

CITY OF BRONTE
LIVESTOCK AND FOWL ORDINANCE
NO. 19-11

This Ordinance is to provide a safe and healthy environment within the city limits of the City of Bronte, for livestock, a specific number of chickens, and the citizens of our community.

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ORDINANCE NO. 19-11

LIVESTOCK ANIMALS AND FOWL ORDINANCE

AN ORDINANCE OF THE CITY OF BRONTE, TEXAS; REGULATING THE KEEPING OF LIVESTOCK ANIMALS AND FOWL; REQUIRING A PERMIT FOR LIVESTOCK AND CHICKENS; DEFINING STANDARDS OF CARE AND PUBLIC NUISANCES; PROVIDING FOR IMPOUNDMENT AND REDEMPTION; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intent and purpose of this Ordinance to provide a safe and healthy environment within the corporate city limits of the City of Bronte, Texas, for livestock and the citizens of our community. While a person may own and keep livestock animals and a specify number of chickens within the city, the conduct of the owner and the conditions that the livestock or chickens are kept in, should be safe and healthy and not infringe on the surrounding homes and inhabitants. The State of Texas has set many State Laws and Statutes regarding livestock animals and the treatment of such, as well as criminal penalty for violations. The City Council of the City of Bronte, Texas finds that it is necessary to set regulations and policy for the ownership of any livestock animal and fowl in the corporate city limits of the City of Bronte. The City of Bronte has set forth easy to read regulations for the public as set forth by this municipality, and hereby declares the municipality will adopt and enforce any and all provisions of The State of Texas and its laws and statutes regarding livestock animals.

WHEREAS, set standards for care and treatment of livestock animals within the City of Bronte are necessary to protect the health, safety and welfare of the citizens of the City of Bronte and all livestock animals and;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BRONTE, TEXAS that the following provisions are hereby enacted as the Livestock Animals and Fowl Ordinance of the City of Bronte, Texas:

I. GENERAL ADMINISTRATION

SECTION 1 – INTERFERENCE WITH ANIMAL CONTROL OFFICER

- (A) This provision may be enforced by animal control officers, Coke County Sheriff's Department and such other persons as are designated by the city.
- (B) It shall be unlawful for any person to interfere with, obstruct, resist or oppose any animal control officer or other person authorized to enforce the provisions of this Ordinance while such person is apprehending an animal or performing other duties. It shall be unlawful to take or attempt to take any animal from any animal control officer or from any vehicle used by the officer to transport any animal or to take or attempt to take any animal from the confinement area used to impound an animal.
- (C) In all instances of a violation of any provision in this Ordinance, whether the animal is impounded or not, the owner or keeper of such animal may be cited by the Coke County Sheriff's Department who has the authority enforce this Ordinance for any violation.
- (D) Animal control officers and the Coke County Sheriff's Department shall have the authority to shoot any animal to protect themselves, to protect a third party or to protect another animal from attack or threat of imminent injury or to prevent such animal from enduring further pain or suffering as a result of disease or injury. They shall also have the authority to tranquilize or trap any animal, fowl, livestock or wildlife.

SECTION 2 – RECORDS

It shall be the duty of the Coke County Sheriff's Department, or City Officers, or designee to keep or cause to be kept, accurate and detailed records of:

- (A) Impounding and Disposition. Impoundment and dispositions of all animals coming into his custody. Such records shall be kept for a period of at least three (3) years and shall give the description of all animals impounded, date of

impounding, date of sale, or other disposition, the amount of money received from the sale, and the name and address of the purchaser.

- (B) Monies Received. Records regarding monies received under the provision of this Section shall be open to inspection at reasonable times by persons responsible for similar records of the city and shall be audited by the city auditor annually in the same manner as other city records are audited.

SECTION 3 – TEXAS CODE THAT GOVERN LIVESTOCK ANIMALS AND NONLIVESTOCK

THE FOLLOWING LIST ARE SPECIFIC STATE LAWS, BUT NOT LIMITED TO, THAT WILL BE ENFORCED.

- Texas Agriculture Code, Title 6, Subtitle A: Bees and Nonlivestock Animal Industry. These sections discuss bees, aquaculture and eggs.
- Texas Agriculture Code, Title 6, Subtitle B: Livestock. This subtitle covers many aspects of livestock regulation. Topics include estrays, fencing, slaughter of animals, brands and marks, sale of certain species for food (such as bison and horses), and sales in general.
- Texas Agriculture Code, Title 6, Subtitle C: Control of Animal Diseases and Pests. This section discusses the prevention of particular diseases as well as the authority of the Texas Animal Health Commission.
- Texas Health and Safety Code, Chapter 821. This chapter, "Treatment of Animals," discusses the treatment of animals that are impounded or seized, outlining the process when local officers seize an animal due to cruel treatment.
- Texas Health and Safety Code, Chapter 822, Subchapter B. This chapter describes the circumstances under which a dog or coyote may be killed in relation to an attack on livestock.
- Texas Penal Code, Chapter 42, Section 42.09. This section sets out the criminal offense known as "Cruelty to Livestock Animals."
- Texas Penal Code, Chapter 42, Section 42.105. This section sets out the criminal offense known as "Cockfighting."
- Texas Property Code, Chapter 70, Section 70.003. This section, "Stable Keeper's, Garageman's, Pasturer's, and Cotton Ginner's Liens," discussed the process of placing a lien on an animal when the owner fails to pay the amount charged for its care.
- Texas Administrative Code, Title 4, Part 1. These regulations from the Texas Department of Agriculture cover eggs, aquaculture, livestock facilities, and assorted marking incentive programs.
- Texas Administrative Code, Title 4, Part 2. The regulations from the Texas Department of Health Commission cover a variety of animal diseases and lists mandatory reporting of certain diseases.
- Texas Administrative Code, Title 31, Part 2. Texas Parks and Wildlife regulations related to commercially raising certain products.

SECTION 4 – DEFINITIONS

Abandonment means abandoning any animal in the person's custody without making reasonable arrangements for assumption of custody by another person.

Animal control officer means any person designated by the City of Bronte or the Coke County Sheriff's Department.

At Large. At large is any animal not restrained.

Estray. Means any stray horse, stallion, mare, gelding, filly, colt, mule, ninny, jack, jennet, swine, sheep, goat or head of any species of cattle.

Fowl. Shall include "poultry" and is any bird that is kept for its meat or eggs and includes, but not limited to chickens, hens, roosters, ducks, geese, and guineas; being any barnyard birds, pigeons, emus, ostriches, and rheas.

Livestock. Shall include any horse, donkey, stallion, mare, gelding, filly, colt, mule, ninny, jack, jennet, swine, sheep, goat or head of any species of cattle.

Local Health Authority means any person, Animal Control Officer, or local authority designated by the City Council of Bronte, Texas; Coke County Sheriff's Department, or Municipal Judge.

Owner means any person who owns, keeps, harbors, controls, feeds, shelters or aids any animal; or any person who is the owner's agent left in charge of an animal or any person who states that he will be responsible for an animal.

II. KEEPING OF LIVESTOCK ANIMALS AND CHICKENS

SECTION 1 – MINIMUM ACREAGE REQUIREMENT DETERMINED AND NUMBER OF LIVESTOCK LIMITED

(A) It shall be unlawful for any person to keep livestock within the corporate city limits of the City of Bronte, Texas unless you have (1.00) acre or more of land, and all livestock animals must be confined to a designated premise for grazing purposes.

(B) It has been determined that one (1) animal unit shall be permitted to graze on a one (1.00) acre tract of land, and additional one (1) animal units to be allowed with additional acreage based on the same calculations, and as long as there is enough forage to feed the livestock. One (1) animal unit equals as follows:

1. One (1) cow and calf;
2. One (1) horse;
3. One (1) mule;
4. Two (2) Show Steers;
5. Six (6) sheep;
6. Six (6) goats.

(C) All livestock enclosures, barns, sheds, or pens must be set a minimum distance of fifty feet (50') from any residence, structure, private or public place where people reside or gather.

(D) All enclosures, barns, sheds or pens must have at least 1,750 square feet for each animal unit for utilization. The requirement of square footage shall be cumulative as to the total animal units. The same square footage cannot be used concurrently as to different types of units, but to the extent that there may be different species or animals located thereon.

SECTION 2 – NUMBER OF CHICKENS LIMITED WITH ENCLOSURE REGULATIONS

- (A) It shall be unlawful for any person to keep any fowl within the corporate city limits of the City of Bronte, Texas, other than six (6) chickens and one (1) rooster with the following stipulations:
- (1) Must obtain an annual permit from the City of Bronte;
 - (2) Must confined chickens to an enclosure, pen, hutch or coop;
 - (3) Chickens are not allowed to run or fly at large or go upon the premises of another person;
 - (4) Chicken coops or enclosure are prohibited from being in the front yard or seen from the front yard of any residential dwelling;
 - (5) All chicken coops or enclosures must have a distance of at least fifty feet (50') from any residence, structure, private or public place where people reside or gather;
 - (6) All chicken enclosures, coops or hutches must be clean and disinfected to prevent build-up of debris, manure, broken egg material, droppings and dirt, which could attract insects, rodents, and wildlife carrying disease agents; Must keep all water and food free of contamination and receptacles clean and sanitary.
 - (7)
 - (8) Chicken enclosures or coops cannot be located on a lot or tract of land by itself or as a standalone unit;
 - (9) All other forms of fowl are hereby prohibited in the corporate city limits of Bronte.

SECTION 3– PROHIBITION OF SWINE IN THE CITY LIMITS

It shall be unlawful for any person to keep or maintain swine, being pigs or hogs, in the corporate city limits of Bronte. This provision is not intended to apply to school Ag. Programs, FFA or 4-H, supervised by school officials or county agents nor exhibitions utilizing livestock, as long as such animals and land meet all requirements stated in this Ordinance.

SECTION 4– REQUIREMENT OF CITY PERMIT FOR LIVESTOCK AND CHICKENS

Any person desiring to keep livestock or chickens within the corporate city limits of Bronte must complete a Livestock and Chicken Permit Application through the City and pay the permit fee set by the City Council in the Fee Schedule Ordinance. Permit applications will be review by our Code Enforcement Official. The Code Enforcement Official will inspect the purposed tract of land to verify all requirements are met, and then the findings of such will be reported to the City Council for approval before a livestock and/or chicken permit will be issued. The City Council shall retain the right to approve or reject the applicant's request for a livestock and/or chicken permit. In addition, the City Council shall have the right to revoke any livestock and/or chicken permit if it finds that non-compliance of the provisions set forth in this Ordinance. A person must have a valid permit to be compliant. Any livestock permit given is good for one (1) year if not revoked. The permit ends on December 31st of every year and a new permit application must be presented prior to the expiration.

III. DETERMINED PUBLIC NUISANCE- LIVESTOCK ANIMAL AND CHICKENS

This Section has set provisions for all livestock animal ownerships. Any livestock animal owner must always abide by these terms. These provisions of this Section will be enforced and hereby declared a public nuisance. It shall be unlawful for any person to own or maintain a livestock animal in such a manner as to constitute a public nuisance. The following acts shall constitute a public nuisance:

- (A) Failure to obtain an annual livestock permit from the City of Bronte.
- (B) Failure to restrain any livestock animal.
- (C) It shall be unlawful if any livestock animal at large damages public or private property.
- (D) An animal that defecates on property not belonging to or under the control of its owner.
- (E) It shall be unlawful to permit an animal to bawl, whine, howl, crow, cackle, or make any other noise excessively and for more than ten (10) consecutive minutes to the discomfort of the people and quiet of the neighborhood, or which makes any unreasonably loud, disturbing and unnecessary noise which is offensive to the ordinary sensibilities of the inhabitants of the city and which noise renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.
- (F) It shall be unlawful to herd livestock along or upon any public right-of-way, except by officers, agents, or employees of the federal, state, or local government or agency; thereof, if such herding is done in the performance of official duties.
- (G) It shall be unlawful for the owner or custodian of any dead animal which is not intended as food for human consumption, to permit or allow such dead animal to remain upon the premises.

IV. CARE AND TREATMENT OF LIVESTOCK ANIMALS AND CHICKENS

SECTION 1 – ADEQUATE FOOD, WATER AND SANITARY ENVIRONMENT

An animal owner must comply with the following rules:

- (A) Must maintain a sanitary environment for all livestock.
- (B) Excretion must be promptly removed from the property and all enclosures, barns, sheds or pens as often as necessary to prevent contamination of the inhabitants and to reduce disease, hazards, odors rodents, and flies.

- (C) Must have enough forage for the number of animal units grazing.
- (D) Must keep all water and food free of contamination and receptacles clean and sanitary.
- (E) Water must always be available, and containers shall be filled as needed.

SECTION 2 – TREATMENT OF LIVESTOCK ANIMALS AND CHICKENS

Brutal and inhumane treatment of any livestock animal is strictly prohibited, and further described, as follows:

- (A) Torturing any livestock animal;
- (B) Failure to provide food, care and shelter;
- (C) Abandoning any livestock animal;
- (D) Transporting or confining any livestock animal in a cruel manner;
- (E) Killing, seriously injuring or poisoning any livestock animal;
- (F) Injuring any livestock animal belonging to another person.

V. RESTRAINT AND CONFINEMENT OF LIVESTOCK ANIMALS AND CHICKENS

Any owner of livestock animals must maintain proper fencing and gates to keep all livestock from being at large. Any owner of chickens must maintain proper enclosure, coops or hutches to keep all chickens and rooster from being at large. In the event livestock animals and/or chickens are repeatedly at large, specifically, more than two (2) times in a 12-month period, the landowner's livestock permit and/or chicken permit will be revoked.

VI. IMPOUNDMENT AND REDEMPTION

SECTION 1 – IMPOUNDMENT OF LIVESTOCK

The Coke County Sheriff's Department may remove and impound any estray livestock pursuant to the procedures found in V.T.C.A., Agriculture Code Chapter 142, or successor statute.

SECTION 2 – IMPOUNDMENT OF FOWL

Any City Officer or their designee thereof or the Coke County Sheriff's Department may remove and impound any fowl found running at large within the corporate city limits.

SECTION 3 – DISPOSITION OF UNCLAIMED IMPOUNDED ANIMALS

Any impounded fowl which is not timely reclaimed or adopted; or found to be infected with rabies; or seriously injured; or determined by the Coke County Sheriff's Department, City of Bronte, or their designee, to be unsalable shall forthwith be destroyed. The Coke County Sheriff's Department and the City of Bronte shall make all decisions as to the condition, status, and disposition of such animal.

SECTION 4 – CONFINEMENT OF ANIMAL BY OWNER OR PRIVATE PREMISES

If any animal is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal, temporarily pending its release of the Coke County Sheriff's Department, City of Bronte, or their designee, or to the true owner of such animal.

SECTION 5 – NOTICE OF VIOLATION

Where the ownership of a fowl found not restrained properly is known, a Notice of such violation must be issued by the Coke County Sheriff's Department, City of Bronte, or their designee to such owner. Upon issuance of any such Notice,

the Coke County Sheriff's Department, City of Bronte, or their designee, shall file a complaint with the Municipal Court and request that the Violator be summoned to appear in Municipal Court and answer to such charges.

SECTION 6 – NOTICE TO OWNER OF TAGGED ANIMALS

Upon impounding animals found with current livestock permit or other identifying tags, the Coke County Sheriff's Department, City of Bronte, or their designee shall make a reasonable effort to notify the owners of such animals so Impounded, and of the conditions whereby they may regain possession of such animals.

SECTION 7 – REDEMPTION REQUIREMENT

Any animal impounded under the provisions of this Article may be reclaimed by the owner upon the payment of all impoundment fees, as set by the City Council in the Fee Schedule Ordinance.

SECTION 8 – DISPOSITION OF UNCLAIMED OR UNREDEEMED ANIMALS

After the requirements of Notice, as set forth in Section 5 and Section 6, and the expiration of the seventy-two (72) hour holding period, any impounded animals that is unclaimed or unredeemed shall become the property of the City of Bronte which shall have the following powers:

- (A) Authority to Transfer Ownership. The Coke County Sheriff's Department, the City of Bronte, or their designee may transfer ownership of any impounded animal that is unclaimed or unredeemed. In the event of such transfer of ownership, the person or agency to whom ownership is transferred, must pay for the animal's food and care while confined, and must comply with the applicable vaccination requirements.
- (B) Donated, Sick, Not Weaned or Injured Animals. The Coke County Sheriff's Department, the City of Bronte, or their designee may destroy any animal by a humane method if the animals are not weaned, so sick or injured that its cure is impracticable, or its death is imminent. In any such events, such destruction may be done immediately without Notice or any waiting period.
- (C) Sale at Public Auction. The Coke County Sheriff's Department or City of Bronte may sell any fowl impounded under this provision of this Article at a public auction, after having held such animal for a minimum of five (5) days and after having published notice of such sale together with a general description of the animal or animals to be sold. Such notice shall appear one (1) time at least five (5) days prior to the date of the sale and shall state that such animals or animals will be sold to defray cost if not reclaimed prior to such date. The proceeds of any such sale shall be used to defray sale expenses and expenses of taking up and keeping of such animal. The balance, if any, shall be paid to the owner of the animal, if known, and if such owner if unknown, such balance shall be paid into the city treasury. Within six months after such sale, an owner may, upon proof of such ownership satisfactory to the City Council, be entitled to receive the amount paid into the city treasury because of such sale

VII. REPORT BITE CASES, QUARANTINE REGULATIONS, AND KILLING AND REMOVAL OF RABID ANIMALS

SECTION 1 – PHYSICIAN AND GENERAL PUBLIC MUST REPORT ALL BITE CASES

- (A) It shall be the duty of every physician or other practitioner to report to the Coke County Sheriff's Department the names and addresses of persons treated for bites inflicted by animals; together with such other information as will be helpful in rabies control.
- (B) It shall be the duty to every person owning or having possession of an animal which has bitten a person, or another animal, to report the same to the Coke County Sheriff's Department. At the discretion of Sheriff's Department, the animal must be confine in an enclosure, or to securely hold the animal in a closed, padlocked cage for the observation and examination by the Coke County Sheriff's Department. As an alternative to the observation and

examination phase, the Coke County Sheriff's Department may give authority to the City of Bronte to take the animal to a licensed veterinarian for the purpose of determining whether such animal has rabies. No person having custody or possession of such animal shall fail, refuse, or neglect to allow the authorities to inspect or examine such animal for the purpose of determining whether such animal has rabies.

SECTION 2 – QUARANTINE REGULATION PATHOLOGICAL EXAMINATION

- (A) The Animal Which Bit a Victim. Observation Period. Every animal which bites a person or another animal, or which is suspected of having bitten a person shall be promptly reported to the Coke County Sheriff's Department or City of Bronte and shall thereupon be securely quarantined for a period of ten (10) days.
- (B) Quarantine Places. Quarantine shall be secured at the following options:
 - (1) A state approved rabies quarantine facility in which case the owner of the animal suspected of having rabies, shall pay the usual impoundment fees;
 - (2) A licensed veterinary hospital, upon the owner's request and at his expense;
 - (3) Home quarantine is subject to the approval of the Coke County Sheriff's Department or the City of Bronte with the following requirements:
 - (a) The owner of the animal is a resident of the City of Bronte and has proper confinement facilities at his residence;
 - (b) The owner of the suspect animal agrees that he will have the animal inspected by a licensed veterinarian immediately following the ten (10) day period and agrees to furnish the Coke County Sheriff's Department and the City of Bronte with a Certificate of Health showing the animal to be free of rabies; and
 - (c) The animal was not in violation of any laws or ordinances at the time of the possible exposure; and
 - (d) The animal is currently vaccinated; and
 - (e) The animal can be observed daily by the local authority.
- (C) Surrendered by Owner. Expense. Upon demand made by the Coke County Sheriff's Department, City of Bronte, or their designee, it shall be unlawful for the owner to fail to surrender any animal which has bitten a person or another animal, or which is suspected of having been exposed to rabies, for quarantine. The expense of such quarantine will be to the owner of the animal who has bitten a person or another animal.
- (D) Release to the Owner. The quarantined animal may be reclaimed by the owner when it is adjudged free of rabies, upon payment of the impoundment fees, quarantine fees and another other expense related to the incident, and upon compliance with the vaccination requirement of this Article.
- (E) Pathological Examination- Local Authority Notified. When an animal under quarantine is diagnosed by a licensed veterinarian as being rabid or suspected of being rabid or dies while under observation, it shall be humanely destroyed, and the local authorities shall immediately send the head of such animal to the State Health Department for pathological examination. The Coke County Sheriff's Department shall notify the proper public health official with the reports of human contact and the diagnosis made of the suspected animal from the pathological examination.
- (E) Animal Bitten by Rabid Animals. Any unvaccinated animal bitten by another animal suspected of having rabies or known to be rabid, shall be immediately destroyed, or shall be surrendered to the Coke County Sheriff's Department or Home Quarantine for a period of ten (10) days, and shall be vaccinated immediately, plus revaccinated any animal suspected of being or known to be rabid shall be immediately vaccinated and surrendered to the Coke County Sheriff's Department for a period of ten (10) days of quarantine. In the event, the biting animal is found not to be rabid, the bitten animal shall be released. Said animal shall be quarantined at the owner's expense and said expense shall be paid in advance for each day the animal is in quarantine, or the animal shall become the property of the City of Bronte, and shall be immediately disposed of in a humane manner; provided however, that the Coke County Sheriff's Department, City of Bronte, or their designee may permit the quarantine of the bitten animal for the required period in a licensed veterinary facility, at the owner's option and expense.

SECTION 3 – CITY WIDE QUARANTINE

- (A) Condition Quarantine Period. The City Council of the City of Bronte, upon the recommendation of the Coke County Sheriff's Department, City of Bronte, or their designees, a city-wide quarantine shall be invoked for a period of thirty (30) days, after the City Council has been notified by the State Health Department of a positive diagnosis of rabies of an animal or after an investigation has determined there is an existing immediate threat of rabies.
- (B) Extended Time Frame. In the event there are additional positive cases of rabies occurring during said thirty (30) day period of the existing city-wide quarantine, such period of quarantine may be reasonably extended for an additional period, or a reasonably determined duration.
- (C) Animals in Public. It shall be unlawful for any person to permit any animal to be at large or for any person to have an animal in a public place during the time of the quarantine.

SECTION 4 – KILLING A RABID ANIMAL AND REMOVING FROM THE CITY LIMITS

It shall be unlawful for any person to kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a person or another animal or suspected of biting a person or another animal. It is also unlawful to remove the same from the corporate city limits of Bronte without written permission from the Coke County Sheriff's Department or the City of Bronte.

Any carcass of any dead animal suspected of having been exposed to rabies shall, upon demand, be surrendered to the Coke County Sheriff's Department, City of Bronte, or their designee. It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine, destruction, or disposal as required when demand is made by the local authorities.

SECTION VIII – VIOLATIONS AND PENALTIES

Any person, firm, or corporation found guilty of violating any of the provisions or terms of this ordinance shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; together with all costs associated with such prosecution. Each and every day the offense continues shall be deemed to constitute a separate offense. In addition to and cumulative of all other penalties, the City of Bronte shall have the right to seek injunctive relief for any and all violations of the Ordinance.

SECTION IX - SEVERABILITY

If any section, paragraph, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the Ordinance as a whole or any part of provision thereof, other than the part so deemed to be invalid or unconstitutional.

SECTION X - EFFECTIVE DATE

This ordinance shall become effective upon adoption by the City Council and after publication as required by the Texas Local Government Code.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Bronte, Texas, this 19th day of SEPTEMBER, 2019.


Paul Gohman, Mayor

ATTEST:


Teresa Ballard, City Secretary