

CITY OF HIGHLAND HAVEN, TEXAS

ORDINANCE #036 (Revision #4)

January 17, 2017

AN ORDINANCE SETTING FORTH PERMISSIONS AND PROHIBITIONS RELATING TO DOMESTIC AND WILD ANIMALS WITHIN THE CITY OF HIGHLAND HAVEN, TEXAS. THIS ORDINANCE SHALL BE KNOWN AND REFERRED TO AS THE “ANIMAL CONTROL ORDINANCE”.

Whereas, Revision #2 provides clarification on leash requirements;

Whereas, Revision #3 provides a specific date for the two dog/cat limit;

Whereas, Revision #4 provides clarification and additions to prohibited animals, moves definitions to Ordinance #074, and refers to Ordinance #043 for ordinance enforcement and penalties processes.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS THAT:

Section 1. - DEFINITIONS – See Ordinance #074

Section 2. - ANIMALS PROHIBITED

- a. It is unlawful for any person to harbor vicious, dangerous or wild animals within the city limits of The City.
- b. It is unlawful for any person to harbor any fowl such as chickens, ducks, geese or turkeys, excluding caged pet birds such as parakeets and parrots.
- c. The keeping, harboring, maintaining, having custody of, or any other manner of possession of swine, hogs, and pigs is prohibited within the city limits of the City regardless of how any area may be zoned and regardless of the reason or purpose for keeping, harboring, maintaining, having custody of, or otherwise possessing such animals.

Section 3. - RESTRAINT REQUIRED

All animals harbored within a property shall be kept under restraint at all times.

All Dogs must be restrained at all times by:

- a. Being enclosed within the owner’s residence or other building maintained by and on owner’s property, or

- b. Confined on owner's property within a fence or other enclosure reasonably designed to prohibit the dog from becoming loose. It shall be unlawful to leave a dog unattended while on a chain, leash or tether.

When not confined as in (a) or (b) above, the dog must be securely leashed or tethered and under the control of owner, a member of owner's family, or owner's agent. Securely leashed shall mean that one end of the leash is securely fastened to the dog's collar, harness or other device attached to the dog and the other end of the leash is held firmly by the owner, a member of the owner's family, or the owner's agent.

Cats do not require a leash or tether but must be restrained within the owner's property.

Pet birds must be confined inside the property owner's residence or outbuilding.

Section 4. - PICKETING

It shall be unlawful for any person to picket, tie, tether, or restrain any animal in, on, or along any public street, right-of-way, other public lands, or any park within the city limits of The City for any purpose whatsoever.

Section 5. - NUISANCE

Any animal causing excessive and/or continuous noise found objectionable by residents of City must be restrained within the residence or other building on owner's property in such a manner as to confine the noise within such building so that the noise may not be heard by other residents of The City.

Any animal deemed to be molesting passersby, chasing vehicles, biting or attacking other animals or humans, trespassing or defecating or otherwise abusing another person's property shall be deemed a public nuisance.

Section 6. - CLEAN-UP OF PET DROPPINGS

Pet owners are responsible for picking up pet droppings on their property weekly and disposing of such in their trash can for regular pickup and removal from the city.

Persons exercising pets on property other than their own are required to utilize clean-up equipment in such a manner that pet droppings are not left on the property of persons other than that of the pet owner.

Section 7. - VACCINATION REQUIRED

No person shall own, keep or harbor any animal that has not been vaccinated in accordance with the laws of the State of Texas.

Section 8. - TAG AND COLLAR REQUIREMENTS

All dogs are required to wear a collar, harness or similar device at all times and to which is attached a current veterinarian's vaccination tag. It is recommended, but not required, that all dogs also have a tag showing the dog's name as well as the owner's name with contact information attached to its collar.

Section 9. - PET LIMIT

As a matter of public health and safety it shall be unlawful to maintain more than two (2) dogs and/or two (2) cats per household for a total of 4 pets within the city limits.

This limit shall not apply to households maintaining more than two (2) dogs and/or two (2) cats on or before April 17, 2007. Such households shall be allowed to continue maintaining such animals until their death or disposition by owner, after which occurrence, the limits prescribed in this section will become fully applicable to such households.

In the event of a litter, said litter should be removed within ninety (90) days after birth.

No animal breeding operations are allowed within the city limits.

Section 10. - PROVISION APPLICABLE TO THAT AREA OF THE CITY THAT IS ZONED DISTRICT (C), AGRICULTURAL

“Large Agricultural Animals” (such as sheep, goats, horses and cattle) may be kept only in that portion of the City that is zoned Agricultural.

Section 11. - PROVISION APPLICABLE TO THAT AREA OF THE CITY THAT IS ZONED AS DISTRICT (D), SINGLE FAMILY RESIDENTIAL – 2 (SFR2)

Horses are allowed, if certain conditions are met as set forth in Ordinance # 55.

Section 12. - PENALTY – See Ordinance #043

Section 13. – SEVERABILITY - If any article, section, subsection, subdivision, paragraph, sentence, clause, phrase or provision hereof shall be adjudged invalid, unenforceable, or illegal, such invalidity, un-enforceability or illegality shall not affect any other article, section, subsection, subdivision, paragraph, sentence, clause, phrase or provision of this Ordinance, it being the express intent of the Board of Aldermen of the City of Highland Haven, Texas that this ordinance would have been enacted in the absence of the article, section, subsection, subdivision, paragraph, sentence, clause, phrase or provision having been found invalid, unenforceable, or illegal.

Section 14. EFFECTIVE DATE - This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

Section 15. OPEN MEETING - It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551, Texas Local Government Code.

PASSED AND APPROVED on the *17th* day of *January 2017* during a scheduled meeting of the Board of Aldermen of The City of Highland Haven, Texas.

Olan Kelley, Mayor

ATTEST:

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Dana Turner, City Secretary