

## Chapter 5

### ANIMAL AND FOWL\*

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**Editors Note:** An ordinance enacted Sept. 17, 1998, amended Ch. 5, Animals and Fowl, to read as herein set out. Prior to this amendment, Ch. 5 pertained to similar subject matter and was derived from Code 1894, Ords. 62, 308, 310--317, 319; Rev. Ords. 1899, Ords. 281, 285, and 291; and from the following ordinances:

Date	Date	Date	Date	Date	Date
10-20-02	05-21-17	04-24-58	04-27-70	03-06-79	04-06-87
04-06-08	09-06-56	11-21-60	05-11-70	06-14-83	12-05-93
05-20-12	04-01-57	09-18-67	04-15-75	04-18-85	06-01-95
09-04-97					

**Charter References:** Authority to regulate, etc., animals, Art. II, § 6.

**Cross References:** Provisions regulating the keeping of domestic bees, § 12-77 et seq.

**State Law References:** Cruelty to animals, V.T.C.S. art. 182.

**Art. I. In General, §§ 5-1--5-18.1**

**Art. II. Impounding of Livestock, §§ 5-19--5-28**

**Art. III. Dogs and Cats, §§ 5-29--5-44**

### ARTICLE I.

#### IN GENERAL

#### Sec. 5-1. Definitions.

For the purpose of this chapter, the following terms be defined:

*Abandonment:* To desert or leave without care.

*Animal:* Any living creature, except human, being classified as a member of the Kingdom Animalia and including, but not limited to, mammals, birds, reptiles and fish.

*Animal control officer:* Any individual employed, contracted with, or appointed by the city manager or his appointed designee for the purpose of the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal. These individuals are given the ability to issue citations for the above law violations.

*Animal control supervisor:* Any individual employed, contracted with, or appointed by the city manager or his appointed designee to supervise animal control officers for the purpose of the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal. These individuals are given the ability to issue citations for the above law violations.

*Animal establishment:* Any facility or business that has custody or control of any animal within the City of Brenham, including, but not limited to, pet shops, grooming facilities, animal auction facilities or kennels, but not including veterinary medical facilities, research facilities licensed by government agencies or facilities operated by government agencies, unless such facilities or governmental agencies sell, groom or board animals for profit.

*Animal shelter:* Establishment operated by the City of Brenham for the temporary confinement, safekeeping and control of animals that come into the custody of the City of Brenham.

*Assistance animal:* Any animal trained to assist a handicapped person.

*At large:* Any animal that is out of a fence, off the premises or not under the immediate control by means of a cage, leash, rope or other means of immediate physical control or restraint of the person owning or having charge, custody or control of the animal. The term shall not include any animal being trained or exhibited while under the immediate physical or vocal control of a person.

*Auction:* Any place or facility where animals are regularly bought, sold or traded. This definition does not apply to individual sales of animals by private owners.

*Cat:* Any member of the family Felis domestica.

*Dog:* Any member of the family Canis familiaris.

*Domestic animal:* Any animal whose physiology has been determined or manipulated through selective breeding and which does not occur naturally in the wild and which may be vaccinated against rabies with an approved rabies vaccine and which has an established rabies quarantine observation period.

*Exotic animal* shall mean the same as a wild animal.

*Fowl or birds:* All animals belonging to the class of Avies, including all game birds such as, but not limited to: doves, quails, ducks, geese, pigeons, cardinals, blue jays, sparrows, crows.

*Horse:* Any member of the family Equidae domestica.

*Humane manner:* Care of an animal to include, but not be limited to, the ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirement and feeding habit of the animal's size, species and breed.

*Inhumane treatment of animals:* Any treatment of any animal prohibited by section 42.11 of the Texas

Penal Code, chapter 821 of the Health and Safety Code, or by any other provision of law, including federal, state and local laws, ordinances or rules.

*kennel:* An establishment where a person, partnership or corporation keeps dogs and/or cats for the purposes of breeding, buying, selling, trading, showing, training or boarding such animals for profit.

*Local rabies control authority:* The person designated by the Texas Department of Health as the official in charge of rabies control investigations and enforcement.

*Licensing authority:* The agency or department of the City of Brenham or any designated representative, charged with administering the issuance and/or revocation of permits and licenses under the provisions of this article as designated by the city manager.

*Livestock:* Domestic animals generally used or raised on a farm for profit or use, including, but not limited to, cattle, cows, bulls, sheep, goats, pigs, hogs, sows, horses, stallions, mares and jacks.

*Multi-animal permit:* License required to house, own, harbor, control or have custody of five (5) dogs and/or cats over the age of four (4) months.

*Owner:* A person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in, or having control or custody of any animal, or permits any animal to remain on or about the premise for a period of seventy-two (72) consecutive hours.

*Person:* Any individual, corporation, partnership, organization or any institute commonly recognized by law as a legally accountable unit.

*Pet shop:* An establishment engaged in the business of buying or selling any retail domesticated animal for profit-making purposes.

*Residential purposes:* Any property utilized as multifamily, four-plex, triplex, duplex or single-family dwelling.

*Restraint:* To control an animal by physical means so that it remains on the premise of the owner, or, when off the owner's premises by means of a cage, leash, rope or confinement within an enclosed vehicle.

*Sterilized:* Animal is rendered incapable of reproduction.

*Stray:* A domestic animal that is wandering at large or is lost.

*Vaccination:* Inoculation of an animal with a rabies vaccine that is licensed by the United States Department of Agriculture for use in that species and which is administered by a state-licensed veterinarian for the purpose of immunizing the animal against rabies.

*Veterinary hospital:* Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries in animals.

*Wild animals:* Any animal not normally considered domesticated which, because of its size, vicious nature or other natural characteristics would constitute a dangerous threat to human life, property or domestic animals including but not limited to:

- (a) Reptiles venomous reptiles, crocodile or alligator;
- (b) Birds, eagles, owl or any species illegal to own under federal or state law;
- (c) Mammals including ocelots, lions, tigers, jaguars, leopards, cougars, wolves, dingoes, coyotes, jackals, weasels, martins, minks, badgers, raccoons, pandas, bears, kangaroos, opossums, sloth, anteaters, armadillos, monkeys, chimpanzee, gorillas, orangutans, porcupines, antelope, deer, bison and camels.

(Ord. of 9-17-98, § 1)

#### **Sec. 5-2. Bird sanctuary--City designated.**

The entire area within the corporate limits of the City of Brenham is hereby designated and declared to be a bird sanctuary.

(Ord. of 9-17-98, § 1)

#### **Sec. 5-3. Same--Illegal acts within; abating nuisance.**

It shall be unlawful for any person to trap, hunt, shoot or attempt to shoot or molest in any manner, any bird or wildfowl or to rob bird nests, unless the starlings, pigeons or similar birds are found to be congregating in such a number in a particular locality that constitutes a nuisance or a menace to health or property, in the opinion of the health authorities of the city. In such a case, said health authorities shall meet with animal control and said birds may be removed in such numbers and in such manner as is deemed advisable by said authorities under the supervision of the chief of police.

(Ord. of 9-17-98, § 1)

#### **Sec. 5-4. Harboring wild animals.**

It shall be unlawful to keep or harbor any wild animal within the city, except licensed commercial establishments dealing in the sale of these animals, and zoos that have proper facilities for restraint and care of these animals. The animal control officer may set up conditions under which it would be permissible to keep or harbor wild animals in the city on a temporary basis.

(Ord. of 9-17-98, § 1)

#### **Sec. 5-5. Hogs prohibited.**

It shall be unlawful for any person to have, keep, raise, breed, feed or maintain upon any premise situated within the city, any hog, pig or swine of any kind, including pot bellied pigs.

(Ord. of 9-17-98, § 1)

#### **Sec. 5-6. Keeping of livestock--Number of head per acre.**

It shall be unlawful for any person, firm or corporation to own, have, keep, maintain, feed, house, stable or permit or cause to be owned, kept, maintained, fed, housed or stabled any horses, mules, cows, cattle or other livestock of any kind except sheep and/or goats as provided herein upon any premise or property within the corporate limits of the City of Brenham, Texas, unless such premise comprises an area of one (1) acre or more; however, the total or maximum number of horses, mules, cows, cattle and other livestock except sheep and/or goats as provided herein kept upon any such premise inside the city shall not exceed one head or one animal per acre of land; provided further, that this section shall not apply to those areas of districts which may be designated as slaughter house districts.

It shall be unlawful for any person, firm or corporation to own, have, keep, maintain, feed, house, stable or permit or cause to be owned, kept, maintained, fed, housed or stabled any sheep or goat upon any premise or property within the corporate limits of the City of Brenham, Texas, unless such premise comprises an area of one-half (0.5) acre or more; however, the total or maximum number of sheep and/or goats kept upon any such premise inside the city shall not exceed two (2) sheep/goat per one-half (0.5) acre or five (5) sheep/goat per acre of land or prorata portion thereof; provided further, that this section shall not apply to those areas or district which may be designated as slaughter house districts.

(Ord. of 9-17-98, § 1)

#### **Sec. 5-7. Same--Proximity to church, school or public building; penalty for violation.**

It shall be unlawful for any person, firm or corporation to own, have, keep, maintain, feed, house, stable or permit or cause to be owned, kept, maintained, fed, housed or stabled any horses, mules, cows, cattle, sheep, goats or other livestock upon any premises in said city, within a distance of two hundred (200) feet of any church, school or public building except upon written consent of the owner of the affected public building. Written consent of the owner of the affected public building may be revoked with six (6) months' notice to the owner of the animal(s). Said consent may be revoked upon a hearing by the city health officer and sixty (60) days' notice to the property owner.

(Ord. of 9-17-98, § 1)

#### **Sec. 5-8. Same--Cleanliness of enclosures.**

It shall be unlawful for any person who may own or control any premises, lots, yards, stables, barn or pens where any livestock are kept, to maintain, keep or conduct such premises or cause or permit the same to be maintained or kept in such an unclean and unsanitary condition as to be a public nuisance. If upon inspection or examination any such premises are found to be in such an unclean and unsanitary condition as to be a public nuisance, the health officer or animal control officer shall give notice in writing to an owner, lessee, agency, manager or other person in charge or control of such premises to cause such premise to be cleaned and placed in a sanitary condition and abate such nuisance within a reasonable time, as determined by the health officer or animal control officer. A failure to do so shall be unlawful and in violation of this section.

(Ord. of 9-17-98, § 1)

#### **Sec. 5-9. Taking up and impounding livestock at large.**

It shall be the duty of the animal control officer and/or city police to cause any livestock found at large to be taken up and impounded.

(Ord. of 9-17-98, § 1)

**Sec. 5-10. Livestock at large prohibited.**

It shall be unlawful for any person to allow any livestock belonging to him or under his control to be out running at large within the city. The city shall establish a prima facia case by proving the ownership of the animal and that the animal was running at large.

(Ord. of 9-17-98, § 1)

**Sec. 5-11. Tying or staking near streets, public buildings, etc; impounding.**

It shall be unlawful for any animal to be tied or staked upon any open or unfenced lot or lane within the city so that the animal so tied or staked could get on, across, or within twelve (12) feet of any street, park, public pathway, sidewalk, building or other land. Such an animal so tied or staked shall be considered dangerous to the public in general and declared a nuisance and shall be impounded as any other animal found running at large.

(Ord. of 9-17-98, § 1)

**Sec. 5-12. Slaughtering animals.**

It shall be unlawful to maintain any property for the purpose of slaughtering any animal except those establishments that have been duly licensed to slaughter animals under the law of the State of Texas and applicable city ordinances.

(Ord. of 9-17-98, § 1)

**Sec. 5-13. Running at large--Fowl.**

It shall be the duty of the person owning or having within his management or control any chickens, turkeys, geese, ducks, or other domestic fowl to keep same enclosed upon his own premise in such manner that same cannot go upon the public streets, highways, alley or parkway of the city or upon the private property of others.

(Ord. of 9-17-98, § 1)

**Sec. 5-14. Limitation of number to be kept.**

Not more than twenty (20) chickens or twenty (20) turkeys or twenty (20) geese or twenty (20) ducks or twenty (20) rabbits or any combination of such chickens, turkeys, geese, ducks or rabbits or other fowl shall be kept upon any lot or enclosure.

(Ord. of 9-17-98, § 1)

**Sec. 5-15. Local restriction for fowl.**

It shall be unlawful for any person to keep, possess or maintain in the city any fowl, or any pens, enclosures or other structure in which any such fowl are kept or possessed within twenty-five (25) feet of any church, school or hospital other than the residence of the keeper, possessor or owner of such fowl. The distance of twenty-five (25) feet is to be measured in a straight line from the nearest point of any pen, enclosure or other such structure in which fowl are kept to the nearest point of such actual residence or place of human habitation or church, school or hospital.

(Ord. of 9-17-98, § 1)

**Sec. 5-16. Maintenance of premises where kept.**

The owner or keeper of such domesticated fowl shall keep the building and/or pen on the property in a sanitary condition and shall remove all droppings from such building and/or pen at least once each day and disinfect and deodorize such building and/or pen at least once each day.

- (a) Pens, hutches, houses or any enclosure in which fowl or rabbits are kept must be limed every two (2) days and must be kept in a clean and sanitary condition at all times.
- (b) Litter and droppings from such fowl and/or rabbits must be collected daily and stored in a fly-tight container and hauled away at intervals not to exceed ten (10) days.

(Ord. of 9-17-98, § 1)

**Sec. 5-17. Local restriction for rabbits.**

It shall be unlawful for any person to keep, possess or maintain in the city any rabbit or any pens, enclosure, hutches, cages or other structure in which any such rabbits are kept, possessed or maintained within twenty-five (25) feet of any actual residence or habitation of human beings or within twenty-five (25) feet of any church, school or hospital other than the residence of the keeper, possessor or owner of such rabbits; such distance of twenty-five (25) feet is to be measured in a straight line from two nearest points of any pen, enclosure, hutch, cage or other such structure in which such rabbits are kept to the nearest point of such actual residence or place of human habitation or church, school or hospital.

(Ord. of 9-17-98, § 1)

**Sec. 5-18. Special exemptions for youth projects.**

Animals which are part of a youth project, such as FFA, 4-H or the Washington County Fair or other, may be considered an exception to the provisions listed in this article on the authority of the animal control supervisor. Cattle and/or horses are not included as an exemption. Other animals such as sheep, goats, rabbits and fowl may be considered; however, certain requirements must be met, including premise inspection by the animal control supervisor and adequate space for the housing and care of the animals.

(Ord. of 9-17-98, § 1)

**Sec. 5-18.1. Penalty.**

Any person, firm or corporation violating this chapter shall be fined in a sum not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00) plus costs, and each day shall constitute a separate violation.

(Ord. of 9-17-98, § 2)

**Editors Note:** Ord. of Sept. 17, 1998, § 2, amended the Code by adding a new § 5-45. In order to provide for better classification and to keep related provisions together, the editor, at his discretion, has redesignated these provisions as § 5-18.1.

**ARTICLE II.**

**IMPOUNDING OF LIVESTOCK**

**Sec. 5-19. Animal control supervisor.**

It shall be the duty of the animal control supervisor to carry out all applicable provisions of this chapter. It shall be the duty of the animal control supervisor to manage all animal control employees and to establish and maintain a suitable place for the keeping of livestock and other animals found on the streets within the city.  
(Ord. of 9-17-98, § 1)

**Sec. 5-20. Animal control officer.**

The animal control supervisor shall appoint animal control officers whose duties shall include establishing and maintaining a suitable place for keeping livestock and other animals found within the city as well as catching and transporting any animals to the animal control facility.  
(Ord. of 9-17-98, § 1)

**Sec. 5-21. Police.**

It shall be the duty of the city police to cause any livestock found at large to be taken up and impounded.  
(Ord. of 9-17-98, § 1)

**Sec. 5-22. Owner of premises may impound livestock.**

If any livestock are found upon the premises, the owner or occupant of said premises shall have the right to confine such animal until animal control is notified and said animal is impounded in a reasonable time. When so notified, it shall be the duty of the officer to cause such animal to be impounded.  
(Ord. of 9-17-98, § 1)

**Sec. 5-23. Notice of sale of impounded livestock.**

It shall be the duty of the animal control supervisor, upon placing any livestock in the animal shelter, to immediately give notice at three (3) public places in the city, one of which shall be at the city hall door, describing said livestock and stating that if the same is not called for within ten (10) days it will become the property of the City of Brenham and will be sold according to the law.  
(Ord. of 9-17-98, § 1)

**Sec. 5-24. Reclaim of impounded livestock.**

Any owner of any livestock impounded as herein before provided may reclaim said livestock before the sale by paying the expense of keeping the same and the fee for impounding and boarding.  
(Ord. of 9-17-98, § 1)

**Sec. 5-25. Sale or disposition of livestock if not reclaimed.**

If the owner of any livestock impounded and placed in the animal control facility does not, either by himself or by an agent, apply for the same within ten (10) days, the animal shall become the property of the City of Brenham. An animal control officer may sell the livestock to the highest bidder at the gate of the animal

control facility. If, at the sale of any livestock as herein before provided, no bidder can be found for the livestock, the animal control officer may adopt, donate or humanely destroy the animal(s).  
(Ord. of 9-17-98, § 1)

**Sec. 5-26. Fees.**

An animal control officer shall collect a large animal impound fee for impounding any herd of livestock. A daily fee for boarding will be charged. If the animal is sold at the animal shelter, an additional fee will be collected to cover the cost of the sale.  
(Ord. of 9-17-98, § 1)

**Sec. 5-27. Disposition of proceeds.**

The money received by the animal control department shall be placed in the city treasury. If the owner of the livestock shall make suitable and sufficient proof within ten (10) days after the sale of such livestock that the animal(s) were his property, the city treasurer, upon the proper order, shall pay to the owner the amount of the money placed in the city treasury from the sale of the livestock.  
(Ord. of 9-17-98, § 1)

**Sec. 5-28. Taking livestock from animal control facility without authority.**

It shall be unlawful for a person to take any livestock that has been impounded by an animal control officer within the city, out of the animal control facility without the permission of an animal control officer and without paying the charges due thereon.  
(Ord. of 9-17-98, § 1)

**ARTICLE III.**

**DOGS AND CATS**

**Sec. 5-29. Certification of rabies vaccination.**

All dogs and cats over the age of four (4) months must be vaccinated against rabies in accordance with state law.  
(Ord. of 9-17-98, § 1)

**Sec. 5-30. Licensing and fees--Requirements.**

Any person owning, keeping, harboring or having custody of a dog or cat over the age of four (4) months within the City of Brenham must license such animal on an annual basis as provided herein. Police dogs or assistance animals shall be exempt from the license fee. This section does not apply to animals temporarily within the city for a period of time not to exceed fourteen (14) days.

Animal licenses can be issued by a local veterinarian or by an animal control officer or a designated agent with proof of rabies vaccination. Licensing fees are set by the city council.  
(Ord. of 9-17-98, § 1)

**Sec. 5-31. Same--Rabies vaccination required prior to issuance.**

No license shall be issued for any dog or cat unless the animal shall have first been vaccinated against rabies by a veterinarian duly licensed to practice in the state. Proof of the vaccination, in the form of a certificate, shall be delivered to an animal control officer or his agent prior to the issuance of such a license. The certificate must state that the animal has been vaccinated, the date of the vaccination and the signature of a veterinarian licensed to practice in the State of Texas. Upon vaccination and payment of the fee, an animal control officer or designee shall issue a City of Brenham license tag for such dog or cat. The license tag shall be attached to the animal by means of a collar, tattoo, implanted identification chip or other recognizable means. Vaccination for rabies shall be required for all animals four (4) months of age or older.

- (a) Any owner who fails to obtain a current license tag for his animal or who fails to attach the tag to the animal's collar or harness may be cited for the violation and have the animal impounded.
- (b) No person may use a license on any animal other than the animal for which the license was issued. The city does not refund licenses fees in the event of the death of the animal, or relocating outside the city limits.
- (c) A replacement license may be obtained upon payment of the fee established by the city council.
- (d) The license shall expire when the rabies vaccination expires.

Once the animal has been vaccinated for rabies, the fee has been paid and a written application including name, address and telephone number of the owner and a description of the animal has been filed, an animal control officer, designated agent or an authorized veterinarian may issue the owner a license certificate and a metallic tag for the animal. The date and license number will be stamped on the tag.

(Ord. of 9-17-98, § 1)

**Sec. 5-32. Same--Issuance of duplicate tag, fee.**

It shall be the duty of the owner or keeper of the animal to procure a replacement tag from either their veterinarian or animal control officer, his or her designated agent, in the event of/or loss, for any reason, of the original tag. A replacement tag shall be issued upon application of any person who has complied with the provisions set in sections 5-30 through 5-32, and upon payment of the fee as set by the city council for issuing a replacement tag.

(Ord. of 9-17-98, § 1)

**Sec. 5-33. Same--Unlawfully removing tag.**

It shall be unlawful for any person to remove any metal tag issued under the provisions of this article from any dog or cat without the written consent of the owner.

(Ord. of 9-17-98, § 1)

**Sec. 5-34. Rabies control.**

The City of Brenham hereby adopts by reference the Rabies Control Act of 1989 (Texas Health and Safety Code, chapter 826) as amended and the standards established by the Texas Board of Health and minimum standards for rabies control and quarantine provisions within the City of Brenham. In addition, thereto, all of the rabies control provisions of this chapter which are adopted pursuant to chapter 826 of the Health and Safety Code shall have application in the City of Brenham. A copy of this act is found in Appendix A, on file with the city.  
(Ord. of 9-17-98, § 1)

**Sec. 5-35. Report of rabies.**

The supervisor of the animal control department shall be designated as the City of Brenham's Local Rabies Control Authority. It shall be the duty of every physician to report to the animal control supervisor, the name and address of any person treated for a bite or scratch inflicted by an animal as required by the Rabies Control Act and the law of the State of Texas.  
(Ord. of 9-17-98, § 1)

**Sec. 5-36. Dogs and cats running at large.**

It shall be unlawful for any person to permit any dog possessed, kept or harbored by that person to be unrestricted by a leash, fence, pen or other enclosure, sufficient to prevent the dog from going upon either city-owned property or any other land within the city. An animal control officer or a police officer is authorized to employ all humane means of capturing any dog found to be at large, in violation of any ordinance of the city.

Cats shall be permitted to run at large only if such cat is wearing identification as set forth in section 5-31.  
(Ord. of 9-17-98, § 1)

**Sec. 5-37. Cats and dogs found trespassing--Request for trap.**

A person owning or in control of property may request that a humane live-catch trap be placed on his or her property to assist in capturing dogs and cats trespassing thereon. Any person who refuses to allow such traps to be placed on his or her property shall not be considered aggrieved sufficiently to warrant the officer of the city to otherwise exert maximum effort to capture the dog or cat of which they may have complained. Such a trap may also be placed, as necessary, upon any city-owned property or other public property where permission of the controlling body has been obtained. The removal of a dog or cat from such a trap, other than by a duly authorized agent of the city, and the act of tampering with or damaging such a trap, is a violation of this chapter and, upon conviction by a court of competent jurisdiction, is punishable by a fine. Each trap shall have a notice to this effect.  
(Ord. of 9-17-98, § 1)

**Sec. 5-38. Same--Capture; impoundment; reclaim.**

Any dog or cat trapped in an animal control humane trap shall be impounded by an animal control officer, placed in the animal shelter, and confined in a humane manner. Any dog found running at large shall be impounded as well. When a dog is found running at large and its ownership is verified by an animal control officer, the officer may exercise the option of serving the owner with a citation in lieu of impounding the

animal. It shall be unlawful for any person to hamper or interfere with an animal control officer of the city while apprehending any dog or cat in violation of any ordinance of this city. An animal control officer shall be authorized to issue a citation to any person who hampers or obstructs him in his duties.

(Ord. of 9-17-98, § 1)

**Sec. 5-39. Same--Sale, adoption or destruction of impounded animals.**

If the owner of any dog or cat so impounded does not apply to the animal shelter to pay such a fee as set by the city council within three business days from the time the animal was confined within the animal shelter, the shelter is hereby authorized to place that animal into the adoption program or to humanely destroy that animal. If the animal is placed with the adoption program and is adopted, the proceeds from the adoption shall be deposited with the city and credited to the city's adoption account.

(Ord. of 9-17-98, § 1)

**Sec. 5-40. Animal nuisances.**

A person who keeps or harbors on his or her premises, or in and about the premise, or on a premise under his or her control, any animal which by loud and unusual barking, howling, growling, squealing, baying, or other noise at continuous intervals or of a nature as will constitute a public nuisance causing the peace and quiet of the neighborhood or the occupant of adjacent premises to be unduly disturbed may be found in violation of this chapter.

(Ord. of 9-17-98, § 1)

**Sec. 5-41. Cruelty to animals.**

Section 42.09 of the Texas Penal Code, entitled "Cruelty to Animals", is adopted by the City of Brenham. A copy of section 42.09 is found in Appendix B, on file with the city. An offense under section 42.09 of the Texas Penal Code may result in a Class A misdemeanor.

(Ord. of 9-17-98, § 1)

**Sec. 5-42. Animal fights.**

Section 42.10 of the Texas Penal Code, entitled "Dog Fighting", is adopted by the City of Brenham. A copy of this section is found in Appendix C, on file with the city.

(Ord. of 9-17-98, § 1)

**Sec. 5-43. Adoption animal sterilization.**

Chapter 828 of the Texas Health and Safety Code, entitled "Dog and Cat Sterilization", is adopted. A copy of this section is found in Appendix D, on file with the city.

(Ord. of 9-17-98, § 1)

**Sec. 5-44. Animal establishment/multi-animal permit.**

Any person in the city conducting, managing or maintaining an animal establishment or having multiple animals shall confine all animals within that establishment by an adequate pen or enclosure sufficient to prevent

their escape from the premise and shall not at any time permit such animals to be at large.

In accordance with the City of Brenham zoning laws, no kennels will be permitted within an area zoned residential.

No person shall operate an animal establishment or have multiple animals, as delineated within this section, without first obtaining a permit in compliance with this section. The permit period shall begin with the first day of the year and shall run for one (1) year. Renewal application for permit may be made within one month prior to the expiration date. Application for a new animal establishment or multiple animals under the provision of this chapter may be made at any time.

City residents may have up to four (4) animals without needing a multi-animal permit. However, once the fifth animal becomes four (4) months of age, the owner will need to obtain a multi-animal permit, following the procedures described within this section.

Annual permits shall be issued upon payment of the applicable fee set by city council. Every facility regulated by this section shall be considered a separate enterprise requiring an individual permit. Under the provision of this section no permit fee is required of an animal shelter. All other provisions shall apply. Any change in the category under which a permit is issued shall be reported to the licensing authority within three (3) days, where upon reclassification and appropriate adjustment of the permit fee shall be made.

The owner, manager or operator of such a facility regulated by this section shall pay an annual license fee as set by city council.

Such license fee shall be for the calendar year, or any part thereof, and shall be due and payable to the animal control department in advance or on January first of each year. An animal control officer must complete a premise inspection before the permit is issued, and shall be issued only on the recommendation of that animal control officer.

(Ord. of 9-17-98, § 1)

**Sec. 5-45. Fee schedule for animal shelter.**

The following fees are hereby established for the use of the Donald G. Austin Memorial Animal Shelter:

Adoption . . . . . \$50.00

These monies are placed in a special account held to pay for spay/neuter, rabies vaccinations, and microchips. All animals adopted to Washington County will be altered prior to shelter release.

Surrender . . . . . Donation

A donation will be accepted from any resident of Washington County when surrendering an animal to the shelter. All residents outside Washington County will be assessed a ten dollar (\$10.00) per animal surrender fee. This fee is based on a 72-hour holding period.

Impoundment fee:

Small animal	First confinement	Waive fee/microchip
	Second confinement	\$25.00
	Third confinement	50.00

Fee will continue to increase by fifty dollar (\$50.00) increments for each time the animal was impounded.

Large animal (horses, cattle) . . . . . \$35.00 + any veterinary expenses

Boarding: The animal shelter will not board animals for the general public.

Board for impounded animal . . . . . \$5.00/2nd night until claimed

Board for rabies isolation . . . . . \$8.00/night

Board for large animal . . . . . \$10.00/night

Animal license: Animal licenses are issued upon proof of current (within the last twelve (12) months) rabies vaccination.

Altered animal (annual) . . . . . \$6.00 + tax

Unaltered animal (annual) . . . . . \$18.00 + tax

Altered animal (lifetime with proof of current rabies vaccination) . . . . . \$18.00 + tax

Replacement tag . . . . . \$1.00

Trap rental: A deposit is required, but returned when the trap is returned undamaged.

Small trap (squirrel trap) . . . . . \$50.00

Medium trap (raccoon/cat trap) . . . . . 75.00

Large trap (fox trap) . . . . . 100.00

Extra large trap (dog trap) . . . . . 150.00

Coyote trap . . . . . 250.00

Disposal fee: Owned animal disposal fee . . . . . 10.00

Multi-animal permit fee . . . . . 25.00

When a person has the fifth animal (cats and/or dogs) over four (4) months of age, that person must purchase a multi-animal permit. A premises inspection will be handled by the supervisor of animal control to

inspect the property and to insure compliance with all city animal ordinances. This permit allows for up to fifteen (15) animals (cats and/or dogs) on the premises. No one will be allowed to house over fifteen (15) animals (cats and/or dogs) on a premises inside the City of Brenham.

(Order of 9-17-98)