

CITY OF ROMAN FOREST

ORDINANCE NO. 327-20

AN ORDINANCE FOR THE CITY OF ROMAN FOREST PROVIDING FOR ANIMAL CONTROL; DEFINING TERMS; PROHIBITING KEEPING OF NON DOMESTIC ANIMALS; DEFINING DOMESTIC ANIMAL QUANTITY LIMITS; PROVIDING VACCINATION REQUIREMENTS; PROHIBITING ANIMALS FROM RUNNING AT LARGE ON PUBLIC OR PRIVATE PROPERTY; PROVIDING FOR THE WEARING OF COLLARS OR HARNESSSES WITH REGISTRATION AND VACCINATION TAGS ATTACHED; PROVIDING RESTRAINT AND CONTROL; WARNING SIGNS; ANIMALS LEFT IN VEHICLES; IMPOUNDMENT; DUMPING OF ANIMALS; MISTREATMENT OF ANIMALS; RABIES; ENFORCEMENT AND INTERFERENCE; PROVIDING CRIMINAL PENALTIES UP TO \$500 PER VIOLATION; DEFINING BIRD SANCTUARY; REPEALING ALL PREVIOUS ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE AND TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, the City Council of the City of Roman Forest believes that it is in the best interest of the public and the citizens of the City of Roman Forest that both domestic and wild animals be controlled and/or prohibited within the City limits; and

WHEREAS, the City Council desires to pass a new consolidated animal control ordinance, thereby repealing City Ordinances No. 115A, 149A, 149B, 304 and 311.

WHEREAS, Section 826.013 of the Texas Health and Safety Code ("the Code") provides that the governing body of a municipality may adopt the provisions of the Rabies Control Act of 1981 (Texas Health and Safety Code, Chapter 826); and

WHEREAS, Section 826.015 of the Texas Health and Safety Code provides that a governing body of a municipality may adopt ordinances or rules that establish a local rabies control program in the municipality and set local standards that are compatible with and equal to or more stringent than (1) the ordinances or rules adopted by the county in which the municipality is located; and (2) the 1 program established by the chapter and the rules adopted by the Texas Board of Health; and

WHEREAS, Section 826.016 permits the governing body of a municipality to enter into contracts or agreements with public or private entities to carry out the activities required or authorized under Chapter 826 of the Code; and

WHEREAS, Section 826.017 of the Code permits the governing body of a municipality to designate an officer to act as the local rabies control authority as provided in the Code;

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

SECTION 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. PURPOSE

- A. The City finds that existing ordinances are inadequate in their ability to assure public safety, limit the danger of rabies infections, control the running at large of cats and dogs, control of animal nuisances, provide the police and/or animal control personnel with the ability to identify animals owned by citizens, and provide for the disposition of impounded animals.
- B. This Ordinance supersedes and repeals City Ordinances No. 115A, 149A, 149B, 304 and 311.

SECTION 3. DEFINITIONS

For the purposes of this Ordinance, certain terms and words are hereby defined. Words used in the present tense include the future; the singular number include the plural, and the plural the singular; reference to the male gender includes the female and reference to any person or animal without specifying gender includes both male and female; the word "shall" is mandatory and not directory.

"The Act" shall mean Rabies Control Act of 1981 (Texas Health & Safety Code, Chapter 826)

"Animal" shall mean every living creature, male or female, domestic or wild except a member of the human race.

- a. "Domestic Animal" means all species of animals commonly accepted as domesticated by man so as to live and breed in a tame condition.
- b. "Wild Animals" means any animals of a species that in their natural life are wild, including hybrids and animals, which, as a result of their natural or wild condition

cannot be vaccinated effectively for rabies. These animals, however domesticated, shall include, but are not limited to:

- i. Alligators and crocodiles.
- ii. Bears (ursidae). All bears including grizzly bears, brown bears, black bears, etc.
- iii. Cat family (felidae). All except the commonly accepted domesticated cats, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger and wildcat.
- iv. Dog family (canidae). All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, and dingo.
- v. Porcupine (erethizontidae).
- vi. Primate (hominade). All subhuman primates.
- vii. Raccoon (procyonidae). All raccoons, including eastern raccoon, desert raccoon, ring-tailed cat.
- viii. Skunks.
- ix. Venomous fish and piranha.
- x. Venomous snakes or lizards.
- xi. Weasel (mustelidae). All weasels including martens, wolverines, ferrets, badgers, otters, ermine, mink, and mongoose.
- xii. Armadillo.

"Animal Control Officer" shall mean the person who has been designated and authorized by the Roman Forest City Council to capture and confine animals found in violation of this Ordinance, or their lawfully delegated representative.

"Animal Shelter" shall mean the facility operated by the "Montgomery County Animal Shelter" or related agency where animals are held under the authority of this Ordinance or State law.

"At Large" shall mean any animal that is off the premises of its owner's real property and not restrained by a competent person.

"Bite" shall mean any abrasion, scratch, puncture, tear, break or piercing of skin actually or suspected of being caused by an animal.

"Cat" shall mean all domestic species or varieties of felis catus, male or female, alive or dead.

"Certificate" shall mean a certificate issued at the time of the vaccination of the dog or cat, and bearing thereon the signature of the vaccinator, the registration number, the mane,

color, breed and sex of the dog or cat, the name and address of the owner, the date of the vaccination, or type of vaccine administered.

"Competent Person" shall mean a human being who is capable of controlling and governing the animal in question and whose commands the animal is obedient.

"Confined or Confinement" of an animal shall mean 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.

"City" shall mean the City of Roman Forest.

"Currently Vaccinated" shall mean vaccinated and satisfying the following criteria:

- c. The animal must have been at least four months of age at the time of vaccination;
- d. At least thirty (30) days have lapsed since initial vaccination;
- e. Not more than twelve (12) months have lapsed since the most recent vaccination for all cats and every three years after the first two annual vaccinations for all dogs.

"Dangerous Dog" means any dog that has been deemed dangerous under the provisions of Chapter 822, Subchapter D. Texas Health and Safety Code.

"Dog" shall mean all domesticated members of the canis familiaris, male or female.

"Exposed to Rabies" shall mean 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.

"Feral cat" shall mean offspring of stray or abandoned cats who revert to a wild state.

"Feral cat colony" means any population of two or more feral cats that have been released into an area as part of a trap, neuter, and return (TNR) program.

"Foster" or "Fostering" shall mean the keeping and caring for a dog or cat for up to one hundred twenty (120) days under the authority of a government overseen animal shelter or an animal rescue corporation filed with the Secretary of State.

"Harbor" means the act of keeping and caring for an animal or the act of providing a premise to which an animal returns for food, shelter or care for a period of at least three days.

"Humane Manner" shall mean the care of an animal to include adequate heat, space, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

"Impound" shall mean the apprehending, catching, trapping, netting, tranquilizing, confirming or if necessary, the destruction of any animal by the Animal Control Officer.

"Kennel" means any facility where more than five dogs or cats or any combination of (5) cats and dogs are being kept for boarding, training or breeding purposes.

"Licensing Authority" shall mean an individual, company, or organization, or its lawfully delegated designee, designated and authorized by the Roman Forest Police Department to issue a certificate of vaccination in accordance with the provisions of Section 6 herein.

"Nuisance" shall describe an animal if it damages private property other than the owners; causes dangerous conditions; chases or molests; attacks or interferes with persons; causes excessive barking creating a public nuisance or deposits feces on any property, either public or private not owned by the owner.

"Owner" shall mean any person who owns harbors, shelters, keeps, controls, manages, possesses, or has part interest in any animal.

f. The occupant of any premises on which an animal remains for a period of seven (7) days (or to which it customarily returns daily for a period of ten (10) days) is presumed to be harboring, sheltering, or keeping the animal within this definition. Under no circumstances are the normal and ordinarily accepted definitions of the terms harboring, sheltering, or keeping, being limited to the words of the presumption.

g. If a minor owns an animal subject to the provisions of this Section, the head of the household of which such minor owner is a member, shall be deemed to be the owner of such animal for the purpose of this Section and under this Section shall be responsible as the owner, whether or not such household head is a minor. If not a member of a household, such minor owner shall themselves be directly subject to the provision of this Section.

"Person" shall mean any individual, partnership, firm, public or private corporation, association, trustee, or estate.

"Restraint" shall mean that the animal shall be secured by a leash or lead or confined within the real property limits of its owner.

"Tether" is defined as a chain, rope, cable, leash, or other similar device used to attach an animal to a stationary object or trolley system. Dogs are still required to be on a leash when not confined to the property by a fence.

"Vaccination" shall mean properly injected with a rabies vaccine licensed for use in that the species by the United States Department of Agriculture, which injection has been administered only by or under the direct supervision of a veterinarian who is licensed to practice in this state.

"Veterinarian" shall mean a Doctor of Veterinary Medicine who holds a valid license to practice his profession in the State of Texas.

SECTION 4. KEEPING OF NON-DOMESTIC ANIMAL PROHIBITED

- A. The keeping of any horses, mules, ponies, jacks, jennets, cattle, hogs, goats, sheep, chickens, roosters, or fowl within the incorporated limits of the City is hereby declared to be a nuisance and it shall be unlawful for any person to keep or have horses, mules, ponies, jacks, jennets, cattle, hogs, goats, sheep, chickens, roosters, or fowl at any place within the City.
- B. Vicious animals and wild animals are prohibited within the City;
 - a. It shall be unlawful to keep, harbor, possess or own any wild animal or any vicious animal whether wild or domestic. However, it shall not be unlawful to capture a vicious animal or any animal creating a nuisance, if the person capturing the animal promptly notifies animal control and delivers or surrenders the animal to animal control.
 - b. It shall be unlawful for any person keeping, possessing, harboring or owning any vicious animal whether wild or domestic or any animal creating a nuisance to release the animal or allow it to run at large in the city.
- C. Beekeeping prohibited within the City.
 - a. *Keeping.* It shall be unlawful for any person to place, keep or harbor upon any premises situated within the corporate limits of the City any bees, beehives or any

container or receptacle similar to a beehive, designed or used for the swarming or collecting of bees or for collecting the honeycomb or honey of bees.

- b. *Nuisance.* Any beehive used or occupied by bees is hereby declared to be a nuisance; and it shall be unlawful to keep or maintain any such hives in the City.

SECTION 5. QUANTITY LIMITS FOR DOGS AND CATS

- A. It shall be unlawful for any person to keep or have more than five (5) total dogs, cats, or any combination of (5) dogs and cats at any one residence within the incorporated limits of the city of Roman Forest subject to the exceptions provided herein.
- B. A temporary exemption, for one hundred and twenty days (120) for the disposing of newborn litters, is afforded to any owner, providing the litter was born by one of the owner's animals. Temporary exemptions for any other reason must be obtained through a request to City Council.
- C. The temporary keeping of more than the maximum permitted number of dogs or cats by a pet sitter is allowed for a period not to exceed ten (10) days.
- D. Establishment of a feral cat colony within the city limits of Roman Forest is prohibited.
- E. It shall be unlawful for any person to intentionally cause, suffer or permit the maintenance of an attractive environment for the assembly of a congregation of unconfined stray cats or dogs by the placement of dog food or cat food.
- F. Permit for fostering additional dogs or cats;
 - a. Any person who desires to keep more dogs, cats, or a combination thereof, than what is allowed by this section may apply to the City for a permit to keep up to three (3) additional animals.
 - b. The applicant shall provide the City satisfactory written proof from adjoining homeowners that there is no objection to the issuance of the permit.
 - c. The permit shall expire one (1) year after the issuance date.
 - d. The City may revoke the permit prior to its expiration if:
 - i. The conditions at the premises are no longer reasonably adequate to maintain the number of dogs and/or cats allowed by the permit; or
 - ii. The owner fails to comply with the requirements, conditions, limitations, and restrictions specified in this ordinance; or
 - iii. A permit fee shall apply based on the current fee schedule at the time of application

SECTION 6. VACCINATIONS

- A. No person(s) shall own, keep, or harbor dogs and cats over four (4) months of age within the City of Roman Forest, unless such animal is vaccinated against rabies. In addition, cats must be vaccinated against rabies every twelve (12) months thereafter. Dog and Cat Vaccinations must be kept current.
- B. All dogs and cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians.
- C. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag provided by the veterinarian to be permanently attached to a collar or harness worn at all times when the animal is off the premises of the owner.

SECTION 7. WEARING OF COLLAR WITH TAG ATTACHED

- A. It shall be unlawful for any person to maintain or keep any pet on any premises within the corporate limits of the City of Roman Forest, unless such pet wears a collar or harness securely attached to its body to which shall be securely attached an identification tag (rabies license or name and address). Any animal not wearing a collar with an identification tag will be considered a stray.

SECTION 8. RESTRAINT AND CONTROL OF ANIMALS

- A. Any animal in the City of Roman Forest which poses a threat to the safety of pedestrians and/or vehicles on public roadways, on private, or public property, or attacks persons of other animals, shall be deemed a nuisance. A dog that causes a disturbance by excessive barking or other noisemaking shall be deemed a nuisance.
- B. No animal shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for the behavior of such dog or cat under the provisions of this Ordinance.
- C. It shall be unlawful to keep or harbor any animal or fowl which emits or makes any noise which by its character, volume or repetition is offensive to persons in the vicinity so as to disturb the quiet, comfort or repose of any person.
- D. All animals shall be kept under restraint. No owner shall fail to exercise proper care and control of his animals in order to prevent them from becoming a public nuisance, and the

owner of every animal shall be held responsible for every action of such animal under the provisions of this Ordinance and State Law.

- E. All dogs in city parks shall be on a leash. No dogs shall be permitted in any play area intended for the use and entertainment of children whether on a leash or not.
- F. It shall be unlawful for any person to restrain, cage or shelter any animal in the City of Roman Forest in front of any portion of a residence to include any portion of a front yard.
- G. When any animal is found running at large and its ownership is verified by the Animal Control Officer, the officer may exercise the option of serving the owner with a notice or citation of violation in lieu of impounding the animal.
- H. In the event that an animal has been identified as belonging to an individual and a reasonable effort has been made to contact the owner for purposes of confinement and/or issuance of citations, where no contact was made, the officer may issue a citation without the signature of the legal owner. A copy shall be mailed to the residence of the owner by U.S. Certified Mail with Return Receipt Requested. The mailing of such notice as provided herein shall constitute notice to the legal owner for all purposes.
- I. When any animal deposits feces on any property other than that owned by the animal's owner, it is the owner's responsibility to remove and dispose of said deposit. Failure to do so constitutes a nuisance punishable by a fine.
- J. The keeping of dogs or cats within the City in such manner or under such conditions as to cause the spread of germs liable to produce disease, noxious odors, noise, hazardous or dangerous to the public health, or which cause discomfort to the inhabitants of the locality wherein the same are kept, is hereby prohibited and declared to be a nuisance.
- K. All persons keeping animals within the City shall keep the premises upon which such animal is kept clean and free from noxious and unpleasant odors and shall use some control measure at reasonable intervals so as to keep such premises free from flies, mosquitoes, fleas and other insects. Premises must further be kept clean of animal feces, trash, and etc. as to not cause or create unhealthy, unsanitary, dangerous or offensive living condition, or create noxious and unpleasant odors.
- L. Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding. It shall be an affirmative defense to prosecution under this section that the dog or cat has been spayed.

SECTION 9. WARNING SIGN FOR GUARD DOGS

- A. It shall be unlawful for any person to leave any guard or attack dog unattended in any place inside any building unless a warning sign has been placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the premises, warning that a guard or attack dog is present. It shall be unlawful for any person to leave any guard or attack dog unattended in any place outside a building without a warning sign placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard dog or attack dog is present.

SECTION 10. ANIMALS LEFT IN VEHICLES

- A. Owners are encouraged to never leave animals in their vehicles, regardless of the weather conditions;
- B. Owners that intend on leaving their animal in their vehicle must provide shade, ventilation, water for hydration, and other reasonable items to ensure their animal's health.
- C. No owner or person shall confine any animal in a motor vehicle in such a manner that places the animal under physical duress by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold.
- D. No one shall leave an animal in a motor vehicle in the following conditions:
 - a. Temperature inside the vehicle is eighty (80) degrees Fahrenheit or higher or colder than thirty-two (32) degrees Fahrenheit, unless the breed of the dog is such that the dog can withstand freezing temperatures;
 - b. Weather emergency situations such as tornado watches or warning, significant rainfall with potential for flooding, or blizzard-like conditions. Animal Control and police officers can make reasonable judgements on what else constitutes a weather emergency.
- E. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or other person authorized by law, who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner.

SECTION 11. IMPOUNDMENT

- A. The Montgomery County Animal Control Officer will be requested to impound any dog or cat found running at large, deemed vicious or determined to be ill while not confined.
- B. Any animal removed to the Montgomery County Animal Shelter will be handled according to Montgomery County policies and procedures.

SECTION 12. RELEASING OR DUMPING ANIMALS

- A. No person shall dump, release, or abandon any animals or any property, whether public or private, within the City.
- B. Any person who keeps, harbors, feeds, shelters, or otherwise allows any stray animal or any animal which has been dumped, released or abandoned, to remain on this property or allows or permits egress and/or ingress for seven (7) or more days without notifying the animal control officer, shall hereby be deemed the owner of said animal.

SECTION 13. TORTURE, MISTREATMENT, POISONING, AND STRIKING OF PETS WITH VEHICLES

- A. Any owner who shall fail to provide his pet 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, shall be guilty of a misdemeanor. Pets must have access to adequate natural or artificial shade from direct sunlight at all times that is large enough to contain all outdoor pets at one time and is separate from any shade created from the designated shelter.

All pets shall have access to adequate shelter twenty-four (24) hours a day/ seven (7) days a week.

- a. If located outside, adequate shelter shall be a structure having, three (3) sides, and a roof; must be large enough to allow the pet to stand, sit, lay down, and make a full rotation. The use of a single shelter is acceptable as long as it allows all pets individually, or cohabitating, to stand, sit, laydown, and make a full rotation if all are inside at the same time.

All pets shall have access to adequate water twenty-four (24) hours a day/ seven (7) days a week;

- a. Water shall be clean, debris free, and cool enough to drink.

- b. The container in which the water is kept shall be large enough to contain enough water for the time the animals will be outside and shall be within reach of said pet(s).

Cats and dogs contained outside for longer than ten (10) minutes, with or without an owner who is immediately, physically, visually or obviously present and in competent command, shall adhere to this section.

- B. It shall be unlawful for any person to torture, torment, cruelly beat, mutilate or kill a dog or cat, or cause or procure a pet, to be treated as such, or for any person having charge or custody of a pet, either as owner or otherwise, to inflict unnecessary cruelty upon it.
- C. It shall be unlawful for any person to use, allow, or permit to be used animal fighting equipment.
- D. No person shall, at any time, tether, fasten, chain or tie any dog or cause such dog to be fastened, chained or tied while such dog is on the owner's property, or on the property of the owner's landlord, or on any property within the limits of the City unless said person is holding the restraint.

A person restraining a dog shall attach the restraint to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether or other restraint directly around a dog's neck or use a pinch-type, prong-type, or choke-type collar. The restraint used to manage a dog must, by design and placement, be unlikely to become tangled.

- E. It shall be unlawful for any person, except a licensed veterinarian for humanitarian purposes, to administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.
- F. It shall be unlawful for a person to shoot, kill or hunt feral and stray cats. Feral and stray cats may be trapped on private property to remedy nuisance issues.
- G. Any person who, as the operator of a motor vehicle, strikes a pet, shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the pet's owner. In the event the owner cannot be ascertained or located, such person shall immediately report the accident to the appropriate law enforcement agency.

SECTION 14. PROHIBITION OF SALES ON PUBLIC PROPERTY

- A. No person shall offer for sale or sell, trade, barter, give away, transfer for adoption or ownership any animal, including cat, kitten, dog or puppy, on any public road or street, public sidewalk, parking lot or public park within the city limits of Roman Forest.

SECTION 15. RABIES

- A. When a dog or cat, which has bitten a human, has been identified, the owner shall be required to place the animal in quarantine as required by the Rabies Control Act of 1981 and the amendments and rules of the Texas Board of Health in effect at that time. Expenses incurred by quarantine of animals, either vaccinated or unvaccinated, shall be the sole responsibility of the owner or custodian.
- B. Failure to place the animal in quarantine within a reasonable amount of time shall be a violation of the Ordinance and State laws, and the person shall be guilty of a Class "C" misdemeanor. For each and every day the animal has not been placed in quarantine, the owner shall receive a citation up to the tenth day of the bite.
- C. No wild animal will be placed in quarantine. All wild animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to the Texas Department of Health laboratory for rabies diagnosis.
- D. The body of any animal that has died of rabies shall not be disposed of except as directed by the local health authority director.
- E. Any person having knowledge of an animal bite to a human will report the incident to the local health authority director as soon as possible after the incident.
- F. Every veterinarian or other person who is called to examine or professionally attend any animal in the City of Roman Forest suspected of having rabies or other zoonotic diseases shall, within twenty-four (24) hours thereafter, report to the local health authority director the following facts:
 - a. A statement of the location of such diseased animal;
 - b. The name and address of the animal's owner; and
 - c. The type and character of the disease.
- G. Disposition of domestic animals exposed to rabies:
 - a. Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues shall be:

- i. Euthanized; or
 - ii. If sufficient justification for preserving the animal exists, the exposed animal should be immediately vaccinated against rabies, placed in confinement and strict isolation for six (6) months and given a booster vaccination one (1) month prior to release from isolation.
- b. Vaccinated animals, which have been bitten or otherwise significantly exposed to a rabid animal, should be.
 - i. Euthanized; or
 - ii. If sufficient justification for preserving the animal exists, the exposed vaccinated animal should be given a booster rabies vaccination and placed in confinement and strict isolation for three (3) months.
- c. These provisions apply only to domestic animals for which an approved rabies vaccine is available.

SECTION 16. ENFORCEMENT

- A. It shall be the duty of the Animal Control Officer, Chief of Police or any Roman Forest Police Officer to enforce this Ordinance. For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, the Animal Control Officer and/or any Roman Forest Police Officer is empowered at all reasonable time sand upon presentation of appropriate credentials, to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of a dog or cat of the certificate of vaccination registration for a dog or cat. It is further provided that any officer may enter, at all reasonable times and upon the presentation of appropriate credentials, the premises where an animal is kept in an allegedly cruel or inhuman manner and demand to examine and impound such animal, which in his opinion it requires human treatment. No officer shall, however, enter a private residence for the purpose of making an inspection under this Ordinance without first receiving permission from a lawful adult occupant of such residence or being authorized to inspect such residence by a magistrate or by order of a court of competent jurisdiction upon showing of a probable violation of the Ordinance.
- B. Upon attack by an animal, an Animal Control Officer, Chief of Police or any Roman Forest Police Officer can defend themselves or a complainant, at their discretion, taking such means as they deem necessary in that situation.

SECTION 17. INTERFERENCE

A person commits an offence if he/she interferes with, hinders, or molests the animal control officer or other party designated by the City of Roman Forest Police Department for said purposes, in the performance of duties delegated hereunder, or seeks to release any animal taken and held in

custody under the provisions of this Ordinance, except as herein provided. This offense is a Class "A" misdemeanor under the Texas Penal Code.

Tampering with traps and equipment prohibited;

No person shall remove, alter, damage or otherwise tamper with a trap or equipment belonging to or set out by the City of Roman Forest.

SECTION 18. BIRD SANCTUARY

A. The entire area embraced within the corporate limits of the City of Roman Forest is hereby designated as a bird sanctuary.

- a. It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wildfowl or to rob bird nests or wildfowl nests.
- b. It shall be unlawful for any person to shoot or attempt to shoot or kill with an air rifle, bow and arrow, slingshot or firearm or other means any wild bird within the City limits.
- c. It shall be unlawful for any person to ensnare or catch or attempt to ensnare or catch, by any means whatsoever, any wild bird within the city unless such ensnaring or catching is first approved by the local health authority.
- d. *Cairina moschata*, commonly known as Muscovy Ducks are not protected under this section.

State law reference(s) - Protection of birds, nests and eggs, Texas Parks and Wildlife Code Sections 64.002, 64.003.

SECTION 19. ENFORCEMENT AND PENALTIES

A person who shall violate any provision or provisions of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$500.00 for each violation. Each day in which any violation shall occur or continue shall constitute a separate offense.

SECTION 20. REPEALING CLAUSE

City of Roman Forest Ordinance No. 115-A dated 1977, Ordinance No. 149-A dated June 18, 1984, Ordinance No. 149-B dated June 18, 1984, Ordinance 304 dated October 21, 1996,

Ordinance No. 311-2004 dated February 19, 2004 and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby expressly repealed, and ordinances amending same.

SECTION 21. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

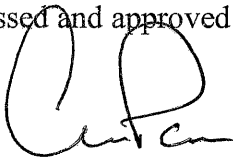
SECTION 22. EFFECTIVE DATE

This Ordinance shall become effective upon publication as provided by law.

SECTION 23. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given required Open Meetings Act, Texas Government Code, Chapter 551. Notice will also be provided as required by Chapter 52 of the Texas Local Government Code.

Passed and approved this 18th day of February, 2020.



Chris Parr, Mayor

ATTEST:


Kelly Belmore, City Secretary