal and the year of issuance.

(b)

Miniature swine may be kept as pets in the city subject to the following requirements:

(1)

It shall be unlawful to keep, harbor or possess more than two (2) swine per household or business.

(2)

No person may engage in the propagation or breeding of miniature swine within the city.

(3)

It shall be unlawful for any person to keep or maintain miniature swine outdoors. A person may permit miniature swine outdoors for brief periods not to exceed one (1) hour per occurrence as necessary for exercise or for the elimination of waste. The outdoor area used for exercise and waste elimination must be a secure area from which the swine may not escape. Miniature swine are subject to all the other sections of this chapter including the prohibition of running at large.

(4)

It shall be unlawful for any person to keep or maintain miniature swine within the city unless the swine have received annual vaccinations against erysipelas, parvo virus, and

leptospirosis. The first inoculations for such diseases must be received before the animal is four (4) months of age. The owner of miniature swine must provide the animal control officer a health certificate from a licensed veterinarian within fourteen (14) days of vaccination which shall contain the following information:

- a. Name, address, driver's license and telephone number of the owner.
- b. Name, address, and telephone number of the licensed veterinarian providing the vaccinations and certificate.
- c. Name, recent photograph and description of the animal, giving the age, weight and height.
- d. The types and dates of vaccinations.
- e. A statement of the general health of the animal.
- f. Certification that the animal has been either spayed or neutered.

(5) It shall be unlawful for any person who owns, keeps, harbors, or has custody of any miniature swine to fail to display on such miniature swine at all times a valid city registration and vaccination tag.

(6) It shall be unlawful for any person who owns, keeps, harbors, or has custody of any miniature swine to display on such miniature swine a registration or rabies vaccination tag issued to another animal.

(7) All locations where miniature swine are kept shall be kept in a clean and sanitary condition. Exercise areas shall be cleaned of swine excrement at least once each week or more often upon complaints from adjacent property owners.

(8) The owner of any miniature swine shall notify the animal control officer within fourteen (14) days if the miniature swine dies or has been sold or given away.

(c) If the owner of a miniature swine fails or refuses to comply with any of the requirements of this section, the animal control officer may deny or revoke the animal's registration and order the miniature swine removed from the city. The determination of the animal control officer may be appealed to the animal control appeals board in the same manner as an appeal from the denial or revocation of a cat or dog registration.

(Ord. No. 2009-7, § 19, 2-12-09)

Sec. 4-8. - Livestock.

(a) It shall be unlawful for any person to keep any swine within the city except miniature swine as defined herein.

(b) 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 of said animals than can be cared for under sanitary conditions. The total number of cows or horses permitted shall not exceed one (1) 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. Notwithstanding anything stated herein to the contrary, this provision shall not apply to zoning district Rural/Agricultural (R-A).

(c)

Livestock pens, stables, corrals, or enclosures shall be capable of preventing the entry of the general public and capable of preventing the escape of the livestock.

(d)

It shall be unlawful for any person to maintain, keep or house any fowl within two hundred (200) feet of any residential or commercial building, school, church, or other establishment owned by or otherwise leased by another. Notwithstanding, this provision shall not restrict parrots, parakeets and similar birds customarily kept as household pets when actually kept as a household pet.

(Ord. No. 2009-7, § 20, 2-12-09; Ord. No. 2009-38, § 4(20), 1-14-10)

Sec. 4-9. - Chickens.

(a)

Definitions.

Adult chicken shall mean any chicken of the age of six (6) months or older.

Contained shall mean kept in a fenced yard or pen with no roof with the wings of the adult chicken clipped sufficiently to prevent escape; or, kept in a pen or other coop or enclosure with a roof sufficient to prevent escape.

Sufficient shelter shall mean reasonable shelter with a roof and sides that is capable of protecting chickens from the elements and shall be situated so there is a buffer area between it and neighboring property with sufficient access to allow the sufficient shelter to be effectively cleaned and which sufficient shelter shall be kept cleaned.

(b)

Chickens—Generally.

(1)

No person shall keep, feed, raise, or maintain chickens in a residential area within the city except under the following conditions:

a.

The person shall have a valid permit issued by the City of Taylor.

b.

The chicken shall be contained within and have access to sufficient shelter;

c.

The sufficient shelter shall be located behind the front elevation of the residence on which property the chickens are kept.

d.

The sufficient shelter must be kept behind the residential property setback lines established in the City of Taylor, Texas, Subdivision Ordinance as now written or later amended.

(2)

No person shall keep, feed, raise, or maintain roosters in the city.

(3)

The maximum number of adult chickens that may be kept on any residential property or lot of one-half (½) acre or less is six (6).

(4)

If the residential property or lot is one acre or more a total of twelve (12) adult chickens may be kept on the property. In no event shall more than twelve (12) adult chickens be kept on any residential lot of an acre or more.

(5)

Upon written request and application, the city manager or his designee may waive the maximum number of adult chickens to be kept in a residential area if the request and application has been endorsed and approved as a legitimate 4H or Future Farmers of America project.

(c)

Fowl—Permit required.

(1)

Prior to keeping, feeding, raising or maintaining chickens within the city, a permit to possess chickens must be issued by the City of Taylor allowing such action.

(2)

Prior to issuance of any permit, the applicant for the permit shall provide at least the following information:

a.

The name and address of the applicant and address where the chickens will be kept; which must be the same address of the applicant;

b.

The applicant's Texas driver's license;

c.

The applicant's telephone number by which the applicant can be reached;

d.

The number of chickens that will be kept;

e.

A description of the sufficient shelter in which the chickens will be contained.

(Ord. No. 2009-7, § 21, 2-12-09)

Sec. 4-10. - Commercial businesses.

(a)

No person shall engage in the business of selling, grooming, breeding, showing, exhibiting or the boarding of animals without first having obtained a permit from the city. Written application for a permit and payment of the applicable permit fees shall be made to the animal control officer. The permit issued under this section shall be valid for one (1) year from the date of issuance and shall be renewed annually thereafter. The permit shall be conspicuously displayed in public view at the business at all times.

(b)

Permit shall not be required for licensed veterinarians, veterinarian clinics, or any person raising livestock in an area properly zoned for such use.

(c)

The animal control officer is authorized to inspect any such business, the animals, and the premises where such animals are kept at reasonable times during normal business hours to insure compliance with all provisions of this chapter.

(d)

In addition to the other requirements of this chapter, such businesses shall keep all locations where animals are kept in a clean and sanitary condition. Exercise areas shall be cleaned of excrement at least twice each week or more often upon complaints from adjacent property owners.

(Ord. No. 2009-7, § 22, 2-12-09)

Sec. 4-11. - Sanitary requirements.

(a)

The owner or person who has custody or control of any animal shall comply with the following standards upon complaints from adjacent property owners:

(1)

All manure and other animal waste shall be removed from pens, corrals, cages, yards, or other enclosures as necessary to control foul and offensive odors to an approved disposal site;

(2)

Refuse on the premises shall be removed and disposed of by means approved by the animal control officer;

(3)

Watering troughs or tanks shall be equipped with adequate facility so as to prevent breeding of flies, mosquitoes or other insects;

(4)

No putrescible material shall be allowed to accumulate on the premises, and all such materials shall be removed and disposed of by sanitary means.

(Ord. No. 2009-7, § 23, 2-12-09)

Sec. 4-12. - Animal care.

(a)

The owner or person who has custody or control of any animal shall provide:

(1)

Sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal in good health;

(2)

Clean and wholesome water, served to the animal in a clean container, such water to be available to the animal at all times;

(3)

Adequate shelter and protection from the weather at all times; and

(4)

Veterinarian care as needed to prevent suffering.

(b)

It shall be unlawful for an owner or other person having custody or control of any animal to abandon such animal.

(c)

No person other than a licensed veterinarian shall crop a dog's ears or tail.

(d)

The operator of any motor vehicle which strikes or injures a domesticated animal shall stop and immediately render aid and report such incident to the animal control officer or the Taylor Police Department.

(e)

It shall be unlawful for any person to beat, starve or overwork, or to otherwise abuse any animal.

(Ord. No. 2009-7, § 24, 2-12-09)

Sec. 4-13. - Slaughter of animals.

It shall be unlawful for any person to slaughter any animal or to maintain any property for the purpose of slaughtering any animal, except at those establishments that have been duly licensed to slaughter animals under the laws of this state and applicable city ordinances. This section shall not apply to those areas designated as RA or rural/agricultural in the City of Taylor Development Ordinances.

(Ord. No. 2009-7, § 24A, 2-12-09)

Sec. 4-14. - Texas Department of State Health Services.

The city shall comply with any applicable rules and regulations adopted by the Texas Department of State Health Services.

(Ord. No. 2009-7, § 25, 2-12-09)

Sec. 4-15. - Penalty.

(a)

A person who violates any provision of this chapter, or who fails to perform an act required by this chapter commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted or continued.

(b)

An offense under this chapter is punishable by a fine not to exceed:

(1)

Five hundred dollars (\$500.00);

(2)

Two thousand dollars (\$2,000.00), if the provision violated governs public health or sanitation; or

(3)

The amount fixed by state law if the violation is one for which the state has fixed a fine.

(Ord. No. 2009-7, § 28, 2-12-09)

Secs. 4-16—4-20. - Reserved.

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[Sec. 4-1. - Definitions.](#)

[Sec. 4-2. - Enforcement.](#)

[Sec. 4-3. - Running at large.](#)

[Sec. 4-4. - Animal nuisances.](#)

[Sec. 4-5. - Animals prohibited as novelties.](#)

[Sec. 4-6. - Wild; wild-hybrid; prohibited animals.](#)

[Sec. 4-7. - Miniature swine.](#)

[Sec. 4-8. - Livestock.](#)

[Sec. 4-9. - Chickens.](#)

[Sec. 4-10. - Commercial businesses.](#)

[Sec. 4-11. - Sanitary requirements.](#)

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Sec. 4-1. - Definitions.

In this chapter the following words and terms shall have the following meanings ascribed to them unless the context indicates otherwise:

Abandon shall mean to dump, desert, or leave any animal on public or private property with the intent of terminating any further responsibility for said animals and shall also mean failing to properly redeem any animal impounded or quarantined by the city.

Animal shall mean any living creature, domestic or wild, including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowls, chickens and livestock but specifically excluding human beings.

Animal control officer shall mean the person designated by the city manager to enforce this chapter or an authorized representative.

Cat shall mean a domesticated animal that is a member of the felidae (feline) family but does not include a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other wild animal of this family or hybrids.

City shall mean the City of Taylor, Texas.

Dangerous Dog shall mean a dog that:

(1)

Makes an unprovoked attack on a person or other animal that causes bodily injury to the person or animal and occurs 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; or

(2)

Commits unprovoked acts 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 caused a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Designated veterinarian shall mean a licensed veterinarian who has been approved by the city to collect fees for and issue licenses for animals.

Dog shall mean a domesticated animal that is a member of the canidae (canine) family but does not include a wolf, jackal, fox or other wild animal of this family or hybrids.

Fowl shall mean all birds, e.g., turkeys, pheasants, quail, guineas, geese, ducks, peafowl and other domestic feathered creatures and nondomestic feathered creatures, regardless of age or sex, except chickens which are shall be subject to the provisions of section 4-9, below.

Guard Dog shall mean any dog which has been trained for the purpose of protecting property by a guard dog company which is required to be licensed pursuant to V.T.C.S. art. 4413(29bb), as amended from time to time.

Hybrid shall mean the product of the mating of two (2) different species of animals regardless of the number of generations born since that original mating.

Licensed veterinarian shall mean a person licensed to practice veterinarian medicine.

Livestock shall mean horses, or any member of the domesticated horse family, including but not limited to, mules, donkeys, and ponies; and all types of varieties of cattle, bulls, and all members of the cow family, and all types of domesticated swine, sheep, goats, ostriches and emus.

Miniature swine shall mean any member of the swine family which has, through selective breeding, been genetically manipulated so as to attain a maximum height of eighteen (18) inches at the shoulder and a maximum weight of sixty (60) pounds.

Owner shall mean any person owning, keeping or harboring an animal.

Person shall mean an individual, firm, partnership, association, corporation or other legal entity.

Prohibited animal:

(1)

Means an animal, other than a common domestic species and regardless of state or duration of captivity, that poses a potential physical or disease threat to the public or that is protected by international, federal or state regulations including, but not limited to the following:

- a. *Class Reptilia*: Family Helodermatidea (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers); Family Elapidae (coral snakes, cobras, mambas, and other elapids); the following listed species of Family Colubridae - Dispholidus typus (Boomslang), Hydrynastes gigas (water cobra), Boiga (mangrove snake), and Thelotornis (African twig snake) only Order Phidia, Family Boidae (racers, boas, water snakes and pythons); and Order Crocodylia (crocodiles, alligators, caimans, and gavials);
- b. *Class Aves*: Order Falconiforms (such as hawks, eagles, and vultures); Subdivision Ratitae (such as rheas, and cassowaries); and Order Strigiforms (such as owls):
- c. *Class Mammalia*: Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars), except commonly accepted domesticated cats; Family Canidae (such as wolves, wolf-dog hybrids, dingos, coyotes, and jackals), except domesticated dogs; Family Mustelidae (such as weasels, skunks, martens, ferrets, mink, and badgers); Family Procyonidae (raccoon); Family Ursidae (such as bears); Order Marsupialia (such as kangaroos and common opossums); Order Edentata (such as sloths, anteaters, and armadillos); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees, and gorillas); Order Rodentia (such as porcupines); and Order Ungulata (such as antelope, deer, bison, and camels);
- d. *Animals not listed*: The animal control officer may declare any species of animal not listed in this subsection as "prohibited" if the confinement of the animal within the city can be shown to constitute a threat to public health and safety; and

2.

Does not mean:

- a. A bird kept in a cage or aviary that is not regulated by international, federal, or state law; or
- b. A gerbil, hamster, guinea pig, or laboratory mouse or rat.

Running at large shall mean 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 owner's private property. Any animal confined within an automobile or other vehicle shall not be deemed running at large. All feral cats that are fed as part of a Trap Neuter Return program shall not be deemed to be running at large.

Secure enclosure means a fenced area or structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog or other animal;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the animal control officer.

Serious bodily injury means any physical injury that involves a substantial risk of death, disfigurement, or impairment of any part of the body including, but not limited to, a broken bone or a laceration requiring either multiple stitches or cosmetic surgery.

Slaughter means the act of killing cattle, goats, sheep, rabbits, swine or fowl.

Unprovoked means action by an animal that is not:

- (1) In response to being tormented, abused, or assaulted by any person; or
- (2) In protection of itself or its food, kennel, immediate territory, or nursing offspring.

Wild animal shall mean any animal except the common domestic species (dogs, cats, horses, livestock and other common farm animals) regardless of the state or duration of captivity.

(Ord. No. 2009-7, § 1, 2-12-09; Ord. No. 2009-38, § 2, 1-14-10)

Sec. 4-2. - Enforcement.

- (a) City manager shall designate an employee as the animal control officer.
- (b) Enforcement of this chapter and any state laws regulating animal control shall be the responsibility of the animal control officer.
- (c) The animal control officer is authorized to:
 - (1) Impound any animal in violation of this chapter;
 - (2) Issue citations for any violation of this chapter or applicable state law.
- (d) No person shall interfere with any animal control officer or any authorized representative in the performance of their duties.
- (e) The city council shall establish the fees required by this chapter by resolution from time to time.

(Ord. No. 2009-7, § 2, 2-12-09)

Sec. 4-3. - Running at large.

It shall be unlawful for an owner of an animal without regard to mental state, to fail to keep the animal from running at large as defined in this chapter.

(Ord. No. 2009-7, § 8, 2-12-09)

Sec. 4-4. - Animal nuisances.

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

- (a) The keeping of an animal in such a manner as to endanger the public health, by the accumulation of animal waste which causes foul and offensive odors considered to be a hazard to other animals or human beings.
- (b)

To permit or allow an animal to urinate and/or defecate upon private or public property other than public streets or the property of the owner of said animal; and to fail to remove and dispose of in a sanitary manner any feces left by such animal.

- (c) Property not kept free from carrion or other putrescible material.
- (d) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger the health and safety of others.
- (e) The keeping of any animal which causes loud and unusual or frequent barking, howling or other noise that disturbs the peace and quiet of any person of ordinary sensibilities.
- (f) The breeding, raising or keeping of any fighting roosters, game cock or other fowls which are to be used for fighting purposes.

(Ord. No. 2009-7, § 15, 2-12-09)

Sec. 4-5. - Animals prohibited as novelties.

- (a) It shall be unlawful for any person to sell, offer for sale, rent, barter or give away as toys, premiums or novelties, baby chickens, ducklings or other fowl under three (3) weeks old, rabbits under two (2) months old, unless the manner or method is first approved by the animal control officer.
- (b) It shall be unlawful to color, dye, stain or otherwise change the natural color of any chickens, ducklings, or other fowl or rabbits or to possess for the purpose of sale or to be given away, any of the above-mentioned animals which have been so colored.

(Ord. No. 2009-7, § 16, 2-12-09)

Sec. 4-6. - Wild; wild-hybrid; prohibited animals.

- (a) It shall be unlawful to own, possess, keep or harbor any wild, wild-hybrid, or prohibited animal within the city.
- (b) It is a defense to prosecution under this subsection that the owner or possessor:
 - (1) Holds a valid prohibited animal permit issued under this section; or
 - (2) Is a governmental entity.
- (c) A permit for possession of a prohibited animal may be issued to:
 - (1) Public zoo:
 - (2) Public or private primary or secondary school; or
 - (3) An animal exhibition, rodeo, or circus of which the animal is an integral part, if the animal is restrained from inflicting injury upon persons, property, or other animals.

(Ord. No. 2009-7, § 17, 2-12-09)

Sec. 4-7. - Miniature swine.

- (a)

The owner of miniature swine shall annually register the animal with the city. Written application for registration and payment of applicable registration fees shall be made to the animal control officer or designated veterinarian. The application shall include the name and address of the owner, a description of the animal and the current rabies vaccination certificate. Upon acceptance of the application, a city license tag shall be issued, which shall bear an identifying number for the animal and the year of issuance.

(b)

Miniature swine may be kept as pets in the city subject to the following requirements:

(1)

It shall be unlawful to keep, harbor or possess more than two (2) swine per household or business.

(2)

No person may engage in the propagation or breeding of miniature swine within the city.

(3)

It shall be unlawful for any person to keep or maintain miniature swine outdoors. A person may permit miniature swine outdoors for brief periods not to exceed one (1) hour per occurrence as necessary for exercise or for the elimination of waste. The outdoor area used for exercise and waste elimination must be a secure area from which the swine may not escape. Miniature swine are subject to all the other sections of this chapter including the prohibition of running at large.

(4)

It shall be unlawful for any person to keep or maintain miniature swine within the city unless the swine have received annual vaccinations against erysipelas, parvo virus, and leptospirosis. The first inoculations for such diseases must be received before the animal is four (4) months of age. The owner of miniature swine must provide the animal control officer a health certificate from a licensed veterinarian within fourteen (14) days of vaccination which shall contain the following information:

a.

Name, address, driver's license and telephone number of the owner.

b.

Name, address, and telephone number of the licensed veterinarian providing the vaccinations and certificate.

c.

Name, recent photograph and description of the animal, giving the age, weight and height.

d.

The types and dates of vaccinations.

e.

A statement of the general health of the animal.

f.

Certification that the animal has been either spayed or neutered.

(5)

It shall be unlawful for any person who owns, keeps, harbors, or has custody of any miniature swine to fail to display on such miniature swine at all times a valid city registration and vaccination tag.

(6)

It shall be unlawful for any person who owns, keeps, harbors, or has custody of any miniature swine to display on such miniature swine a registration or rabies vaccination tag issued to another animal.

(7)

All locations where miniature swine are kept shall be kept in a clean and sanitary condition. Exercise areas shall be cleaned of swine excrement at least once each week or more often upon complaints from adjacent property owners.

(8)

The owner of any miniature swine shall notify the animal control officer within fourteen (14) days if the miniature swine dies or has been sold or given away.

(c)

If the owner of a miniature swine fails or refuses to comply with any of the requirements of this section, the animal control officer may deny or revoke the animal's registration and order the miniature swine removed from the city. The determination of the animal control officer may be appealed to the animal control appeals board in the same manner as an appeal from the denial or revocation of a cat or dog registration.

(Ord. No. 2009-7, § 19, 2-12-09)

Sec. 4-8. - Livestock.

(a)

It shall be unlawful for any person to keep any swine within the city except miniature swine as defined herein.

(b)

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 of said animals than can be cared for under sanitary conditions. The total number of cows or horses permitted shall not exceed one (1) 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. Notwithstanding anything stated herein to the contrary, this provision shall not apply to zoning district Rural/Agricultural (R-A).

(c)

Livestock pens, stables, corrals, or enclosures shall be capable of preventing the entry of the general public and capable of preventing the escape of the livestock.

(d)

It shall be unlawful for any person to maintain, keep or house any fowl within two hundred (200) feet of any residential or commercial building, school, church, or other establishment owned by or otherwise leased by another. Notwithstanding, this provision shall not restrict parrots, parakeets and similar birds customarily kept as household pets when actually kept as a household pet.

(Ord. No. 2009-7, § 20, 2-12-09; Ord. No. 2009-38, § 4(20), 1-14-10)

Sec. 4-9. - Chickens.

(a)

Definitions.

Adult chicken shall mean any chicken of the age of six (6) months or older.

Contained shall mean kept in a fenced yard or pen with no roof with the wings of the adult chicken clipped sufficiently to prevent escape; or, kept in a pen or other coop or enclosure with a roof sufficient to prevent escape.

Sufficient shelter shall mean reasonable shelter with a roof and sides that is capable of protecting chickens from the elements and shall be situated so there is a buffer area between it and neighboring property with sufficient access to allow the sufficient shelter to be effectively cleaned and which sufficient shelter shall be kept cleaned.

(b)

Chickens—Generally.

(1)

No person shall keep, feed, raise, or maintain chickens in a residential area within the city except under the following conditions:

a.

The person shall have a valid permit issued by the City of Taylor.

b.

The chicken shall be contained within and have access to sufficient shelter;

c.

The sufficient shelter shall be located behind the front elevation of the residence on which property the chickens are kept.

d.

The sufficient shelter must be kept behind the residential property setback lines established in the City of Taylor, Texas, Subdivision Ordinance as now written or later amended.

(2)

No person shall keep, feed, raise, or maintain roosters in the city.

(3)

The maximum number of adult chickens that may be kept on any residential property or lot of one-half (½) acre or less is six (6).

(4)

If the residential property or lot is one acre or more a total of twelve (12) adult chickens may be kept on the property. In no event shall more than twelve (12) adult chickens be kept on any residential lot of an acre or more.

(5)

Upon written request and application, the city manager or his designee may waive the maximum number of adult chickens to be kept in a residential area if the request and application has been endorsed and approved as a legitimate 4H or Future Farmers of America project.

(c)

Fowl—Permit required.

(1)

Prior to keeping, feeding, raising or maintaining chickens within the city, a permit to possess chickens must be issued by the City of Taylor allowing such action.

(2)

Prior to issuance of any permit, the applicant for the permit shall provide at least the following information:

a.

The name and address of the applicant and address where the chickens will be kept; which must be the same address of the applicant;

b.

The applicant's Texas driver's license;

c.

The applicant's telephone number by which the applicant can be reached;

d.

The number of chickens that will be kept;

e.

A description of the sufficient shelter in which the chickens will be contained.

(Ord. No. 2009-7, § 21, 2-12-09)

Sec. 4-10. - Commercial businesses.

(a)

No person shall engage in the business of selling, grooming, breeding, showing, exhibiting or the boarding of animals without first having obtained a permit from the city. Written application for a permit and payment of the applicable permit fees shall be made to the animal control officer. The permit issued under this section shall be valid for one (1) year from the date of issuance and shall be renewed annually thereafter. The permit shall be conspicuously displayed in public view at the business at all times.

(b)

Permit shall not be required for licensed veterinarians, veterinarian clinics, or any person raising livestock in an area properly zoned for such use.

(c)

The animal control officer is authorized to inspect any such business, the animals, and the premises where such animals are kept at reasonable times during normal business hours to insure compliance with all provisions of this chapter.

(d)

In addition to the other requirements of this chapter, such businesses shall keep all locations where animals are kept in a clean and sanitary condition. Exercise areas shall be cleaned of excrement at least twice each week or more often upon complaints from adjacent property owners.

(Ord. No. 2009-7, § 22, 2-12-09)

Sec. 4-11. - Sanitary requirements.

(a)

The owner or person who has custody or control of any animal shall comply with the following standards upon complaints from adjacent property owners:

(1)

All manure and other animal waste shall be removed from pens, corrals, cages, yards, or other enclosures as necessary to control foul and offensive odors to an approved disposal site;

(2)

Refuse on the premises shall be removed and disposed of by means approved by the animal control officer;

(3)

Watering troughs or tanks shall be equipped with adequate facility so as to prevent breeding of flies, mosquitoes or other insects;

(4)

No putrescible material shall be allowed to accumulate on the premises, and all such materials shall be removed and disposed of by sanitary means.

(Ord. No. 2009-7, § 23, 2-12-09)

Sec. 4-12. - Animal care.

(a)

The owner or person who has custody or control of any animal shall provide:

(1)

Sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal in good health;

(2)

Clean and wholesome water, served to the animal in a clean container, such water to be available to the animal at all times;

(3)

Adequate shelter and protection from the weather at all times; and

(4)

Veterinarian care as needed to prevent suffering.

(b)

It shall be unlawful for an owner or other person having custody or control of any animal to abandon such animal.

(c)

No person other than a licensed veterinarian shall crop a dog's ears or tail.

(d)

The operator of any motor vehicle which strikes or injures a domesticated animal shall stop and immediately render aid and report such incident to the animal control officer or the Taylor Police Department.

(e)

It shall be unlawful for any person to beat, starve or overwork, or to otherwise abuse any animal.

(Ord. No. 2009-7, § 24, 2-12-09)

Sec. 4-13. - Slaughter of animals.

It shall be unlawful for any person to slaughter any animal or to maintain any property for the purpose of slaughtering any animal, except at those establishments that have been duly licensed to slaughter animals under the laws of this state and applicable city ordinances. This section shall not apply to those areas designated as RA or rural/agricultural in the City of Taylor Development Ordinances.

(Ord. No. 2009-7, § 24A, 2-12-09)

Sec. 4-14. - Texas Department of State Health Services.

The city shall comply with any applicable rules and regulations adopted by the Texas Department of State Health Services.

(Ord. No. 2009-7, § 25, 2-12-09)

Sec. 4-15. - Penalty.

(a)

A person who violates any provision of this chapter, or who fails to perform an act required by this chapter commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted or continued.

(b)

An offense under this chapter is punishable by a fine not to exceed:

(1)

Five hundred dollars (\$500.00);

(2)

Two thousand dollars (\$2,000.00), if the provision violated governs public health or sanitation; or

(3)

The amount fixed by state law if the violation is one for which the state has fixed a fine.

(Ord. No. 2009-7, § 28, 2-12-09)

Secs. 4-16—4-20. - Reserved.