

**AMENDED ORDINANCE PERTAINING TO THE MANAGEMENT OF ANIMALS INSIDE THE CITY LIMITS INCLUDING PROHIBITION OF CERTAIN ANIMALS, DEFINITIONS OF LIVESTOCK AND EXOTIC ANIMALS, AND PROHIBITIONS ON LOCATION OF ANIMALS WITHIN THE CITY LIMITS; AND REPEALING PREVIOUS ANIMAL MANAGEMENT ORDINANCES NUMBERS 061206N DATED JUNE 12, 2006, ORDINANCE 061499 DATED JUNE 14, 1999, ORDINANCE 61002-E DATED JUNE 10, 2002, AND ORDINANCE 090903A DATED SEPTEMBER 9, 2003.<sup>1</sup>**

**WHEREAS**, the City of Honey Grove, Texas has a collection of Ordinances which manage animal/livestock, exotic animals within the city limits; and

**WHEREAS**, the City desires to modify and repeal and replace the historical Ordinances by combining all animal management restrictions, prohibitions, and permissions into one Ordinance and repeal all historical Animal Ordinances; and

**WHEREAS**, the management of animals within city limits is a health and safety hazard for the City.

**NOW THEREFORE, BE IT ORDERED AND ORDAINED BY THE CITY COUNCIL OF HONEY GROVE, TEXAS AS FOLLOWS:**

**Section. 1 Definitions.**

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

<sup>2</sup>*Abandon* means 1) an animal left unattended for an unspecified amount of time, but exceeding 24 hours, or 2) an animal left in circumstances that create a threat to their own health on private property, or 3) an animal released without adequate provisions or with the intent to desert the animal on a public or private property.

*Animal* means any living creature, including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.

*Animal control officer* means the Chief of Police any Law Enforcement Officer or other Official appointed by the City to represent and act for the City in the impounding of animals, controlling of animals running at large and as otherwise required in this Ordinance.

*Animal Rescue Organization* means a recognized non-profit association devoted to the purposes of retrieving, rescuing, and permanently placing stray or abandoned animals in homes. Animal rescue groups shall only qualify for this designation if they are recognized by the City as

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<sup>1</sup> This Animal Ordinance was amended (as indicated herein) by the City Council on March 16, 2020

<sup>2</sup> Added by Amendment adopted March 16, 2020

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such, having received approval from the City Animal Control Manager, the organization is subject to inspection by the City, and the Organization is in compliance with all state regulations.

***Animal shelter*** means a facility operated by the City, or a facility with which the City contracts for the purpose of impounding or caring for animals held under the authority of this Ordinance or State law.

***At Large*** shall mean an animal not physically confined within the boundaries of the owner's property, either by fencing that the animal cannot penetrate with any part of its body, go over or under; or by leash, tether or chain 6 feet or longer of sufficient length to hold the animal, and prevent the trespass of any part of its body onto public or private walkways or easements.

***Assistance Animal*** means any animal that is specially trained or equipped to help a person with a disability and that: 1) is used by a person with disability who has satisfactory completed a specific source of training in the use of the animal; and 2) has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and confident to provide animals with training of this type.

***Bite*** means any abrasion, scratch, puncture, tear or piercing of skin actually or suspected of being caused by an animal in an attack.

***Cat*** means all domestic species or varieties of the felis catus, male or female, alive or dead.

***Certificate*** means a certificate issued at the time of the vaccination, the registration number, the name, color, breed and sex of the dog or cat, the name and address of the owner, the date of the vaccination, and the type of vaccination administered.

***Confined or confinement of an animal*** means confined within a building or home, or within a fenced yard or premises, so that the animal cannot escape from said building, house or fenced yard or premises without human assistance.

***Dangerous animal.***

(1) ***Dangerous animal*** means an animal that:

- a. Makes an unprovoked **attack** on a person that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept; or
- b. Commits unprovoked **acts** in a place other than an enclosure in which the animal was being kept, and those acts caused a person to reasonably believe that the animal will attack and cause bodily injury to that person.

**Dangerous Animal Location**

(1) *Dangerous Animal Location* means:

- a. Any venue, structure, enclosure, house or location where animals stay, reside or are brought, and while there make unprovoked attacks on persons outside the enclosure which contains the animal, or in which the animals are encouraged to fight each other.
- b. An attack under this definition does not have to result in bodily injury, rather, it is sufficient if the person attacked reasonable believes that the animal attacking will cause or is about to cause injury.
- c. A venue, place, structure, house, shelter or other location which is overcrowded with animals, or because of neglect or abuse of animals fosters disease, filth, damage or destruction of property, (including devaluation of property), or health or safety issues for the animal or the human occupant, or wherein the animals are diseased, neglected, and/ or underfed, is a Dangerous Animal Location. (See Section 14)

***Dog*** means all domesticated members of the canis familiaris, male or female.

***Domestic animal*** refers to dog(s) and/or cat(s) residing with their owner(s).

***Exposed to rabies*** means any animal whether it has been vaccinated for rabies or not, which has been bitten, been fighting with or has consorted with an animal known or suspected to have rabies or showing objective symptoms of rabies.

***Exotic Animals*** means wild animals or animals which are usually not considered domestic, or any or all species or types of animals that are not indigenous to this area including but not limited to tigers, cougars, bobcats, wolves, coyotes, foxes, African or South American snakes including cobras, pythons, anacondas, bears, deer, moose, elk, any and all birds that are not indigenous to this area including peacocks, emus; and frogs, tortuous, turtles, amphibians which are not indigenous to this area.

***Humane manner*** means the care of an animal to include, but not be limited to adequate heat, space, ventilation, and sanitary shelter, wholesome food and water, consistent with the normal requirements of the animal's size, species and breed.

***Impound*** means the apprehending, catching, trapping, netting, tranquilizing, confining, or, if necessary, the destruction of any animal by animal control officers.

***Impounding facility*** means any premises designated by the "City of Honey Grove" for the purpose of impounding and caring for all animals found in violation of this Ordinance.

***Isolation*** means kept separated and protected from all other animals or humans.

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***Kennel*** means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs and cats.

***Livestock*** means all domesticated animals, other than dogs and cats, including but not limited to horses, cows, mules, goats, sheep and pigs; other than potbellied pigs as defined herein.

***Owner*** means any person, partnership, or corporation who owns, harbors, shelters, keeps, controls, manages, possesses, or has part interest in any animal. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

***Person*** means any individual, partnership, firm, public or private corporation, association, trust or estate.

***Pet*** means any animal kept for pleasure rather than utility.

***Prior Consistent Act*** means a behavior involving similar facts and circumstances from which knowledge, intent, or motive may be inferred.

<sup>3</sup>***Public nuisances*** shall describe an animal if it: damages, soils, defiles, or defecates on private property other than the owners or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise-making; impedes, hinders, or harasses a passersby or passing vehicles, chases vehicles; or interferes with persons or other domestic animals. An animal that attacks other animals; trespasses on school grounds; is repeatedly at large,(2 or more times); or that barks, whines, howls, crows, or bawls in an excessive continuous manner (15 minutes) or untimely in such a way to prevent the reasonable use and enjoyment of a property within 300 feet of the property owner's perimeter; or who has bitten one or more people; is a public nuisance.

<sup>4</sup>***Stray*** shall mean not physically restrained to, or contained on the property of the owner, or while off the property of the owner, not physically controlled by means of a leash 6 feet or less in length.

***Vaccination*** means an injection of rabies vaccine licensed for use in that species by the United States Department of Agriculture, properly vaccinated or as prescribed by the Texas Board of Health which injection has been administered only by or under the direct supervision of a veterinarian who is licensed to practice in this State.

***Veterinarian*** means a doctor of veterinary medicine who holds a valid license to practice his profession in the State of Texas.

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<sup>3</sup> Modified by City Council March 16, 2020

<sup>4</sup> Added by Amendment adopted March 16, 2020

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***Veterinary hospital / clinic*** means any establishment maintained and operated by licensed veterinarian for surgery, diagnosis, and treatment diseases and injuries of animals.

***Vicious animals*** means any individual animal that has on two (2) previous occasion without provocation, attacked or bitten any person or other animal, or any individual animal which the police department or animal control has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

***Zoonotic diseases*** shall mean those diseases that may be transmitted from animals to man under normal conditions.

**Section. 2    Enforcement.**

- (a) Enforcement of this Ordinance shall be the responsibility of the supervisor of animal control, any animal control officer, or police officer.
- (b) Any such officer shall have the authority to issue citations for any violation of this Ordinance. If the person being cited is not present, the enforcement officer may send the citation to the alleged offender by Certified Mail, Return Receipt Requested. If the citation is unclaimed, a substitute service may be requested. An unclaimed notice under this Ordinance may be introduced as evidence of intent or knowledge at any trial under this Ordinance.
- (c) <sup>5</sup>It shall be unlawful to abandon an animal, to allow an animal to be at large, or to create or maintain a public nuisance as defined in this Ordinance. No culpable mental state is required to be alleged or proved for violations of this section.
- (d) It shall be unlawful for any person to interfere with any enforcement officer in the performance of his duties. The penalty for such interference shall be consistent with Section 20 of this Ordinance.
- (e) Animal control officers have the right to pursue animals running at large onto private property while enforcing the provisions of this Ordinance.
- (f) <sup>6</sup>Welfare check of animals: a report or observation of 5 or more animals at one location gives rise to a welfare concern, and authorized animal control officers to investigate the location to determine Health and Safety of the animal as well as possible Ordinance violations.

**Section. 3    Payment of fees / fines generally.**

The police department shall be responsible for collecting all fees established and levied in accordance with this Ordinance. Under no circumstances will there be refunds of any fees. Fines under this Ordinance will be paid through the Court Clerk of the Honey Grove Municipal Court.

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<sup>5</sup> Added by Amendment adopted March 16, 2020

<sup>6</sup> Added by Amendment adopted March 16, 2020

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**Section. 4 Rabies vaccination of animals.**

- (a) This Ordinance recognizes the provisions of Texas Health and Safety Code, Title 10, Chapter 286-Rabies. In the event any of the provisions of this Ordinance are in conflict with this provision of the Health and Safety Code, then the provisions of the Health and Safety Code shall control.
- (b) Every owner of a domestic animal four (4) months of age or older shall have such animal vaccinated against rabies. All domestic animals vaccinated at four (4) months of age or older shall be revaccinated at one (1) year of age and annually thereafter. Any person moving into the city from a location outside the city shall comply with this Section within five (5) days after having moved into the city. If the domestic animal has inflicted a bite on any person, or another animal, within the last ten (10) days, the owner of said domestic animal shall report such fact to the police department immediately, and no rabies vaccine shall be administered until after the ten (10) day observation period.
- (c) All animals capable of transmitting rabies must be vaccinated as prescribed by the Texas Board of Health against rabies with a vaccine approved by the United States Department of Agriculture and administered by a licensed veterinarian and shall issue to the owner of the animal a vaccination certificate. The owner shall retain such certificate until the vaccination is renewed. At the time of vaccination, a metal tag shall be issued by the veterinarian showing the name of the veterinary clinic, the tag number, and the year of issuance.
- (d) The City may quarantine animals not vaccinated or those without proof of vaccination which would otherwise satisfy this Section. Under such a quarantine, the owner shall be responsible for all shelter fees [see below, (g)], vaccination fees and in addition, a civil penalty of up to \$500 per animal.
- (e) The Director of Public Safety or some other eligible person shall be designated by Resolution as the Local Health Authority for the purpose of administering the statute adopted by paragraph (a) of this Section.
- (f) The animal control officer or any police officer may impound any animal reported as a public nuisance and found to be in violation of this Ordinance. In lieu of impoundment the animal control officer may cite the owner for violation, if the owner, keeper, or harbored of such animal is known, or can be readily ascertained. If the animal is impounded the animal control officer shall notify the owner by telephone, certified mail, or personal service after owner is located or identified.
- (g) <sup>7</sup>The owner, keeper, or harbored of any animal impounded under this Section may redeem same by payment of the impounding fee and boarding fee as established regularly by the City Council, but at a minimum, as follows:

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<sup>7</sup> This Animal Ordinance was amended (as indicated herein) by the City Council on March 16, 2020

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- (1) For every impounded domestic animal, a shelter fee of twenty-five dollars (\$25.00), plus five dollars (\$5.00) for each day of impoundment;
  - (2) For large or dangerous animals, a shelter fee of one hundred dollars (\$100.00) and twenty dollars (\$20.00) for each day of impoundment. In the event outside help is required; the cost of contracted help will be in addition to the above cost. Fraction of a twenty-four-hour period shall be computed at a full day's rate for the purposes of the daily charges set out above.
- (h) No animal, impounded within the animal shelter under the provisions of this Section, shall be released to its owner, keeper, or harborer until the animal has been vaccinated in accordance with this Ordinance.
- (i) All impounded animals not redeemed after officer's notification may, within five (5) days excluding day of impoundment and day of euthanasia, be destroyed in a humane manner.
- (j) <sup>8</sup>Any impounded animal that has been seriously injured or is seriously ill or is incapable of feeding itself may be submitted to euthanasia immediately to prevent suffering. The animal shelter, the City, and any rescue organization utilized under this Ordinance shall not be responsible for providing veterinary medical care for any sick or injured animal.

**Section. 5 Bites by animals.**

- (a) The police department shall investigate reports in which animals have bitten persons. It shall be the responsibility of animal control to obtain details on the bite cases, and to conduct a follow-up investigation of the biting animal to determine if it is suffering from rabies. An Animal owner who receives information or discovers that a domestic animal has inflicted a bite on another animal or person, must report the information within 24 hours to the police department, unless the owner received the information from the police department, and then the Owner must cooperate in the investigation as a matter of public health. Failure to cooperate with an investigation under Section 5 by an animal owner is admissible in any trial under this Ordinance. A Show Cause Order may issue for the Owner requiring appearance before the Municipal Court to address to issue of "failure to cooperate", and the Court may fashion appropriate Orders after hearing the protect the Community and to provide for public safety.

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- (b) Any animal suspected of biting a person or animal shall be placed under a quarantine watch to determine if the animal is infected with rabies. This quarantine shall be for a period not less than ten (10) days after the biting of such person or animal. The length of the quarantine shall be determined by the investigating animal control officer.
- (c) The owner of the animal shall surrender the animal(s) to the Animal Control Officer immediately or make other arrangements for the Animal Control Officer to pick up and retain such animal, in a separate kennel at the animal shelter for the period of the quarantine. After the animal has been released from quarantine, the owner may redeem the animal from the animal shelter by payment of the fees prescribed in this Ordinance.
- (d) In lieu of animal quarantine at the animal shelter, the Animal Control Officer may authorize the animal to be retained on the owner's premises:
  - (1) When quarantined at home the animal must be restrained and removed to an area where it will not come in contact with any persons or animals outside of the household.
  - (2) The animal must be made available to the Animal Control Officer for periodic inspection.
  - (3) The owner will observe the animal for any signs of illness or personality changes and report such changes to the Animal Control Officer.
  - (4) The animal may not be removed from the known quarantine location without prior notification and approval of the Animal Control Officer.
  - (5) The animal will remain under quarantine until the owner is notified that the final health inspection has been made and that the animal has been cleared by the Animal Control Officer. Contact will be made by phone, personal service, or Certified Mail.
  - (6) The animal may not receive a vaccination for rabies during the quarantine period.
  - (7) Failure to comply with all conditions of residence quarantine will result in the animal being impounded at the animal shelter for the duration of the quarantine period. The owner of an animal that is required to be quarantined who fails to maintain the conditions of a quarantine may be fined as set out in Section 20 of this Ordinance.
- (e) After the animal has been released from quarantine, the owner shall have the animal vaccinated the following business day and present the vaccination certificate on that same business day to the Animal Control Officer or police



department. Failure to present a vaccination certificate timely is a misdemeanor and the owner may be fined for each 24-hour period that such certificate is not presented, consistent with Section 20 of this Ordinance.

- (f) It shall be unlawful for any person to interfere with the enforcement of this Section or to fail or refuse to surrender to an Animal Control Officer or other member of the police department any animal involved or suspected of being involved in a bite case, or to otherwise fail or refuse to provide for the quarantining of animals as may be authorized by this Ordinance. Such interference shall be a misdemeanor and shall be punishable by a fine not to exceed \$500.00.

**Section. 6    Impoundment of animals/Authority to Euthanize**

- (a) The animal control officer or any police officer shall take up and impound animals under the following circumstances:
  - (1) <sup>9</sup>A Dangerous or Vicious Animal as defined herein (see Section 7 for Vicious Animal impoundment procedure) ;
  - (2) An animal that has bitten a person or another animal, and has not previously been impounded for particular act;
  - (3) An animal that has rabies or any zootanic disease;
  - (4) An animal determined to be dangerous to humans or other animals.
  - (5) <sup>10</sup>Stray, abandoned, or at large animals

If the owner, keeper, or harbinger of such animal is known, or can be readily ascertained, the animal control officer shall notify him/her by telephone, personal service, or certified mail not later than the day following such impoundment.

- (b) The owner, keeper, or harbinger of any animal impounded under this Section may request , in writing, a hearing on the reason for impoundment, addressed to the Municipal Court, attention Court Clerk, City of Honey Grove and delivered to 633 N. Sixth St. Honey Grove, Texas, 75446, within three (3) business days from the date of impoundment. An Administrative Hearing before the City Court Judge shall then be set immediately consistent with the Court schedule, limited to the issue of the need to continue impoundment of the Animal for purposes of public safety. This is an Administrative Hearing and no jury trial is available under Section 6 (b).

<sup>11</sup>All relevant evidence may be considered including prior consistent acts. The Court shall announce findings and may continue the impoundment, modify the

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<sup>9</sup> Modified by City Council March 16, 2020

<sup>10</sup> Added by Amendment adopted March 16, 2020

<sup>11</sup> Modified by City Council March 16, 2020

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impoundment, or release the animal to the owner with instructions consistent with Section 14 and Community Safety. Costs of Court and costs of impoundment may be assessed against the Owner. Costs for impounding an animal are determined regularly by the City Council to cover expenses of administration of this Ordinance. This updated fee schedule is incorporated by reference and those fees become effective upon the date passed by the City Council.

<sup>12</sup>At a minimum, the impoundment fees are as follows:

- (1) For every impounded domestic animal, a shelter fee of twenty-five dollars (\$25.00), plus five dollars (\$5.00) for each day of impoundment.
- (2) For large or dangerous animals, a shelter fee of one hundred dollars (\$100.00) and twenty dollars (\$20.00) for each day of impoundment. In the event outside help is required, the cost of contracted help will be in addition to the above cost. Fraction of a 24-hour period shall be computed at a full day's rate for the purposes of the daily charges set out above.
- (c) No animal, impounded within the animal shelter under the provisions of this Section, shall be released to its owner, keeper, or harbinger until any permit required by this Ordinance has been obtained for the animal and until the animal has been vaccinated in accordance with this Ordinance.
- (d) <sup>13</sup>All impounded animals not redeemed or claimed after five (5) days, become subject to management and disposition by the City through adoption, rescue organization, or destroyed in a humane manner.
- (e) <sup>14</sup>Any impounded animal which has been seriously injured or is seriously ill or is incapable of feeding itself may be submitted to euthanasia immediately to prevent suffering. The City, an agency working with the City such as an animal shelter, or a rescue organization, shall not be responsible for providing veterinary medical care for any sick or injured animal.
- (f) <sup>15</sup>The City may euthanize and/or destroy an animal which poses an intimate danger to a person property or other animal and a real or apparent necessity exist for the destruction of the animal.

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<sup>12</sup> Added by Amendment adopted March 16, 2020

<sup>13</sup> Modified by City Council March 16, 2020

<sup>14</sup> Modified by City Council March 16, 2020

<sup>15</sup> Added by Amendment adopted March 16, 2020

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- (g) <sup>16</sup>The City may euthanize an impounded animal if it is reasonably certain that the animal will not recover, the animal is in evident pain, or the animal demonstrates symptoms of a communicable disease as determined by a licensed veterinarian.

**Section. 7 Vicious animals.**

- (a) A vicious animal cannot be kept or housed in the City limits. Any vicious animal found in the City shall be removed immediately by order of the animal control officer or police officer. If the owner or person having control of the vicious animal fails to remove such animal, then the animal may be impounded immediately by the Animal Control Office or Police Officer if an issue of Community Safety is presented. Otherwise, impounding of a vicious animal must follow an application to the Municipal Judge.
- (b) Once impounded, the owner of a suspected vicious animal may, within three (3) business days, file a written request with the Municipal Court, attention Court Clerk, Honey Grove Municipal Court, 633 N. Sixth St. Honey Grove, Texas, 75446, requesting an Administrative Hearing on the issue of "Vicious Animal". A hearing before the Municipal Judge shall be scheduled immediately consistent with the schedule of the parties. No jury trial is available under Section 7 (b).
- (c) At the hearing any relevant evidence may be considered, including prior consistent acts.

Following the hearing the Judge shall:

- (1) Find the Animal is a vicious animal and Order the Owner to pay costs of the Hearing, including Court costs, pay costs of impoundment according the schedule in Section 6, and post a bond in the amount of at least \$500.00 conditioned that the owner remove the animal from the City; or
- (2) Find the animal is not vicious and Order the animal returned to the owner. Costs of the impoundment and Cost of Court may be assessed against the owner. In the interest of Public Safety, the Court may order an animal confined in a secured enclosure without a finding that the animal is vicious.
- (d) The Owner may appeal a finding of Vicious Animal in Municipal Court in the same manner as appeal from any other Municipal Court case. However, in order to perfect such appeal, in addition to an **Appeal Bond**, the owner must:
- (1) Post an **impoundment bond**, cash or surety only, with the Municipal Court Clerk, in an amount sufficient to pay cost of impoundment for six (6) months, according to the schedule in Section 6 above, payable to the City of Honey Grove; and,

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<sup>16</sup> Added by Amendment adopted March 16, 2020

- (2) The Owner must sign an **Agreement to Expedite** the appeal, wherein the owner demands a speedy hearing on this appeal in the County Court or reviewing Court, file the Agreement to Expedite with the Appeal Bond and present proof of the filing of the Agreement to Expedite to the Municipal Court Clerk within five (5) days of the Administrative Hearing.
- (3) Failure to file an Appeal Bond, an Impoundment Bond and an Agreement to Expedite appeal (Speedy Trial) within five (5) days of the Administrative Hearing is a failure to perfect appeal and the judgment of the administrative (Municipal Court) becomes final.
- (e) Following a finding of vicious animal, under Section 7, when no appeal is taken and the animal is impounded; the impounded animal destruction procedure of Section 6(d) shall be followed. The owner is not entitled to an additional hearing nor is the owner entitled to redeem a vicious animal under Section 6.
- (f) Maintaining a vicious animal within the City limits of Honey Grove is violation of Section 7 concerning viciousness is a misdemeanor punishable by a fine of not less than \$250.00 nor more than \$1,000.00. It is a separate offense for each calendar day an animal is maintained within the city limits in violation of Section 7 of this Ordinance.

#### **Section. 8 Kennels.**

<sup>17</sup>Kennels shall only be allowed as authorized by the Comprehensive Zoning Ordinance of the City of Honey Grove. The City may designate a kennel or animal rescue organization for housing impounded animals under this Ordinance. In addition, the City may establish a Temporary housing shelter to receive impounded animals for no longer than a 24 hour period.

#### **Section. 9 Livestock and Exotic Animals.**

- (a) It shall be unlawful for any person to maintain, own or control any premises within the city limits where livestock is kept or harbored. It is an exception to this prohibition if the livestock is maintained within an enclosure (fence) that contains one and one half (1 ½) acres of land for the first head of livestock, and for each subsequent/additional head of livestock an additional one (1) acre of enclosure. Any livestock kept as an exception to this general prohibition must be maintained in an enclosed/fenced area which meets the acreage requirements of this section.
- (b) Every head of livestock shall be kept within a suitable pen or enclosure. No part of the enclosure shall be situated less than fifty (50) feet from any inhabited dwelling; provided, that this distance requirement shall not apply to the dwelling of the owner of such livestock.

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- (c) “One (1) enclosure”, as that term is used in this Section, shall be held to mean any and/or all connected buildings, whether under one (1) roof or otherwise, and buildings and sheds which may have entrances to the same or adjoining lot or lots, or lots with a gateway or other opening between them.
- (d) The provisions of this Section shall not be construed to prohibit any person engaged in operating any packinghouse, auction or commission sale barn or other similar institution, located within a properly zoned area as designated and defined by the Comprehensive Zoning Ordinance and zoning map of the city from keeping, on the premises of such place of business or other institution, any number of livestock for temporary periods of time, not to exceed seven (7) days, awaiting their use in connection with the operation and maintenance of such packinghouse or similar institution or their sale at such auction or commission sale barn; nor shall such provisions be construed to prohibit any person from keeping more than two (2) head of livestock at such place of business or institution, for a temporary period of time, not to exceed a maximum of thirty (30) days, for experimental, demonstration or exhibition harboring such livestock for such temporary periods of time for the purposes mentioned in this subsection shall and must strictly comply with the provisions of paragraph (b) of this Section.
- (e) School/Show animals’ exception. A local school district may maintain pastures, fences, barns, enclosures for project animals such as 4-H or FFA. The provisions of Section 10a below apply to any facilities maintained by a school district even though the facility may otherwise qualify as an exception.
- (f) An owner, or other person having the right to possession or control of an animal, be it domestic, cat, dog, or livestock, shall ensure that the animal does not run at large in a City Park or upon public properties. Run at large includes riding or walking the animal or an animal free from leash. An owner or other person who has the right of possession or control of an animal who permits that animal to run at large as defined herein, shall be subject to punishment consistent with the punishment provisions of this Ordinance.

It is an exception that the animal is a domesticated dog and is on a leash of no longer of ten (10) feet connected directly to the owner or person in charge.
- (g) The keeping of rabbits or chickens, distance from dwelling and enclosure: Rabbits and/or chickens shall be kept in a secure pen or enclosure that is at least thirty (30) feet from an inhabited dwelling other than that of the owner, and such enclosure shall be of said such construction to keep rabbits and chickens from running at large. The presence of a rabbit or a chicken outside of the designated secure pen or enclosure shall be, upon a trial of a citation in Municipal Court be presumption that the owner or person in control violated this provision of the Ordinance.

- (h) Exotic Animals are prohibited. Exotic animals may not be kept, housed, pastured, nor caged within the City.

**Section. 10 Animal waste/Foul or offensive odors where animals are kept.**

- (a) It shall be unlawful and considered a public nuisance for any person to allow any pen, enclosure, yard or similar place used for keeping of animals to become unsanitary, offensive by reason or odor, or disagreeable to persons of ordinary sensibilities residing in the vicinity thereof because of flies or other insects. Any condition injurious to public health caused by improper waste disposal will be considered a violation of this Section.
- (b) The owner of every animal shall be responsible for the removal of any excreta deposited by his/her animal on public walks, recreation areas, or private property
- (c) It shall be the duty of every person raising, owning or keeping any animal to keep such animal and its abode in a sanitary condition so that such animal, or the place where such animal is kept, shall not emit foul and offensive odors of sufficient strength to be detected on any adjoining property.
- (d) It is hereby declared to be a nuisance for any person to maintain any place mentioned in paragraph (c) of this Section in such a manner that such place is not free from foul and offensive odors of sufficient strength to be detected on any adjoining property.
- (e) <sup>18</sup>The failure to properly remove or dispose of animal waste or excreta deposited by an animal on public walks, in recreational areas, or on private property is a misdemeanor punishable by a fine ~~not to exceed \$250.00~~, consistent with Section 20.
- (f) An odor is presumed to be offensive when the odor can be detected by a person of ordinary sensibilities at a distance of one hundred feet (100') unaided by wind or breeze.
- (g) Remedies for violations of Section 10 (a) will be consistent with Section 20 of this Ordinance.

**Section. 11 Animal noise.**

- (a) It shall be unlawful and considered a public nuisance to keep any animal or group of animals which, by causing frequent or long continued barking, or noise; or which generate loud and obnoxious noises by whatever method disturb any

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<sup>18</sup> Modified by City Council March 16, 2020

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person of ordinary sensibilities in the vicinity and thereby disturb the peace of the neighborhood or disturb the occupants of adjacent premises.

- (b) A person shall be deemed to have intentionally and knowingly violated this Section if the person within 24 hours of receipt of a notice of an Animal Noise violation fails to correct the circumstances to prevent a recurrence.

**Section. 12 Traps.**

Humane traps may be used for capturing animals roaming unrestrained in the City. The use of steel jaw traps to apprehend animals is illegal.

**Section. 13 Animals prohibited in food establishments.**

<sup>19</sup>No owner of any domestic animal, or other animal, and no manager, clerk, owner or operator of any place where food is exposed or offered for sale, served or sold for human consumption shall permit any domestic animal, or other animal to enter, be, or remain within any store, restaurant, shop, building, structure or place where food is offered or exposed for sale, displayed or handled for human consumption within the corporate limits of the City of Honey Grove, Texas. A violation of this section is a misdemeanor punishable by a fine not to exceed \$1,000. It is a defense under this Section that the animal was a trained, assistance animal animal of a type or breed commonly used to assist handicapped persons and was in the food establishment for that purpose.

**Section. 14 Requirements for Owner of Dangerous Dog and Dangerous Animal Locations.**

- (a) Not later than the 30<sup>th</sup> day after a person learns that the person is the owner of a dangerous dog, or the manager, owner possessor of a Dangerous Animal Location the person shall:
  - (1) **Register** the dangerous dog or animal with the animal control authority for the area in which the dog or animal is kept; or register the location as a Dangerous Animal Location with the Director of Public Safety; and
  - (2) **Restrain** the dangerous dog(s) or animals at all times on a leash in the immediate control of a person or in a secure enclosure; and
  - (3) Obtain **liability insurance coverage** or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous dog or dangerous animals causing bodily injury to a person, and present proof of the insurance policy to the police department or Public Safety Officer.

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<sup>19</sup> Modified by City Council March 16, 2020

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- (b) For purposes of this Section, a person learns that the person is the owner of a Dangerous Animal or that the venue is a Dangerous Animal Location when:
  - (1) The owner knows of an attack described in Section 5; or
  - (2) The owner is informed by the animal control officer or police officer that the dog or animal is dangerous or that the location is a Dangerous Animal Location.
- (c) If a person (not the animal owner) reports an incident described in Sections 5, 7, or 16 of this Ordinance, the animal control officer or police department may investigate the incident. If, after receiving the sworn statements of any witnesses, the investigating officer determines the dog or animal is dangerous, the investigating officer shall notify the owner of that fact.
- (d) An owner, not later than the 3<sup>rd</sup> business day after the date the owner is notified that an animal owned by the owner is dangerous, may appeal the determination of the animal control officer or police officer to the Honey Grove Municipal Court for an Administrative Hearing. An owner may appeal the decision of the Municipal Court in the same manner as appeals of other civil cases. Appeal must be perfected as stated in Section 7 (d), unless the animal is not impounded. If the animal is not impounded, the Impoundment Bond is waived; however, the other requirements of Section 7 (d) must be met in order to perfect an appeal.
- (e) An owner, occupier, or possessor of a premises or structure who is notified that the venue or location is a Dangerous Animal Location, may, no later than the 3<sup>rd</sup> business day following such notice, appeal such determination to the Municipal Court for administrative review.
- (f) Failure to provide proof of financial responsibility or liability insurance, or the failure to maintain financial responsibility or liability insurance shall be grounds for a Show Cause Summons for a hearing in Municipal Court within three (3) business days of the notice date to determine if cause exists why the animal(s) should not be immediately removed and sheltered. The Municipal Court may, in the absence of proof of timely filing of financial responsibility or proof of liability insurance order the animal(s), the subject of the hearing, impounded under Section 6. The animals may be redeemed by payment of shelter fees, posting proof of financial responsibility and payment of the costs for the show cause hearing. The Municipal Court may assess a civil penalty of up to \$1,000 per animal for each animal impounded. The Municipal Court may Order the animal to be confined by the owner in a secured enclosure.
- (g) Failure to perform any of the obligations regarding Dangerous Animals or Dangerous Animal Locations listed in Section 14 (a) subsection 1-3, in the manner and within the time periods set out therein is a misdemeanor punishable



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by a fine not to exceed \$1,000. Failure to follow an Order of the Court is Civil Contempt, punishable by a fine not to exceed \$1,000 per occurrence.

**Section. 15     Registration of Dangerous Dog and Dangerous Animal Locations.**

- (a) During the month of April each year, the owner of a Dangerous Animal or an individual who maintains a Dangerous Animal Location must register the animal or the place with the animal control office or the public safety officer for the City of Honey Grove. The Owner must:

(1) Present proof of:

- i) Liability insurance or financial responsibility, as required by Section 14;
- ii) Current rabies vaccination of the dangerous animal as appropriate; and
- iii) Evidence of the secure enclosure in which the dangerous animal will be kept.

(2) Pay an annual registration fee of fifty dollars (\$50.00).

- (b) The animal control officer shall provide to the owner registering a dangerous animal a registration tag. The owner must place the tag on the dangerous dog's collar, or if not a dog in some manner, permanently attach the tag to the animal.
- (c) If an owner of a registered dangerous animal sells or moves the animal to a new address, the owner, not later than the 14<sup>th</sup> day after the date of the sale or move, shall notify the animal control officer or police department of the new address. On presentation by the new/ current owner of the dangerous animal's prior registration tag and payment of a fee of twenty-five dollars (\$25.00), the animal control officer or police officer shall issue a new registration tag to be placed on the dangerous animal.
- (d) An owner of a registered dangerous animal shall notify the police department of any attacks by the dangerous animal or any bites by the dangerous animal involving people or other animals.
- (e) The registration requirements of this Section also apply to Dangerous Animal Locations. Dangerous Animal Locations must post an approved sign in the front yard visible from the front passing street, approved by the Public Safety Director of the City of Honey Grove, or his agent, which contain at a minimum the language "Dangerous Animal Location – Caution".

- (f) Failure to comply with any provision of this Section is a misdemeanor punishable by a fine of not the exceed \$500.00 for each occurrence.

**Section. 16    Attack by Dangerous Animal.**

- (a) A person commits an offense if the person is the owner of a dangerous animal and the animal makes an unprovoked attack on another person or another animal outside the animal's enclosure and causes or threatens to cause bodily injury to another person or animal.
- (b) An offense under this Section is a misdemeanor, punishable by a fine not to exceed \$1,000.00.
- (c) If a person is found guilty of an offense under this Section, the Court may order the dangerous animal impounded under Section 6.
- (d) An attack by an animal that has been determined to be Dangerous, prior to the attack, is a public health hazard. An owner of a Dangerous Animal that attacks or bites a person or animal, after the animal has been determined to be dangerous, is liable for a civil penalty not to exceed Ten Thousand Dollars (\$10,000) for each occurrence. The Municipal Court of Honey Grove, Texas shall hear cases under Section 16 (d) in the same manner as in any other cause.

**Section. 17    Defense.**

- (a) It is a defense to prosecution under Section 14 or Section 16 that the person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies Act, Article 4413(29bb), Vernon's Texas Civil Statutes, and was functioning in that capacity at the time.

**Section. 18    Pets and animal care guidelines.**

The following are established for pet and animal care and are not intended to contravene the provisions for animal cruelty contained in the Texas Penal Code.

- (a) *Provisions of food, shelter and care generally.* No person shall fail to provide his/her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (b) *Abuse of animal, fighting.* No person shall beat, cruelly ill-treat, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animal and humans.
- (c) *Abandonment.* No owner of an animal shall abandon such animal.

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- (d) <sup>20</sup>*Tying/Teathering dogs.* It shall be unlawful for any person to tie or tether a dog to a stationary object for a period of time or in a location so as to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian as determined by the supervisor of animal control. In addition, teathering a dog is illegal under the circumstance as described in Texas Health and Safety Code Section 821.076 – 821.081.<sup>21</sup>
- (e) *Fenced enclosures.* It shall be unlawful for any person to keep a dog within a fenced enclosure in which the fence is in a state of disrepair.
- (e) *Keeping of rabbits.* Distance from dwelling and enclosure:  
Rabbits shall be kept in a secure pen or enclosure that is at least thirty (30) feet from an inhabited dwelling, other than that of the owner, and such enclosure shall be of such construction and strength to keep said rabbits from running at large.

**Section. 19 Adoption of animals from animal shelter and fees.**

<sup>22</sup>A person who desires to adopt an animal from the animal shelter or designated animal rescue organization shall:

- (a) <sup>23</sup>Pay an adoption fee as established regularly by the City Council but at a minimum, consistent with the following schedule:
  - (1) Feline: Female or Male..... \$35.00
  - (2) Canine: Female or Male..... \$65.00
- (b) Pay a license fee if required by any of the provisions of this Ordinance;
- (c) <sup>24</sup>Have the animal vaccinated for rabies prior to release. ~~within five (5) business days after adoption;~~ and
- (d) Have the animal spayed or neutered ten (10) days after adoption and not more than thirty (30) days after adoption provided the animal is of proper age for such procedure.

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<sup>20</sup> Modified by City Council March 16, 2020

<sup>21</sup> Section 821.076 - .081 provides Class C Misdemeanor punishment and prohibits teathering a dog from 10pm – 6am; within 500 feet of a school; during freezing, heat advisories or storms. A teather must be at least 10 feet in length and at least 5 times the length of the dog (whichever is longer) see the Texas Health and Safety Code for details.

<sup>22</sup> Modified by City Council March 16, 2020

<sup>23</sup> Modified by City Council March 16, 2020

<sup>24</sup> Modified by City Council March 16, 2020

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The animal control officer shall make the final determination whether an animal is healthy enough for adoption. However, such a decision by the Animal Control Officer to permit adoption of a particular animal shall not constitute a warranty, expressed or implied, of the health or age of the animal.

**(e) Exemptions of Fees:**

The adoption fees will be exempted if the Humane Society takes custody of an animal. At that time, the Humane Society will sign a document stating that they will take full responsibility of the animal, whereby releasing Honey Grove City of any liability of said animal.

**Section. 20 General Punishment and Remedies Provision**

For any Section of this Ordinance wherein a violation or infraction is specified but no specific penalty or remedy is set out, then the General Provisions of this Section shall apply.

- (a)** Any conduct, violation or behavior prohibited or restricted by this Ordinance, but which has no specific penalty or remedy shall be punished by a fine not to exceed Two Hundred Fifty Dollars (\$250.00) per event or conduct. Each day that either an Ordinance violation exists or that an Ordinance violation is committed, is considered separate for purposes of the fine imposed.
- (b)** On-going conduct or conduct that is a nuisance or that may affect public health or safety, that is described in this Ordinance entitles the City to seek injunctive relief in addition to any fines or penalties.
- (c)** Prior to seeking injunctive relief, the City may, but is not obligated to conduct an Administrative Hearing in Municipal Court, on 14 days notice to all interested parties, to Show Cause why the City should not proceed with injunctive remedies. Cost, including attorney's fees, may be assessed against the owner, regardless of outcome, at the close of the Administrative Hearing.
- (d)** Failure to obey any Order of the Municipal Court issued under or pursuant to the provisions of this Ordinance is civil contempt of Court and is punishable by a fine not to exceed One Thousand Dollars (\$1000.00) for each occurrence.
- (e)** Should any part or portion of this Ordinance, or the use created herein affecting the aforementioned property, be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions and those provided for within this Ordinance shall remain in full force and effect.
- (e)** All Ordinances in conflict herewith are repealed to the extent they are in conflict.

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- (f) Any remaining portions of said Ordinances shall remain in full force and effect.

**Section. 21 Repeal/ Amendment/ Modification**

This Ordinance Amends the Original Animal Management Ordinance dated July 8, 2019 and further specifically repeals City Ordinance Numbers 061206N dated June 12, 2006, Ordinance 061499 dated June 14, 1999, Ordinance 61002-E dated June 10, 2002, and Ordinance 090903A dated September 9, 2003.

**Section. 22 Time Deadlines**

All time deadlines referenced in this Ordinance expire (end) at 5:00pm on the date mentioned or referenced in the individual Sections. Calculations for beginning time periods include the date or any portion of a date that a notice was received, or a procedure or behavior was observed.


**Section. 23 Effective Date**

This Ordinance shall become effective immediately upon passage of the City Council of the City of Honey Grove, Texas.

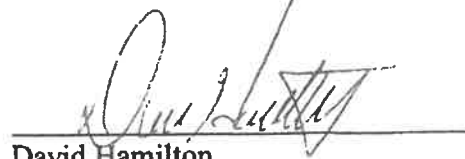
Passed and Adopted by the City Council of the City of Honey Grove, Fannin County, Texas on this the 16<sup>th</sup> day of March, 2020.

  
Claude Caffee, Mayor

**ATTEST:**

  
Sally Wright  
City Secretary

**APPROVED AS TO FORM:**

  
David Hamilton  
City Attorney