

CITY OF HIGHLAND HAVEN, TEXAS

ORDINANCE #036 (Revision # 6)

February 21, 2023

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.

Whereas, Revision #5 provides further clarification and additions to the Ordinance, Sections 2, 3, 4, 5 and 9.

Whereas, Revision # 6 removes the requirement for tethering of cats.

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 , including ownership or control of all animals prohibited by the state or federal law and shall include, but are not limited to, the following animals or any hybrid of these animals or such other class of animals as may be determined to be dangerous by the City or any other dangerous animal which may be added in the future to the list as a high risk animal in the Texas Health and Safety Code (Chapter 826-Rabies).

1. Class Mammalia: family Canidae (such as wolves, coyotes, and fox) except domesticated dogs and hybrids involving same; family Mustelidae (such as weasels, fishers, skunks, wolverines, mink and badgers); family Procyonidae (such as raccoons); family Ursidae (such as bears); and order Chiropteran (such as bats).

2. Poisonous reptiles, cobras and their allies (Elapid, Hydrophilidae); vipers and their allies (Crotiladae, Viperidae); Boomslang and Kirtland's tree snakes; Gila monsters (Helodermatid); and crocodiles, alligators and their allies (order Loricata) and non-venomous.

3. Brown recluse (Liposcelis) and black widow (Latrodectus) spiders.

4. Any individual species and/or subspecies of the following animals: antelope, Order Carnivora, family Felidae (such as lions, tigers, and cougars, leopards, cheetahs, jaguars), hyenas, bears, lesser pandas, ferrets from natural habitats, order Primates (such as monkeys, chimpanzees, apes); binturong, miniature pigs, elephants, Vietnamese pot belly pigs, or such other non-domestic species of animal.

- 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, any horse, mule, jack, jennet, cattle, hog, goat, or sheep (estrays) 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.

An animal shall be considered to be at large if it is not under the control of its owner by either a leash, chain, cord, or other suitable material attached to a collar or harness, except as previously defined. It shall be unlawful for any person who owns, keeps, harbors or otherwise has control over any animal within the City to intentionally, knowingly, recklessly or with criminal negligence allow or permit such animal to run or be at large within the City.

The City may make exceptions as they deem necessary to the above rules, in situations including, but not limited to:

- 1.1 when swimming in waters adjacent to the above said properties. Dogs in the act of retrieving objects from the public water ways must be in direct visual and voice control of the owner and may not be allowed off leash or restraining device if other animal not under the same ownership is in the area;
- 1.2 when assisting a law enforcement officer in the performance of police work;
- 1.3 when assisting a duly authorized person in an official search and rescue operations;
- 1.4 when assisting as a service dog to a legally blind person or other disabled person.

Cats do not require a leash or tether.

Pet birds must be confined inside the property owner's residence, outbuilding, or other enclosure in compliance with Ordinance #56

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.

1. It shall be unlawful to tether a dog while outdoors, except when all of the following conditions are met:
 - a. The dog is in a visual range of the responsible party, and the responsible party is located outside with the dog.
 - b. The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement. If there are multiple dogs, each dog is tethered separately.
 - c. The dog is not outside during a period of extreme weather, thunderstorms, tornadoes, tropical storms, or hurricanes.
 - d. The dog has access to water, shelter, and dry ground.

Section 5. – NUISANCE

No person shall beat, cruelly ill-treat, torment, mentally abuse, overload, overwork or otherwise abuse an animal or cause, instigate, or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans.

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.

1. A person commits an offense if such person owns or possesses any animal that is a nuisance. An animal shall be deemed to be a nuisance under the following circumstances:
 - a. The animal molests or chases persons or their vehicles, including bicycles, without being provoked.
 - b. The animal makes unprovoked attacks on other animals.
 - c. The animal is at-large three or more times in a rolling 12-month period.
 - d. The animal damages, soils, marks, or leaves an offending odor, defiles, or digs up public property or private property, other than property belonging to or under the control of the owner.
 - e. The animal barks, whines, howls, meows, crows, crackles, or makes any noise excessively and continuously.
 - f. The animal produces odors or unclean conditions sufficient to annoy persons living in the vicinity.
 - g. The animal gets into trash that does not belong to the animal's owner.
2. If City determines that an animal is a nuisance animal, City shall consider whether the situation may be resolved informally as provided by Ordinance #43.
3. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the City or the local humane society.

Before filing a complaint with the City, an offended party should speak with or leave a documented note directly with the owner or person in control of the offending animal. It is possible the owner is unaware that the dog is barking when they are not home. If it is suspected that the nuisance animal is barking due to cruelty, such as being tied constantly in a yard or kept outdoors without proper food and shelter, report it to the City.

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.

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 21st day of February 2023 during a scheduled meeting of the Board of Aldermen of The City of Highland Haven, Texas.

Olan Kelley
Olan Kelley, Mayor

ATTEST:

Seal

Lezley Baum
Lezley Baum, City Secretary