ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS, AMENDING CHAPTER 14 - ANIMALS" OF THE CITY OF MISSION CODE OF ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mission, Texas is a home-rule municipality with the full power of local self-government; and

WHEREAS, the City Council of the City of Mission finds it necessary to update its Chapter 14-Animals; and

WHEREAS, upgrading the established animal chapter serves the public interest and promotes efficient municipal administration

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS:

SECTION 1: That the Code of Ordinances of the City of Mission, Chapter 14 - Animals are hereby amended by adding the language (added) and deleting the language that is (~~stricken~~) to read in full as follows. *The remaining sections are to remain in force.*

Article I. In General

Sec. 14-1. Definitions.

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

Abandonment means the leaving of an animal unattended, releasing the animal upon public highways or public or private lands, or failure to provide proper or adequate food, water, exercise, shelter or medical care. Returning an ear-tipped cat to the location where it was trapped after assessment, sterilization and vaccination shall not be considered abandonment under this article.

Animal Care Officer means the animal care services division manager, employees of the animal care services division, or authorized agents of animal care services.

Animal Care Services means a division of the City of Mission responsible for enforcing state and local laws, ordinances, rules, and regulations regarding the care and keeping of animals, including the provisions of this chapter.

Animal Rescue Organization means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the Federal Internal Revenue Code (IRS), as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes. "Animal rescue organization" shall not include any entity that breeds animals or that: (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from a person that breeds animals.

At Large means not under the control of the owner either by a leash, chain, cord or other suitable material attached to a collar or harness; not restrained securely within an enclosure or fence; or in the case of dogs, not under such personal presence and attention as will reasonably control the actions and conduct of such dog.

Breeding means the intentional or unintentional mating of animals resulting in a litter.

Caged Bird means any caged bird legally propagated and raised in captivity for the purpose but does not include birds captured in the wild.

Collar or Harness means a band of leather, nylon, rope, or similar material, excluding chain if utilized for training purposes, that is commonly used on an animal to aid in control of movement of the animal, by the animal's owner, and to which a leash or lead can be attached.

Community Cat means any free roaming cat without visibly discernible evidence of ownership or microchip identification that may be cared for by one or more residents in the area, known or unknown. Community cats that are ear tipped indicate an unowned cat that is sterilized and vaccinated against rabies at least one time.

Community Cat Caretaker means a person who provides care to a community cat such as food, water, shelter and veterinary care, while not being considered the owner, custodian, harborer, possessor, or keeper of a community cat under this ordinance.

Community Cat Program means a program pursuant to which community cats are sterilized, vaccinated against, rabies, tipped, and returned to the location where they were found.

Dangerous or Vicious Dog means a dangerous dog as defined by Section 822.041 of the Texas Health and Safety Code, as amended, that is, any dog that: (1) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or (2) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person. The terms "dangerous dog," "dangerous or vicious dog," and "vicious dog," as used in this chapter, have the same meaning.

Dog means either a male or female of the canine species, whether altered or not.

Domestic Fowl means chicken (Gallus gallus), domestic turkey (Meleagris gallopavo), domestic mallard [duck] (Anus Platyrhynchos), domestic Muscovy duck (Cairina moschaeta), domestic goose (Anser anser), Chinese goose (Anser cygnoides), swans (Cygnus spp.), helmeted guineafowl (Numida meleagris), ring-necked pheasant (Phasianus colchicus), common peafowl (Pavo cristatus), domestic pigeon (Colombia livia), ostrich (Struthio camelus), emu (Dromaius novaehollandiae), greater rhea (Rhea americana), peacocks and peahens of every class whatever and guineas of every class whatever or other domesticated fowl.

Excluded Species means domestic fowl, legally caged birds, and nonnative birds whether naturalized or not. Excluded species are not covered by this section. For some species, domesticated individuals are excluded as private property while wild individuals are included as native birds.

Kennel means any building, lot, yard, shed or other place on or in which up to six dogs or cats more than 4 months old are kept. The kennel must be properly maintained and secured as to prevent the animal to escape the premises.

Livestock means cattle, horses, asses, mules, sheep, swine, llamas and other camelids and goats of every class whatever, or the young of any such animals.

Microchip means an identification chip implanted under the skin of an animal for the purpose of identifying its owner or keeper which has been registered with a microchip registration company with current ownership information to include the current owner or keeper's name, address and telephone number, and the description of the animal.

Native Bird means a bird belonging to a species naturally occurring or residing in or migrating through the city without benefit of current or past transport by humans.

Nonnative Birds means feral rock dove (Columba livia), European starling (Sturnus vulgaris), house sparrow (Passer domesticus), any member of the parrot family (Psittacidae) not native to the states of Nuevo Leon and Tamaulipas, Mexico, or Texas, and any other birds transported by humans to North America and released. Naturalized nonnative birds are those birds which have established themselves and are reproducing in the wild after transport by humans, usually from another continent.

Owner/Keeper means any person owning or harboring one (1) or more animals. An animal is deemed to be harbored if it is fed or provided with water or otherwise has custody or control of the animal. An animal is deemed to be kept if it is fed or provided with water and sheltered or restrained except upon the authorization of the animal care services manager. If the owner of an animal is a minor, the parent or guardian of that minor shall be responsible for compliance with animal care related ordinances and shall be identified as the legal owner of said animal.

Owner's Premises means any lot, tract or parcel of land, whether or not under common ownership, including all buildings thereon and appurtenances, which are owned or leased by an owner, as well as any vehicle, travel trailer, or motor home owned or leased by an owner.

Prohibited Animal means any animal, other than a common household pet, such as a canary, finch, cockatiel, hamster, guinea pig, gerbil, rabbit, ferret, fish, or small nonpoisonous reptiles, that poses a potential physical or disease threat to the public or that is protected by international, federal or state laws or regulations, and includes , but is not limited to, the following:

(1) Within the class Reptillia; family Helodermatidea (venomous lizards); family Varanidae (monitors); Order Ophidia, family Boidoe (boas and anacondas); family Pythonidae (phytons); family Hydrophiidae (marine sankes); family Viperidae (rattlesnakes, copperheads, cottonmouths, pit vipers and true vipers); family Elapidae (coral snakes, cobras, and mambas); family Colubridae, Dispholidus Typus (boomslang), Cyclagras gigas (water cobra), Boiga dendrophila (mangrove snake) and Kirtlandii (twig snake) only; order Crocodilia (crocodiles, alligators, caimans and gavials).

(2) Within the class Aves: order Faconinforms (hawks, eagles and vultures) and subdivision Rapitae (ostriches, rheas, cassowaries and emus)

(3) Within the class Mammalia: order Carnivora, family Felidae, (such as cougars, tigers, lions, bobcats and ocelots) except domesticated cats, family Canidae (such as wolves, dingos, coyotes and jackals) except domesticated dogs, family Mustelidae (such as

weasels, skunks, martins, mink and badgers), family Procyonidae (such as racoons), and family Ursidae (such as bears); order Marsupialia (such as kangaroos and opossums); order Chiroptera (bats); order Edentata (such as sloths, anteaters and armadillos); order Primata (such as chimpanzees and gorillas); order Rodential (such as porcupines); and order Ungulata (such as deer, bison, and camels); and

(4) Within the class Amphibia: Poisonous frogs, toads and salamanders.

Provocation means any purposeful act that causes an animal to scratch, bite, or attack in protection of itself, the owner, or the owner's premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with this chapter is considered provocation, irrespective of the reason for the entrance.

Rabies Vaccination means a protective inoculation by a licensed veterinarian with a rabies vaccine recognized and approved by the United States Department of Agriculture given in an amount sufficient to provide an immunity that satisfies the requirement of state law.

Registration/License means a privilege granted, upon compliance with the terms of this chapter, to lawfully own, keep, harbor, or have custody or control of dog or cat within the city.

Secure Enclosure means, with respect to a dangerous dog, a secure enclosure as defined by Section 822.041 of the Texas Health and Safety Code, as amended, that is, a fenced area or structure that is: (1) locked; (2) capable of preventing the entry of the general public, including children; (3) capable of preventing the escape or release of a dog; (4) clearly marked as containing a dangerous dog; and (5) in conformance with the requirements for enclosures established by animal care services.

Trap, Neuter and Return (TNR) Program means a non-lethal, humane alternative to deal with the stray cats which are captured, altered and returned back to their location in order to encourage the stabilization of the free-roaming cat population in the city.

ARTICLE II. KEEPING REQUIREMENTS

Sec. 14-31. Livestock.

Unless otherwise provided in the agricultural open zoning districts in the zoning ordinance, it shall be unlawful for any person to raise, keep, pen or harbor any livestock within 300 feet from any residential building, hotel, church, school or store, or any other building frequented or inhabited by human beings, within the corporate limits of the city. This section shall not apply to any person operating a commercial slaughterhouse or Our Lady of Guadalupe properties on downtown area. This section, Section 14-32, and the other provisions of this chapter regulating the raising or keeping of livestock, poultry, or other domestic fowl are subject to Chapter 251 of the Texas Agriculture Code, including Sections 251.005 and 251.0055 of that code, and shall not be applied to an agricultural operation, as defined in Section 251.002 of that code, except to the extent permitted by that chapter, regardless of the zoning district in which the agricultural operation is located.

Sec. 14-32. Domestic fowl.

(a) It shall be unlawful for any person to raise, keep, pen, or harbor any domestic fowl within ~~100~~ 25 feet from any residential building, hotel, church, school or store, or any other building frequented or inhabited by human beings, within the corporate limits of the city as such corporate

limits are now, or may hereafter be constituted. The setback required by this subsection applies to all domestic fowl as defined in Section 14-1 of this chapter, including chickens.

(b) In addition to the setback required by subsection (a) of this section, it shall be unlawful for any person to raise, keep, pen, or harbor more than four (4) chickens, or any rooster, on any premises within the corporate limits of the city.

(c) This section is subject to Chapter 251 of the Texas Agriculture Code to the same extent provided in Section 14-31 of this chapter.

Sec. 14-35. Carnivorous~~, and~~ wild animals and prohibited animals.

It shall be unlawful for any person to raise, pen, keep or harbor any animal from a species which is carnivorous, and normally a wild animal, or any prohibited animal as defined in Section 14-1 of this chapter, ~~which when full grown normally weighs more than five pounds,~~ within the corporate limits of the city. This section does not apply to domesticated dogs, domesticated cats, or other common household pets of the kind described in the definition of "prohibited animal" in Section 14-1 of this chapter.

ARTICLE III. DOGS, CATS, OTHER DOMESTIC, CAPTIVE ANIMALS

Division 1. Generally

~~**Sec. 14-71. Definitions.**~~

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

~~*Dog* means either a male or female of the canine species, whether altered or not.~~

~~*Owner* means any person owning, harboring or in any way keeping a dog within the limits of the city.~~

Sec. 14-74. Running at large.

~~It shall be unlawful for any keeper or owner of any dog to permit such dog to run at large within the city. As used in this section, the term "to run at large" means to be free of restraint beyond the boundaries of the premises of the keeper. Any such dog when not upon the premises of its owner and which is controlled by a leash held by a competent person shall not be deemed running at large.~~

Dogs not permitted at large.

A) ***Public property***. It shall be unlawful for any owner of any dog to permit or allow such dog to run or be at large upon any public highway, street, alley, court, square, park, sidewalk or any other public grounds or public property within the city.

B) ***Other property***. It shall be unlawful for any owner of any dog to permit or allow such dog to run or be at large upon any unfenced lot, tract or parcel of land within the city.

C) ***Confining of female dogs in heat***. Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such a manner that another dog cannot come in contact with it, except for controlled breeding purposes.

Sec. 14-75. Barking dogs.

It shall be unlawful to keep any dog in the city which by loud, frequent or habitual barking or howling shall cause annoyance and disturb the peace and quiet of any person during the time of 8:00 p.m. and 6:00 a.m. Any such person who believes that there has been a violation of this section may file a complaint against the owner or keeper of such dog with the animal control officer or police officer.

Sec. 14-76. Dangerous and vicious dogs.

(a) ***Definitions.*** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dangerous or vicious dog has the same meaning as "dangerous dog" under Section 14-1 of this chapter and Section 822.041 of the Texas Health and Safety Code and means any dog that: ~~is capable of or by past record or performance has bitten, injured, scratched or disturbed a person or another animal~~.

1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(b) ***Restraint.*** It is hereby made the duty of any and all persons owning or having in their possession in the city a dangerous or vicious dog to restrain such dog safely on or within their own premises at all times except as provided for in this section.

(c) ***Muzzling required.*** If any dog of a dangerous or vicious character is, by the owner or one in possession thereof, permitted to appear upon the streets, alleys, public ways or private property in the city, it shall be the duty of such owner or one in possession of such dog to secure and maintain properly upon such dog a good or sufficient muzzle or muzzles to prevent and preclude such dog from biting, attacking or otherwise injuring any person, dog or other animal.

(d) ***Dogs confined to premises of owner.*** It is hereby made the duty of any person owning or having in possession in the city a dog of such character that cannot be restrained by the use of a muzzle or of such character as to still be dangerous and vicious, in spite of such muzzle, to keep such dog within his own premises absolutely and at all times.

(e) ***Impoundment.*** Any dog of dangerous and vicious character hereafter found upon the streets, alleys, public ways or private property of individuals of this city without a muzzle as provided for in subsection (c) of this section, or which in spite of such muzzle shall still be dangerous, shall be impounded in some place provided for such purpose by the city.

Sec. 14-77. ~~Kennels.~~ Investigation, seizure and confinement of alleged dangerous dog and determination of a dangerous dog.

~~(a) *Location*. No dog kennel shall be located within 200 feet of any residence within the city. Notwithstanding the foregoing, the residence of the owner of the property upon which the kennel is located or of the operator of the kennel may be located within 200 feet of the dog kennel. Such distance shall be determined from the fence area, or if none the property line of the property owned by or leased by the operator of the dog kennel.~~

~~(b) *Definition*. The term "dog kennel" shall be any property upon which more than four adult (more than six months old) dogs are maintained at the location.~~

(a) Upon receipt of a sworn affidavit of compliant, signed by one (1) or more individuals before an individual authorized by law to make sworn statements, the department shall investigate the complaint. The complaint shall contain a description of the incident involving an alleged dangerous dog, as defined above, the date and location of the incident, the name of the owner of the dog, the address of the owner, and a description of the dog(s) involved in the incident. Said investigation may include discussing the incident with the owner/keeper of the dog. The owner/keeper of the dog shall have the right to provide an affidavit or statement concerning his own dog.

(b) After receiving a sworn affidavit of complaint and upon deciding that seizure is a reasonable precaution to ensure the health and safety of people nearby, the animal care services manager may order the immediate seizure and impound of the dog to the extent authorized by, and in accordance with, Chapter 822 or Chapter 826 of the Texas Health and Safety Code or other applicable law. An administrative search warrant shall be obtained from any municipal court magistrate to enter private property to search for a dog which is allegedly dangerous or has been previously determined to be dangerous, if permission to enter the subject premises is denied by a person in lawful possession. If the dog cannot be safely approached, a tranquilizer projector may be used only by authorized personnel in compliance with Section 14-79 of this chapter and applicable law. The cost of securing said dog(s) shall be borne by the owner. A dog seized or impounded under this section shall be held in secure and humane conditions and shall be released, returned to its owner, or otherwise disposed of only as provided by Chapter 822 of the Texas Health and Safety Code, Section 14-78 of this chapter, and any applicable order of a court of competent jurisdiction.

(c) An animal care officer may impound an alleged dangerous dog if the officer has cause to believe that a dog is dangerous as defined above, subject to subsection (b) of this section and to the notice, hearing, and appeal provisions of this section and Chapter 822 of the Texas Health and Safety Code.

(d) The department, as the animal control authority, shall determine whether a dog is dangerous in accordance with Section 822.0421 of the Texas Health and Safety Code, after receiving the sworn statements of any witnesses. Within five (5) working days after the dog is deemed dangerous, the department will notify the owner of the dog of the dangerous dog determination and appeal right by written notice. The notice shall include the reason for the allegation, and all requirements for owners of a dog determined to be dangerous as set out in this chapter and Section 822.042 of the Texas Health and Safety Code, and a statement of the owner's right to appeal the determination as provided in subsection (e) of this section.

(e) The owner of a dog determined by the department to be dangerous may, not later than the fifteenth (15th) day after the date the owner is notified of the determination, appeal the determination to a justice, county, or municipal court of competent jurisdiction in the manner provided by Section 822.0421 of the Texas Health and Safety Code, and may further appeal the decision of that court as provided by Section 822.0424 of the Texas Health and Safety Code. Nothing in this chapter shall be construed to shorten the time for, or otherwise limit, any right of appeal provided by state law.

Sec. 14-78. Requirements of dangerous dog owners.

(a) An owner of a dog determined to be dangerous must comply with all of the following eight (8) requirements not later than the thirtieth (30th) day after the date the owner learns that the owner is the owner of a dangerous dog, as provided by Section 822.042 of the Texas Health and Safety Code, and, if the dog has been seized by or delivered to the department, before the subject dog can be released to the owner by the department. The department must, however, release the dog to the owner if a state licensed veterinarian with a facility located within the city verifies, upon being contacted by a city veterinarian or department, that the owner has arranged for the required surgery of the dangerous dog to comply with this article, and if necessary, a city veterinarian has implanted the required registered microchip in the dog, has inspected the residence where the dog is to be kept, and is satisfied that the following requirements which could have already been complied with have been complied with by the owner:

(1) The dog must be registered with the department and shall annually obtain a dangerous dog permit.
(2) The dangerous dog shall at all times wear a collar approved by department visible at twenty-five (25) feet so that the dog can be identified as a dangerous dog.
(3) The dangerous dog must be kept in a secure enclosure, as defined by Section 822.041 of the Texas Health and Safety Code and Section 14-1 of this chapter, except when restrained on a leash as provided in paragraph (5) of this subsection.
(4) The owner must present to the department a certificate of public liability insurance in the amount of one hundred thousand dollars ($100,000.00) to cover any injuries caused by the dangerous dog. The insurance shall be kept in effect continuously and shall not be cancelled unless the dog is no longer kept by the insured owner.
(5) The dangerous dog, when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the dog nor interfere with its vision or respiration, but shall prevent it from biting any person or animal; and the dangerous dog must be restrained by a sturdy leash three (3) feet in length.
(6) The owner shall post a sign on his premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public street or highway.
(7) If the dog does not have a registered microchip, the owner shall authorize the department to implant a registered microchip beneath the skin of the dangerous dog for positive identification of the animal.

(8) At the owner's expense, the dangerous dog must be spayed or neutered either by the department or, at the discretion of the department, by a veterinarian approved by the department prior to being released back to its owner.

(b) If the owner of a dog determined to be dangerous fails to comply with subsection (a) of this section and Section 822.042(a) of the Texas Health and Safety Code within the period provided by that section, the owner shall deliver the dog to the department not later than the thirtieth (30th) day after the date the owner learns that the dog is a dangerous dog, as required by Section 822.042(b) of the Texas Health and Safety Code. If the owner fails to comply or to deliver the dog, the department or any other person may apply to a justice, county, or municipal court of competent jurisdiction for an order under Section 822.042(c) of the Texas Health and Safety Code, and the dog may be seized, impounded, returned to its owner, or humanely euthanized only as ordered by the court after notice and hearing in accordance with Sections 822.042 and 822.0423 of the Texas Health and Safety Code. As provided by Section 822.042(e) of the Texas Health and Safety Code, the court shall order the dog returned to the owner if the owner complies with subsection (a) of this section and Section 822.042(a) of that code before the eleventh (11th) day after the date on which the dog is seized or delivered to the department, and any order for the destruction of the dog is subject to the stay and appeal provisions of Sections 822.042(e-1) and 822.0424 of that code. The owner shall pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the dog, as authorized by Section 822.042(d) of the Texas Health and Safety Code.

(c) Sections 14-76 through 14-78 of this chapter shall be construed and applied in conformity with Subchapter D, Chapter 822, Texas Health and Safety Code, as amended, including the compliance periods, notice and hearing requirements, court orders, and rights of appeal provided by that subchapter, and in the event of any conflict, the provisions of that subchapter shall control. Nothing in this chapter authorizes the euthanasia of a dog for failure to comply with this section except as ordered by a court of competent jurisdiction in accordance with that subchapter.

Sec. 14-79 Use of Tranquilizer Guns and Drugs:

a) The animal control officer, his agents and any police official who are authorized and trained to do so shall be able to use a tranquilizer gun or any other drug, only in compliance with applicable state and federal law, including laws governing the possession and administration of controlled substances and prescription drugs, to bring an animal at large under control.

b) In order to use a tranquilizer gun or other drugs, the animal must be at large and pose a threat or danger to the public or to the city officer trying to bring the animal under control.

c) If it becomes necessary for the animal control department or the police department to use a tranquilizer gun or other drugs to bring an animal at large under control, the city shall not be held responsible for any damage done to the animal by the use of the tranquilizer gun or other drugs

d) The owner of the animal that needs sedation to bring it under control shall pay for the costs of the sedation and for the care and feeding while the animal is under control of the city animal welfare.

DIVISION 2. LICENSE

Sec. 14-101. Required.

a) Any owner who shall maintain or keep a dog and cat more than four months of age on any premises within the city which has not been licensed and rabies vaccinated as required by this division shall be guilty of a misdemeanor.

b) Prior to their issuance of a cat or dog license, pet owners applying for the same other than through the vaccinating veterinarian must present a certificate from a veterinarian licensed in any state or territory of the United States showing the animal has been vaccinated for rabies in compliance with the requirements of this article, and must apply on such form as may be required by an animal control officer. The owner shall state their name, address, and telephone number along with the breed, color, age, name and sex of the dog or cat to be licensed.

c) The animal license tag issued shall not be transferable from one dog or cat to another and it shall be unlawful for the owner or person having control over or custody of any dog or cat to transfer such license tag from the dog or cat for which such tag was issued to any other dog or cat.

Sec. 14-103. When fee due.

Every license fee required by this division shall be due when a new vaccination of ~~the~~ rabies is given to the dog or cat. ~~clinics are held in the city~~. Rabies vaccinations and license registration shall de done yearly.

Sec. 14-104. Application.

Any person desiring a dog license shall make application therefor to the city animal control officer upon printed forms provided for such purpose, which applications shall state the name, telephone number, email, and address of the owner or keeper of such dog and cat and the name, breed, color and sex of the dog or cat being licensed.

~~**Sec. 14-105. Vaccination prerequisite to issuance.**~~

~~The city animal control officer shall not issue any license or license tag for any dog until the owner or person in charge of such dog shall have obtained and presented to the animal control officer a certificate from a veterinarian licensed to practice veterinary medicine in the state that such dog has been vaccinated for rabies during the calendar year for which the license is applied for.~~

Sec. 14-105~~6~~. Issuance.

Dog and cat licenses shall be issued by the city animal control officer upon application therefor, proof of vaccination against rabies and payment of the required fee.

Sec. 14-10~~7~~6. Issuance of tag.

Upon issuance of the license certificate, the animal control officer shall issue to the owner a tag for each dog or cat so licensed. The tag shall ~~have stamped thereon the year for which it was issued and~~ have the number corresponding with the number on the certificate.

Sec. 14-108~~8~~7. Duplicate tags.

In case a dog tag is lost or destroyed, a duplicate will be issued by the animal control officer upon presentation of the receipt showing the payment of the license fee for the calendar year and the payment of a ~~$2.00~~ $5.00 replacement fee ~~for such duplicate~~.

~~**Sec. 14-109. Transfer of tag.**~~

~~It shall be unlawful for the owner or person having control over or custody of any dog to transfer such license tag from the dog for which such tag was issued to any other dog.~~

Sec. 14-~~110~~ 108. No refund of fee.

No refunds shall be made for any dog license fee because of death or surrender of the dog and/or cat or the owner's leaving the city before the expiration of the license period.

Sec. 14-1~~11~~09. Collar and tags must be worn.

It shall be unlawful for any person to maintain or keep a dog and/or cat more than four months of age on any premises within the city unless the dog and/or cat wears a collar or harness securely attached to its body to which shall be securely attached a tag issued for the dog and/or cat by a licensed veterinarian, licensed to practice veterinary medicine in the state, showing that the dog and/or cat has been, within the current calendar year, vaccinated against rabies, and also securely attached to the collar or harness a license tag showing the dog and/or has been licensed by the city animal control officer for the current year.

Sec. 114-110 Tethering dogs and other animals

(a) It shall be unlawful for any person to tie any animal, excluding livestock, to a stationary object. All animals that are tethered must be on a running line, pulley system or trolley.
(b) No person may tether an animal in a manner that permits the animal to reach any alley, sidewalk, public street, or property not belonging to the owner or keeper.

Sec. 114-111 Cruelty to animals prohibited.

(a) It is unlawful for anyone to beat, cruelly ill-treat, torment, overload, or overwork or otherwise abuse an animal, or cause, instigate or permit any dog fight, cockfight, bullfight, or other combat between animals or between animals and humans.
(b) It is unlawful for anyone to breed or train an animal for fighting with any other animal.
(c) Failure to provide acceptable standards of housing and care constitutes animal cruelty.
(d) It is unlawful for anyone to intentionally or knowingly leave a pet in a motor vehicle for longer than five minutes, knowing that the animal is not attended by an individual in the vehicle who is 14 years of age or older.
(e) This section is not intended to contravene the provisions for animal cruelty contained in the Texas Penal Code.

Sec. 14-112 Unclaimed Animals

(a) Any animal not claimed by its owner after being held for the holding period prescribed by this section shall become the property of the city. The holding period shall be three (3) days, not counting the day on which the animal is impounded or any day on which the animal care services facility is closed to the public, and shall begin on the day after the animal is impounded. If the animal bears a current license tag, rabies tag, microchip, or

other identification by which its owner can reasonably be identified, the animal care services division shall make a reasonable attempt to notify the owner as provided in Article IV of this chapter, and the holding period for that animal shall not expire before the third (3rd) day, computed in the same manner, after the date on which such notice is given or mailed. The owner or other person entitled to possession may redeem the animal at any time before the holding period expires, as provided in Section 14-143 of this chapter. The holding period does not shorten or limit any quarantine or observation period required under Chapter 826 of the Texas Health and Safety Code or rules adopted under that chapter, any period during which the animal is required to be held under Chapter 822 of the Texas Health and Safety Code, or any hold ordered by a court of competent jurisdiction, and an animal subject to any such quarantine, period, or order shall not be released, adopted, transferred, or euthanized in violation of it. The selection of an animal for adoption or rescue during the period or thereafter shall not confer any ownership right or right of possession to the animal. An animal under four (4) months of age is subject to the same holding period, owner notice, and redemption rights as any other impounded animal; provided, however, that because of its immature immune system, the animal care services division may place such an animal in foster care or with an animal rescue organization for humane care during the holding period. Such placement shall not confer on any person any ownership right or right of possession to the animal, and an animal under four (4) months of age shall not become the property of the city before the holding period expires unless the animal is voluntarily surrendered to the city by its owner.

Sec. 14-113 Duty to remove dead or decaying animal carcasses.

(a) It is unlawful for any owner, occupant, or other person in control of premises to knowingly suffer, permit or maintain the presence of a dead or decaying animal carcass upon any such premises within the City, whether public or private, for more than (6) hours.

(b) The presence of dead or decaying animal carcasses in violation of this section is hereby deemed a public nuisance.

(c) Dogs, cats or any other small dead animals shall not be placed in garbage containers nor collected as solid waste. The City Animal Control staff will, upon request, remove such dead animals from residences without charge between 7:00 a.m. until 3:00 p.m., Monday through Friday, only, if such small dead animals are bagged and placed at the curbside. The city may remove small dead animals at other times if such animals create a traffic hazard. Service is to be charged in accordance with the following schedule:

(1) From residences, or other nonveterinary clinic: free up to 70 pounds during the hours of 7:00 a.m. to 3:00 p.m. Monday -Friday.

(2) For all animals over seventy (70) pounds, the charge is fifty ($50.00) per animal.

(3) No livestock over 50 pounds will be picked up by a City Animal Control Officer, it shall be the responsibility of the animal owner to properly dispose of the animal.

Sec. 14-114 Euthanasia.

The animal care service manager, a licensed veterinarian, or the animal care services manager's designee may direct the immediate euthanization of any animal determined to be seriously injured or diseased under the rules, guidelines, or procedures established by the animal care services manager. Impounded animals not redeemed, adopted, or transferred to an animal rescue organization, as provided for in this chapter within the holding period prescribed by

Section 14-113 of this chapter may be humanely euthanized at the city animal shelter under the direction of a person trained and certified in humane euthanasia as required by Subchapter C, Chapter 821, of the Texas Health and Safety Code, and any rules adopted under that subchapter. The carcasses must be disposed of as directed by the animal care service manager. Notwithstanding any other provision of this chapter, no animal shall be euthanized (1) while it is subject to a quarantine or observation period required under Chapter 826 of the Texas Health and Safety Code or rules adopted under that chapter, except as authorized by those laws; (2) while it is subject to a hold ordered by a court of competent jurisdiction or required under Chapter 822 of the Texas Health and Safety Code; or (3) before expiration of the holding period prescribed by Section 14-113 of this chapter, except as provided in the first sentence of this section.

Sec. 14-115 Violations.

(a) It shall be unlawful for any owner/keeper or person to maintain a dog or cat inhumane conditions, which shall include no food or water, injured or sick animals not receiving medical care tethering in unsafe or extreme condition and abandonment of animals, no proper shelter; which includes: (1) protection from inclement weather, (2) allows the animal to avoid standing water, (3) is large enough or the animal to sit, stand turn around and lie down normally, and (4) protects the animal from direct sunlight, extreme heat, rain, and cold temperatures, and property ventilated.

(b) It shall be unlawful for any owner/keeper or person to allow dogs to roam or run at large without restrain in public areas or neighboring private properties.

(c) It shall be unlawful for any owner/keeper or person to fail to vaccinate a dog or cat for rabies and failure to register the dog for rabies registration with the City of Mission Animal Shelter.

(d) It shall be unlawful for any owner/keeper or person to allow a dog to bark excessively or habitually between the hours of 8:00 p.m. to 6:00 a.m.

(e) It shall be unlawful for owner/keeper, person, tenant, landowner to keep or maintain more than 6 dogs or cats older than 4 months old within the City of Mission limits.

(f) It shall be unlawful for any owner/keeper, person, tenant, landowner to abandon any animal within the City of Mission limits.

(g) Any dog or cat permitted to be kept within the City of Mission limits shall be kept in a suitable kennel or enclosure which shall be maintained and kept in such manner as not to become unsanitary, offensive or disagreeable to persons residing in the vicinity thereof, nor shall it be so maintained or kept as to breed files, or in any manner causer any injury to the health of the public or any person residing in the vicinity of such kennel or enclosure.

(h) All owners/keepers or people are required to immediately and properly collect and dispose of said animal/pet's solid waste that is deposited on vicinity private properties.

(i) It shall be unlawful for any owner/keeper or person to fail to surrender a dog after a bite.

(j) It shall be unlawful for any owner/keeper or person to keep breeding dogs or cats intentionally or unintentionally resulting in litter.

(k) It shall be unlawful for any person to feed any strays on public property or city right-of-way, including feeding bread to the ducks at Banworth Park.

(l) Subsections (e) and (j) of this section do not apply to a business involving the breeding, care, treatment, or sale of animals or animal products, including a veterinary practice, or to the transactions of such a business, if the person operating the business holds a license for the business issued by the federal government or a state, and those subsections shall not be

applied or enforced in any manner prohibited by Section 229.901 of the Texas Local Government Code.

ARTICLE IV. IMPOUNDMENT

Sec. 14-143. Time for redemption.

Any owner or person entitled to possession of a dog who appears at the city animal shelter within ~~five (5)~~ three (3) days after the date of such notice, computed in the manner provided in Section 14-113 of this chapter (excluding the day the notice is given or mailed and any day on which the city animal shelter is closed to the public), shall have the right to pick up such dog by paying an impoundment fee as provided in Section 14-144 of this Ordinance, if such dog is licensed. If such dog is not licensed, the owner, upon proof of his ownership or right to possession, may repossess such dog by having the dog vaccinated and licensed in accordance with the requirements of the city ordinance, and by paying the impoundment fee. Failure of any such owner or person entitled to possession to repossess such dog shall entitle the animal control officer to dispose of such dog in a humane manner in accordance with Sections 14-113 and 14-115 of this chapter.

SECTION 2. SAVINGS AND REPEALER.

All ordinances or parts of ordinances not amended by this Ordinance shall remain in full force and effect.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions, which shall remain in full force and effect.

SECTION 4. CODIFICATION.

The City Secretary is authorized to codify this Ordinance in the City of Mission Code of Ordinances and to make non-substantive formatting and numbering changes necessary for codification.

SECTION 5. PUBLICATION.

The City Secretary is authorized and directed to publish this Ordinance as required by law.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption and publication as required by law.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2026.

_____

Norie Gonzalez Garza, Mayor

ATTEST:

_____

Anna Carrillo, City Secretary

APPROVED AS TO FORM:

_____

City Attorney