

ORDINANCE NO. 04- 28

AN ORDINANCE AMENDING TITLE IX, CHAPTER 90: ANIMALS, OF THE CITY OF HARLINGEN CODE OF ORDINANCES BY CREATING SECTIONS 90.38 KEEPING NUISANCE ANIMALS, 90.39 KEEPING OF DOG KENNEL PROHIBITED, 90.40 HUMANE TREATMENT OF ANIMALS, 90.41 COMMERCE IN LIVE ANIMALS, 90.42 WILD ANIMALS PROHIBITED AND ESTABLISHING AN ANIMAL ADVISORY COMMITTEE TO ASSIST IN AND INSURE COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 823 OF THE HEALTH & SAFETY CODE OF THE STATE OF TEXAS REGULATING ANIMAL SHELTERS AND BY CREATING SECTIONS: 90.60 ESTABLISHED, 90.61 PURPOSE, 90.62 COMPOSITION; QUALIFICATIONS; APPOINTMENT; FILLING OF VACANCIES, 90.63 ORGANIZATION AND 90.64 DUTIES, AND PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

WHEREAS, The Elected City Commission of the city of Harlingen, Texas finds it is in the interest of the public to amend Chapter 90 - Animals of the Code of Ordinances now therefore,

BE IT ORDAINED BY THE CITY OF HARLINGEN:

SECTION I: Chapter 90: Animals of the City of Harlingen Code of Ordinances is hereby amended as follows:

A. Title IX Chapter 90: Animals of the City of Harlingen Code of Ordinances are hereby amended by creating Sections 90.38 Keeping Nuisance Animals, 90.39 Keeping of Dog Kennel Prohibited, 90.40 Humane Treatment of Animals, 90.41 Commerce in Live Animals, 90.42 Wild Animals Prohibited and by establishing an Animal Advisory Committee and creating Sections: 90.60 Established, 90.61 Purpose, 90.62 Composition; Qualifications; Appointment; Filling of Vacancies, 90.63 Organization and 90.64 Duties

CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

90.01 RECORD KEEPING BY FINANCE DEPARTMENT

The City's Finance Department shall cause to be maintained a permanent record disclosing serial numbers of dog licenses and dog license tags issued; names and addresses of keepers to whom the same are issued, the amount paid therefor; a permanent record describing each animal impounded, noting, in the case of each impounded dog or cat, whether the same bears a dog or cat license tag and giving number thereof and name of person to whom issued whenever there is such a tag, and also noting in each case how the impounded animal was disposed of, giving names and addresses of persons to whom the animals were delivered, if delivered, and amounts received from such keepers.

90.02 KEEPING OF BEES PROHIBITED.

(A) The keeping of bees or the operating of an apiary within the city limits is hereby declared a nuisance and is hereby prohibited and made unlawful.

(B) Any person who causes, suffers, or permits the keeping of bees or the operating of an apiary within the city limits shall be deemed guilty of an offense.

© This section shall not be construed to prohibit the keeping of bees enclosed in cases, bottles, boxes, or other similar enclosures for shipping, exhibitions, or demonstration purposes.

LIVESTOCK AND FOWL; RESTRICTIONS

90.10 DEFINITIONS.

For the purpose of this subchapter, The following definitions shall apply unless the context clearly indicate or requires a different meaning.

FOWL. Includes chickens, turkeys, ducks, geese, guineas, peacocks, pheasants, and any other member of the gallinaceous bird species or family, including but being not limited to other domesticated or wild fowls.

LIVESTOCK. Includes cattle, horses, mules jackasses, donkeys of every type and nature, swine, sheep, goats, and any other animals, commonly know in this area as domesticated livestock.

90.11 KEEPING OF LIVESTOCK AND FOWL RESTRICTED

(A) Livestock prohibited. It shall be unlawful for any person to keep, locate, or maintain any livestock within the city for any period of time.

(B) Keeping of fowl restricted.

(1) It shall be unlawful for any person to keep, locate, or maintain any fowl within the city except at the locations prescribed and in compliance with the provision of this section.

(2) Fowl may be kept, located, or maintained within the city only at locations no closer than 200 feet from the nearest private residence structure, school (public or private), hotel, motel, boarding house, duplex, apartment house, café or restaurant of any type, or place of business or other entity manufacturing, distributing, or selling at retail or wholesale food products of any type; except for the family residential unit (whether apartment unit, duplex, or single family residence structure) occupied by the person owning, locating, possessing, or keeping such fowl. The location provisions of this section shall apply to any such private residence, duplex, apartment house, or boarding house, whether being continuously and/or indefinitely, or occasionally, or only at intervals occupied by human beings.

(3) In keeping, locating, or maintaining fowl in compliance with the provisions of this section, no person shall ever keep, possess, or maintain more than 20 such fowl for any period of time.

(4) The sale of seasonal pets, such as baby chickens or baby ducks given to children at Easter time or other holidays is strictly prohibited.

90.12 EXEMPTIONS.

The provisions of this subchapter shall not apply to the following persons, businesses, or other entities, locations, or conditions.

(A) A whole or portion of livestock or fowl previously slaughtered, processed, and maintained and displayed for wholesale or retail sale in compliance with the Zoning Code and other applicable provisions of this code and ordinances of the city.

(B) Livestock and fowl delivered to and maintained at slaughtering houses located, maintained, and operated in compliance with the Zoning Code, the provisions of this code and other ordinances of the city.

(C) Businesses engaged in the hatching of chickens and other fowls when located and maintained in compliance with the Zoning Code and other applicable provisions of this code and ordinances of the city.

(D) Livestock feeding lots, stockyards, and related facilities when located and maintained in compliance with the Zoning Code and other applicable provisions of this code and ordinances of the city.

(E) Businesses wholesaling or retailing farm and agricultural products when located and maintained in compliance with the Zoning Code and other applicable provisions of this code and ordinances of the city.

(F) Livestock and poultry shows when located and maintained in compliance with the Zoning Code and other applicable provisions of this code and ordinances of the city; provided, that the locating, keeping, and maintaining of livestock and fowl at such livestock and poultry shows shall not exceed 15 days for any one determined and established livestock or poultry show.

(G) Circuses, carnivals, and other similar type shows when located and maintained in compliance with the Zoning Code and other applicable provisions of this code and ordinances of the city; provided, that the livestock and/or fowl may be located, kept, and maintained at any such circus, carnival, or other type related show for a period of time not to exceed 15 days at any one continuous location, set-up, presentation, and operation or any such circus, carnival, or related type show.

(H) Riding stables or riding paths (this exception applying only to horses and ponies) where and when such riding stables and riding paths are located and maintained in accordance with the Zoning Code and other applicable provisions of this code and ordinances of the city.

(I) Lands located in areas zoned "N" under the Zoning Code and being actually used for farming and agricultural purposes.

(J) Livestock or fowl being groomed by the owner thereof for show purposes under the following conditions: any owner of livestock or fowl may temporarily maintain not more than one animal nor more than six fowl upon premises available to such owner's lawful use and possession (as otherwise prohibited by this subchapter) for the purpose of grooming the same for entry and display in livestock and/or fowl shows, provided that such temporary location and maintenance shall not exceed seven days immediately preceding the opening of the livestock show and/or fowl show for which such animal or fowl is being groomed.

90.13 MAINTENANCE OF PREMISES WHERE LIVESTOCK ARE KEPT

Whenever and wherever livestock and/or fowl are kept, located, and maintained within the city under the foregoing provisions authorizing the same, such livestock and fowl and the premises upon or within which they are located shall be fed, cared for, and cleaned in such a manner as to prevent or eliminate the existence of any infectious type disease, or condition conducive to causing same, or any odor unduly offensive to persons.

90.14 VIOLATIONS; DECLARATION OF NUISANCE; ABATEMENT

Location and maintenance of livestock or fowl in violation of the terms of this subchapter

is herewith declared to be a nuisance, with such nuisance to be abated in one of the following manners: first, by voluntary disposition of such fowl or livestock by the person in control and possession thereof; second, failing the voluntary disposition as above provided for, by the entering upon the premises where such livestock or fowl are owned and maintained, and the removal thereof by the city, with the same to be impounded in the pound maintained by the city from which such livestock or fowl may be redeemed by the proper identified owner thereof first paying to the city an impounding fee of \$5, and provided further that such redeemed livestock or fowl shall be disposed of or otherwise removed and located so as to be in compliance with the provisions of this subchapter; third, failing abatement of said nuisance by either of the immediately preceding procedures, said nuisance may be abated by the mandamus to that effect to be obtained by the city in a civil proceeding in a court of appropriate jurisdiction.

90.25 DEFINITIONS.

For the purpose of this subchapter and 90.50 through 90.56 of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. An animal is any live, vertebrate creature, domestic or wild, capable of transmitting rabies.

ANIMAL SHELTER. A place operated by the city for detention of dogs and other animals as prescribed by law.

BITE. The breaking of the skin by an animals teeth, mouth, claws or beak.

CAT. A domesticated member of the Felidae (feline) family, other than a lion, tiger, bobcat, jaguar, panther, leopard or cougar, ocelots or margays or cat hybrid.

DOG. All members of the canine family.

DOG LICENSE. The printed, written permission issued by the city authorizing the holder to keep dog or cat within the corporate limits of the city for the period of time inscribed thereon as provided for in 90.50 - 90.56.

DOG LICENSE TAG. A metal tag of a design prescribed by the city bearing the corresponding number of the dog or cat license.

DOG LICENSE FEE. A charge imposed, as specified in 90.52, for the granting of a dog or cat license and issuing the dog or cat license tag.

IMPOUND. To place in the animal shelter.

KEEPER. Any person owning, claiming, keeping, having in possession, harboring, or permitting to be harbored or kept, having the care of, permitting any animal to remain on or about his premises.

KENNEL. Any building, lot, yard, shed or other place on or in which four (4) or more dogs or cats more than eight weeks old are kept; or any building, lot, yard, shed or other place on or in which one or more dogs or cats are boarder for pay.

LEASH. A rope, cord, strap, chain, or strand not shorter than 10 feet in length attached to such dog in such a manner as to enable a person to control and restrain the movements of such dog, such control and restraint including, but not being limited to, preventing such dog from contacting another person or trespassing upon private property or restricted public property.

LICENSED VETERINARIAN. Any veterinarian licensed by any state of the United States, and in addition, if practicing in this state, licensed by the Texas State Board of Veterinarian Examiners.

NUISANCE BY AN ANIMAL. The damaging, soiling, defiling, urinating or defecating upon, or repeatedly trespassing upon property other than it's owner's. Excessive, continuous, or unreasonable, unwarranted whining, howling, barking or annoying noise making so as to disturb the peace and repose of persons living or working nearby. Molesting, threatening, attacking or interfering with persons on private or public property, chasing motor vehicles or bicycles, attacking other domestic animals, or disturbing or turning over garbage or trash containers, or causing unsanitary conditions or odors on or about the premises of its owner by urination or defecation.

OFFICER. Any official of the city deputized as such with authority to carry out and perform the various acts provided to be performed by city officers under this subchapter and 90.50 - 90.56.

PREMISES OF THE KEEPER. Those private property premises under the occupancy and control of a keeper by ownership, lease, or other rental agreement.

RUN-AT-LARGE. To be free of restraint beyond the boundaries of the premises of the keeper.

SERIOUS INJURY. Injury that causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

VACCINATION. The protective inoculation against rabies by inoculation with anti-rabies vaccine recognized and approved by the United States Department of Agriculture, Bureau of Animal Industry, given in an amount sufficient to provide immunity from rabies.

VACCINATION CERTIFICATE. A certificate issued by a licensed veterinarian for presentation to the Environmental Health Department of the city as a condition precedent to granting of a dog license.

VICIOUS-ANIMAL. Any individual animal that has:

- (1) On one occasion caused serious injury to a person or other animal, or killed any animal; or
- (2) On two or more occasions attacked or bitten any person or other animal

WILD ANIMAL. Shall mean all lions, tigers, ocelots, bobcats, panthers, cougars, leopards, cheetahs, jaguars, lynxes, servals, caracals, hyenas, wolves, coyotes, jackals, bears, baboons, chimpanzees, orangutans, gorillas, skunks, racoons, armadillos, or hybrids of these species, and any other animal typically found in a zoo, with the exception of domestic dogs, domestic cats, livestock and poultry.

90.26 VACCINATION FOR RABIES

(A) It shall be unlawful for any keeper to own or keep any dog or cat in the city unless the dog or cat is immunized against rabies by the injection of anti-rabies vaccine in an amount sufficient to produce an immunity. Dogs and cats must be immunized against rabies at three (3) months of age and every twelve (12) months thereafter. Dogs and cats over the age of six months shall be vaccinated with live virus type vaccine. .

(B) The rabies vaccination provided for in division (A) of this section shall be performed by a licensed veterinarian.

© Every keeper, owning or keeping any dog or cat in the city shall, upon effecting the rabies vaccination of such dog or cat, as above provided for, acquire a written vaccination certificate in evidence, thereof from the licensed veterinarian administering the same, such certificate to be signed by the veterinarian and stating thereon the sex, breed, and color of such dog or cat, date of immunization, and the name and address of the keeper of such dog or cat.

90.27 RUNNING-AT-LARGE PROHIBITED; EXCEPTIONS

(A) It shall be unlawful for the keeper of any dog to permit such dog to run-at-large within the City. Such dog may be allowed beyond the premises of such keeper when leashed to such keeper or other person authorized by such keeper.

(B) Nothing herein contained shall be construed to prohibit the keeper of any dog from escorting such dog, properly leashed, to premises other than those of such keeper for purposes of exercise, visitation, companionship, participation in shows and exhibitions, or treatment and care by a duly constituted veterinarian or kennel for hire to the public; or from transporting such dog in an automobile or other vehicle; or from transporting or exhibiting such dog without leash on private premises or public shows and exhibition premises, under conditions where such unleashed dogs are otherwise restrained from leaving such premises; nothing herein contained to be construed as constituting the authorization of the invasions of private rights of any person.

© Cats are not required to be leashed. Owners shall be responsible for the behavior of their cats so as not to become a nuisance as herein above defined. Owner(s) of cat(s) that are allowed to be unleashed shall be liable for any damages or nuisance caused by such cat. Upon a finding by the court that a particular cat is a nuisance or causes damages to private or public property, the court may remove the privilege of allowing such cat to be unleashed or physically unrestrained.

(D) Cats that are allowed to run-at-large by the owner, shall be required to have an identification tag (with owners name and correct phone number listed on tag), be currently vaccinated against the rabies virus, and must not become a nuisance to other citizens in the City of Harlingen. Cats that cause problems or damages to private or public property other than said owners property, shall be restricted to said owners property.

(E)SCHEDULE OF CHARGES. The following schedule of charges are hereby established as minimum fines for owner(s) or keeper(s) of any dog or cat found to be in violation of section 90.27 of this ordinance:

	ALTERED DOG/CAT	UNALTERED DOG/CAT
(1) First Citation	\$ 40.00	\$ 90.00
Second Citation	\$ 90.00	\$140.00
Third Citation	\$140.00	\$190.00

(2) For each citation thereafter issued to the same owner(s) or keeper(s) of any dog or cat as herein described, the minimum fine shall be no less than \$240.00 up to a maximum of \$2,000.00 as allowed by law.

(3) Owner(s) or keeper(s) of any dog or cat found to be in violation of this ordinance may be allowed by the municipal judge to have their pet spayed/neutered within seven (7) calendar days of release from impoundment, and have the amount of their fine reduced by \$50.00.

90.28 KENNEL FACILITIES AT CITY ANIMAL SHELTER

There shall be erected and maintained, under the supervision of the Environmental Health Department, a suitable building and kennel or kennels for the confinement of all dogs and cats found running-at-large in violation of the provisions of this subchapter and 90.50 - 90.56. Such building and kennel or kennels shall be kept in a sanitary condition and all dogs and cats taken up and impounded therein shall be promptly watered and fed while confined in such building or kennel or kennels.

90.29 KEEPING RABID ANIMAL PROHIBITED

It shall be unlawful for any keeper to keep, maintain, or harbor a rabid animal within the city.

90.30 CAUSING OR PERMITTING DOG TO BITE PROHIBITED

A person commits an offense if he is the owner or keeper of a dog or cat and if he/she knowingly, intentionally, recklessly, or with criminal negligence causes or permits said dog or cat to bite a person or other animal.

90.31 AUTHORITY TO IMPOUND

The city shall have authority to impound the following:

- (A) Any dog running-at-large within the city
- (B) Any animal reported under 90.32 hereof.
- © Any animal being a nuisance as herein above defined.

90.32 PROCEDURE FOR IMPOUNDMENT

(A) Whenever an animal bites a person, another dog, or any other animal, the keeper of such animal or any person observing the incident shall immediately report the incident to the Animal Control Department or Police Department of the city.

(B) Whenever any person, including the keeper of any animal, has good reason to believe that any animal, by observation, is a rabid animal, such person or keeper shall immediately report such condition to the Animal Control Department or Police Department.

© Upon receiving any report as provided for in divisions (A) and (B) of this section, or upon learning of the existence of any conditions or the occurrence of any incidents as provided for in divisions (A) and (B) of this section, any authorized agent of the Environmental Health Department, or Animal Control Department, or the Police Department shall be authorized to and shall forthwith proceed with the impounding of such animal so reported upon or learned of.

(D) For the purpose of discharging the duties of impounding a dog or cat as provided for in this section, any police officer, or authorized agent of the Environmental Health Department or the Animal Control Department of the city is empowered to enter upon any premises upon which such dog or cat is reported or believed to be kept or harbored and is further authorized to demand the exhibition of such animal (and if a dog or cat, the exhibition of a license for such dog or cat); and to then and there take custody of such animal for impounding.

90.33 INTERFERENCE WITH ENFORCEMENT PROHIBITED.

No person shall interfere with, hinder, or molest any agent of the Police Department, or the Environmental Health Department or the Animal Control Department in the performance of any duty of such agent with regard to enforcement of this subchapter and 90.50 through 90.56, or seek to release any animal in the custody of the Police Department, or the Environmental Health Department, or the Animal Control Department, or its agent, except as herein provided for.

90.34 REDEMPTION OF IMPOUNDED ANIMAL; VICIOUS DOGS.

(A) Upon any dog or cat being impounded by the city as provided for in this subchapter, if such impounded dog or cat bears a license tag, it shall be the duty of the Environmental Health Department to notify the keeper of the dog or cat of such impounding. The determination of the identity of such keeper shall be made by reference to the license registration certificate of such dog or cat as evidenced by the license tag worn by such dog or cat. In the event any impounded dog does not bear a license tag as provided for herein, and in the further event any person reports to the Environmental Health Department of the purported owner of such animal, it shall be the duty of the Environmental Health Department to notify such reported owner of such impounding.

(B) In the event any dog or other animal is impounded for running-at-large and it is determined that such dog or other animal is not a rabid or vicious, such dog or other animal shall be maintained at the city pound for a minimum period of three days. If such animal should, during such period, be claimed by the properly identified keeper of such dog or other animal, such dog or other animal shall be released to such keeper on the payment by such keeper of an impounding fee in the amount of a per diem maintenance charge in the current amount collected at the City of Harlingen Humane Society for each day for which the dog or other animal was impounded, and upon such dog or other animal being properly licensed by the keeper thereof as provided for herein. Should any such impounded dog or other animal fail to bear a license identification tag as provided for in 90.50 through 90.56, before it shall be released to its keeper, such keeper shall first comply with the licensing provisions of 90.50 through 90.56. Provided further, that If such dog or other animal is not claimed before the expiration of the aforesaid maximum retaining period, such dog or other animal shall be disposed of by the Environmental Health Department as herein provided for.

© Any animal impounded for having bitten a person, another dog, or any other animal, or is suspected of being rabid or vicious as provided for in 90.32 shall be detained by the Environmental Health Department for a period of ten days to determine the existence or nonexistence of rabies. In the event it is determined that such animal is rabid, the same shall be forthwith disposed of by the Environmental Health Department. In the event it is determined that such animal is not rabid, disposition of such animal shall be as provided for in division (B) or (F) of this section.

(D)The impounding and/or redemption of any dog or cat, as herein provided for, shall have no bearing on the prohibitions, violations, or convictions thereon as provided for in this subchapter and 90.50 through 90.56.

(E) If the owner of an impounded animal desires that said animal be impounded at the private hospital of a licensed veterinarian which has facilities suitable for such impoundment, the owner may request removal of the impounded animal to said hospital with said veterinarian supervising said removal and impounding at his hospital facility for the time limits as set forth herein above, all at the animal owner's expense.

(F) If such dog appears to be a vicious dog as herein above defined, a hearing shall be held before the judge of the Municipal Court wherein evidence shall be presented by the City Prosecutor that such dog meets the definition of a vicious dog as herein above defined in 90.25 of this chapter. If the judge of the Municipal Court finds that the dog meets the definition of a "vicious dog" the judge of the Municipal Court shall order the owner or owners of such vicious dog to purchase and maintain a general liability insurance policy in the amount of not less than \$100,000 for the length of time corresponding with the ownership of such vicious dog; or the judge of the Municipal Court shall order the immediate destruction of such vicious dog. No appeal shall be taken from the decision of the judge of the Municipal Court as such decision is final.

90.35 DESTRUCTION OF UNREDEEMED ANIMAL; CERTAIN ANIMALS TO BE RELEASED ONLY TO KEEPER.

(A) Any animal impounded by the city qualified for redemption by the keeper thereof as provided for in this subchapter and which is not redeemed by the keeper thereof may be disposed of by the Environmental Health Department as follows: any such animal may be adopted to any person requesting same by such person paying a-fee in the current amount collected by the Harlingen Humane Society per dog or cat and in addition thereto upon such person complying with the vaccination, licensing, and animal restraining provisions as any such may be applicable; or such animal, upon not being redeemed by the keeper thereof or not being redeemed by any other person as herein provided for, shall be destroyed under the supervision of the Environmental Health Department, such destruction to be by death administered by lethal injection or in any other humane manner as shall be determined by the Environmental Health Department from time to time. The carcasses of such destroyed dogs shall be disposed of under the supervision of the Environmental Health Department.

(B) In accordance with Title 10 of the Texas Health and Safety Code, CHAPTER 828 No dog or cat shall be released for adoption unless the animal has been sterilized or the release is made to the new owner who signs an agreement to have the animal sterilized, and in addition thereto upon such person complying with the vaccination, licensing, and animal restraining provisions as any such may be applicable.

© If any police officer or animal control officer of the city has probable cause to believe that a dog has been involved in a dogfight in violation of TEX. PENAL CODE 42.10, said dog shall be impounded in the city animal shelter. No dog of any breed impounded pursuant to this section, nor any pitbull dog breed impounded pursuant to this section or any pitbull dog breed impounded for having bitten a person or other animal or for running-at-large within the city, shall ever be delivered or released to any person other than the keeper thereof, and if any such dog or pit bulldog is not redeemed by the keeper thereof, such dog or pitbull dog shall be destroyed in the method provided in this section. Nothing herein shall permit redemption of any dog or pitbull dog determined to be a vicious dog in accordance with this chapter. Destruction of a dog or pitbull breed of dog pursuant to this section shall not preclude criminal prosecution for violation of any provision of this chapter.

90.36 NOISY ANIMALS

No owner shall fail to exercise proper care and control of his animal or animals to prevent them from becoming a public nuisance with such public nuisance being defined as any animal which barks, whines, or howls in an excessive, continuous, or untimely fashion to such an extent as to interfere with or prevent a citizen or citizens of the city from obtaining the reasonable and necessary sleep, rest, and relaxation normally and reasonably required to maintain a person's health.

90.37 ANIMAL RESTRAINT

(A) An owner of any dog kept within a property without an adequate sized fence so as not to allow the dog to run at large shall restrain such dog with the use of an approved leash not shorter than 10 feet in length.

90.38 KEEPING NUISANCE ANIMALS

The keeping of any animal within the city in such manner, or under such conditions, as to cause a hazard or danger to the public health, or which produce noxious odors or disturbing noises, or discomfort or annoyance, to persons of ordinary sensibilities in the immediate vicinity thereof, is hereby declared to be a nuisance and is hereby prohibited.

90.39 KEEPING OF DOG KENNEL PROHIBITED

The keeping of any dog kennel in an area zoned as Non-Designated ("N"), Residential ("R1"), Residential ("R2"), Multi-Family ("M1"), Multi-Family ("M2"), and/or Mobile-Home ("MH") is hereby prohibited and declared to be a nuisance.

90.40 HUMANE TREATMENT OF ANIMALS

(A) GENERAL. No owner shall fail to provide his animal with good wholesome food and water, proper shelter and protection from the weather, veterinarian care when needed to prevent suffering, humane care and treatment. Any owner of animal(s) shall maintain a clean and healthful shelter and living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal is free to walk or lie down without coming in contact with such waste or debris. All such shelters or living areas must be cleaned and maintained regularly so as to promote proper health for the animals being kept.

(B) No owner shall abandon any animal, abandonment consisting of leaving such animal for a period in excess of twenty-four (24) hours, without providing for someone to feed, water and check the animal's condition. No owner shall leave an animal by a roadside or other area,

or leave such animal on either public or private property without the property owner's consent. An animal so left shall be deemed abandoned. In the event that an animal is found so abandoned, such animal may be taken by an Animal Control Officer, or Police Officer and impounded in the Animal Shelter or other facility maintained by the city, and there confined in a humane manner. Such animal, if taken from private property, shall be kept for not less than seventy-two (72) hours. In the event the animal is so abandoned, the owner or the person, if and whom he has charged with the animal's care, shall be subject to a citation in violation of this section.

90.41 COMMERCE IN LIVE ANIMALS

(A) A person commits an offense if the person; sells, trades, barter, leases, rents, gives away, or displays for a commercial purpose a live animal on a roadside, public right of way, or commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.

90.42 WILD ANIMALS PROHIBITED

It shall be unlawful to harbor, have, keep, or possess any wild animal or poisonous reptiles within the city limits except in an approved zoo, circus, school, or college for educational purposes. Possession of a wild animal pursuant to this section may be subject to regulations prescribed by the city Environmental Health Director for indemnification of the city, proof of insurance and such other conditions deemed necessary to preserve the safety and welfare of the public.

LICENSING PROVISIONS

90.50 LICENSE REQUIRED; EXCEPTIONS

(A) Required. It shall be unlawful for any keeper of any dog or cat to keep such dog or cat within the city without having a valid dog license authorizing the keeping of the same.

(B) Exceptions. The provisions of this subchapter shall not apply to the following:

(1) Any dog or cat under the age of three (3) months.

(2) Any dog or cat brought into the city by a person who is a nonresident of such city, or who is traveling through the city, or temporarily sojourning in the city, provided that this exception shall not be operative for longer than a period of time commencing not more than three days before any such show exhibition is held and ending not more than three days after such show or exhibition ends.

90.51 PROOF OF VACCINATION REQUIRED FOR ISSUANCE.

The vaccination certificate presented for a dog or cat license shall reflect that such vaccination shall have been performed not less than seven days prior to the issuance date of the license. ('73 Code, 5-48) (Ord. 57-15, passed 9-18-57)

ANIMALS

90.52 ISSUANCE; FEES.

The keeper of any dog or cat upon presenting a vaccination certificate of such dog or cat to the Health Department as required by 90.51 together with the payment of a fee of \$2, and if other applicable provisions of this chapter are complied with, shall have issued to such keeper by the Environmental Health Department a dog or cat license and dog or cat license tag. A duplicate of any such dog or cat license tag and dog or cat license shall be furnished on payment of an additional fee of \$0.50. ('73 Code, 5-49) (Ord. 57-15 passed 9-18-7; Am. Ord. 79-11, passed 2-

21-79)

90.53 DISPOSITION OF FEES.

All fees collected by the Environmental Health Department under this subchapter shall be tendered daily to the Director of Finance of the city, for deposit in the general fund of the city. ('73 Code, 5.50) (Ord. 57.15, passed 9-18-57)

90.54 TERM OF LICENSE.

Each dog or cat license, unless sooner revoked by the officer in charge of the Environmental Health Department, shall be valid and effective only during a one-year period beginning with the date upon which such license is issued. ('73 Code, 5-51) (Ord. 57-15 passed 9-18-57)

90.55 REVOCATION.

Refusal on any keeper of a dog or cat to comply with this subchapter shall be grounds for revocation of any dog or cat license that may have been issued to him. ('73 Code, 5-52) Ord. 57-15, passed 9-18-97)

90.56 TAGS NOT TRANSFERABLE.

It shall be unlawful for any keeper to use upon a dog, subject to licensing under the provisions of this subchapter, a dog license tag issued for another dog. ('73 Code, 5-52) Ord. 57-15, passed 9-18-97) Penalty, see 10.99

ANIMAL SHELTER ADVISORY COMMITTEE

90.60 ESTABLISHED.

A committee to be known as the Animal Shelter Advisory Committee is hereby established.

90.61 PURPOSE.

The basic purpose of the Animal Shelter Advisory Committee is to assist in, and ensure compliance with requirements of Chapter 823 of the Health & Safety Code of the State of Texas regulating Animal Shelters.

90.62 COMPOSITION; QUALIFICATIONS; APPOINTMENTS; FILLING OF VACANCIES.

(A) The Animal Shelter Advisory Committee shall be composed of six voting members which shall include at least one licensed veterinarian, one municipal official, one person whose duties include the daily operation of an animal shelter, one representative from an animal welfare organization and two citizens.

(B) Each voting member shall be appointed by the Mayor and City Commission and must be at least 18 years of age and serve a minimum term of two years. No limit shall be set on the number of terms a member may serve. The Mayor and Commissioners shall appoint or reappoint new committee members whenever it deems necessary.

(C). If a member of the Animal Shelter Advisory Committee vacates office during his/her term, a replacement appointment shall be made by the Mayor or Commissioner who appointed such Committee member. The Mayor and City Commissioners shall be ex-officio members of the Board.

90.63 ORGANIZATION.

vote of its original membership. A majority of the members shall constitute a quorum for the conduct of regular meetings.

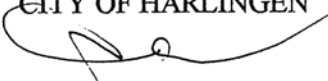
90.64 DUTIES.

The Animal Shelter Advisory Committee shall meet at least three (3) times per year to discuss and insure compliance with the applicable Animal Shelter regulations as established by the Texas Department of Health, to request technical assistance from members of the city staff and to make recommendations for revisions, review, or other matters concerning the operation of the city's animal shelter.

SECTION II: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause a true and correct copy of this Ordinance to be published in a newspaper having general circulation in the City of Harlingen, Cameron County, Texas.

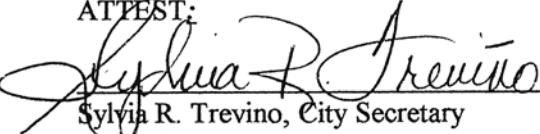
FINALLY ENACTED THIS 21st day of April, 2004 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE CHAPTER 551.

CITY OF HARLINGEN



C. Connie de la Garza, Mayor

ATTEST:



Sylvia R. Trevino, City Secretary

The Animal Shelter Advisory Committee shall elect its chairman and vice-chairman by majority