

ORDINANCE 16-08-1015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, REPEALING VARIOUS SECTIONS OF CHAPTER 4, ENTITLED "ANIMAL CONTROL", INCLUDING BUT NOT LIMITED TO VARIOUS SECTIONS OF ARTICLE 4.01, ENTITLED "GENERAL PROVISIONS", VARIOUS SECTIONS OF ARTICLE 4.02 ENTITLED "ANIMAL SHELTER ADVISORY COMMITTEE", VARIOUS SECTIONS OF ARTICLE 4.03, ENTITLED "REGISTRATION OF DOGS AND CATS", VARIOUS SECTIONS OF ARTICLE 4.04 AND RENAMING ARTICLE 4.04 TO BE ENTITLED "LIVESTOCK, FERRETS, REPTILES, FOWL, RABBITS AND BEES", VARIOUS SECTIONS OF ARTICLE 4.05, ENTITLED "DANGEROUS ANIMALS", VARIOUS SECTIONS OF ARTICLE 4.06, ENTITLED "RABIES CONTROL", VARIOUS PROVISIONS OF ARTICLE 4.07, ENTITLED "IMPOUNDMENT" AND REPEALING THE EXISTING SECTION A4.001 ENTITLED "ANIMAL CONTROL FEES" OF ARTICLE A4.000 ENTITLED "ANIMAL CONTROL FEES" OF APPENDIX "A", ENTITLED "FEE SCHEDULE" AND ADOPTING A NEW SECTION A4.001 ENTITLED "ANIMAL CONTROL FEES" OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALER CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500), EXCEPT THAT VIOLATIONS OF PUBLIC HEALTH AND SAFETY REGULATIONS SHALL BE SUBJECT TO A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000), FOR EACH DAY OR PORTION THEREOF THAT A VIOLATION OCCURS OR CONTINUES; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Murphy, Texas (the "City") recognizes the need for laws regulating animals located within the City to protect the health, safety, and welfare of the public and for the humane treatment of animals; and

**WHEREAS**, staff has reviewed the existing Animal Control Ordinance codified in Chapter 4 entitled "Animal Control" of Title I, entitled "General Ordinances" of the Code of Ordinances of the City of Murphy, Texas and has determined that various regulations contained in Chapter 4 are in need of amendment, and that in addition to adopting amendments, it is necessary to adopt new sections of Chapter 4 to regulate the keeping of bees, the keeping of pigeons, interference with Animal Control Officer, and specifying prohibited locations for the sale of animals; and

**WHEREAS**, in an effort to provide its citizenry with efficient and up to date regulations, the City has determined the need to adopt new regulations governing animal control; and

**WHEREAS**, the City has the authority and the power to adopt regulations relating to the control of the public health of its citizens, the City Council hereby finds and declares that it is in the interest of the public health, safety and general welfare to establish the regulations set forth in this ordinance for the control of animals within the limits of the City of Murphy.

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

**SECTION 1.  
INCORPORATION OF PREMISES**

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.  
AMENDMENTS**

**2.01** Section 4.01.001 entitled "Definitions" of Article 4.01, entitled "General Provisions" of Chapter 4, entitled "Animal Control" of Title I, "General Ordinances" of the Code of Ordinances of the City of Murphy is hereby amended to adopt definitions for "Colony", "Domestic or Domesticated Animal", "Hive", and "Invisible Fence", and to add those terms to the list of existing definitions in alphabetical order, and to amend the definition for "Owner" and for "Running at large, run at large, or at large" each of which shall be and read in their entirety as follows and all other provisions of Section 4.01.001 not expressly amended hereby shall remain the same:

**Sec. 4.01.001      Definitions**

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

*"Colony.* A Hive and its equipment and appurtenances including bees, comb, honey, pollen and brood."

*"Domestic or Domesticated Animal.* Includes livestock, caged or penned fowl other than animals belonging to the class Aves, order Falconiforms and subdivision Raptae, normal household pets such as but not limited to

dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small nonpoisonous reptiles or nonpoisonous snakes.”

“Hive. A structure intended for the housing of a bee colony.”

“Invisible Fence. An electronic device or other similar device, whether with a cord or wireless, utilized to restrain an animal upon property.”

“Owner. Any person, partnership, corporation, association or legal entity that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal remains for seventy-two (72) hours or more shall be reputedly presumed to be the owner of the animal, unless the animal has been reported to Animal Control as a stray animal. An occupant of any premises on which a domestic animal remains or customarily returns to is an owner for purposes of this chapter. If a person under the age of seventeen (17) years owns an animal the parent, legal guardian, or the head of household shall be the owner for purposes of this chapter. There may be more than one (1) person responsible for an animal. This term shall include persons who are in temporary possession of the animal, including but not limited to pet sitters and trainers.”

“Running at large, run at large, or at large.

(1) At Large Off premises. Any dog which is not restrained by means of a leash or chain of not more than fifteen (15) feet in length and such leash or chain is of sufficient strength to control the actions of such animal while off premises.

(2) At Large On premises. Any dog not confined by premises of owner by a substantial visible fence of sufficient strength and height to prevent the animal from escaping therefrom, or secured on the premises by a metal chain or leash sufficient in strength to prevent the animal from escaping from premises and so arranged that the animal will remain upon the premises when the leash is stretched to full length.

(3) A dog intruding upon the property of another person other than the owner shall be termed “at large.” Any animal within an automobile or other vehicle of its owner or owner’s agent shall not be deemed “at large.”

**2.02.** Section 4.01.003 entitled “Authority to enforce” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.01.003 shall be entitled “Authority to Enforce; Interference with Animal Control Officer;

False Claims/Reports” and regulations regarding interference with animal control and filing false claims are hereby adopted as set forth below so that Section 4.01.003 shall be and read in its entirety as follows:

**“Sec. 4.01.003 Authority to Enforce; Interference with Animal Control Officer; False Claims/Reports**

(a) The animal control supervisor or designee is designated as the local rabies control authority for the purposes of V.T.C.A., Health and Safety Code Chapter 826, as amended. The local rabies control authority shall enforce:

(1) The Rabies Control Act of 1981, V.T.C.A., Health and Safety Code Chapter 826, as amended, and the rules adopted by the state board of health that comprise the minimum standards for rabies control;

(2) The ordinances and rules of the city; and

(3) The rules adopted by the state board of health under the area rabies quarantine provisions of V.T.C.A., Health and Safety Code sec. 826.045, as amended.

(b) A person commits an offense if the person fails to comply with any lawful order of an animal control officer issued by the officer during the enforcement of this chapter, state, local or federal laws.

(c) A person commits an offense if the person prevents, interferes with, obstructs, or gives false information to any animal control officer who is lawfully discharging duties under this chapter, state, local or federal laws.

(d) For purposes of discharging duties imposed by the provisions of this chapter, or other applicable laws, and to enforce the same, an animal control officer may enter upon private property to the full extent permitted by law, which shall include, but not be limited to, entry upon private unfenced property, except dwellings located thereon, when in pursuit of any animal which he has reason to believe is subject to impoundment pursuant to the provisions of this chapter or other applicable laws.

e) All animal control officers of the city shall have the authority to issue citations for any violation of this chapter and shall have all other authority or duty stated within the terms of this chapter.

(f) Any animal control officer or police officer shall have the authority to humanely euthanize and/or destroy any animal in accordance with the provisions of this chapter.

(g) A person commits an offense if the person makes a claim of ownership for an animal that they know is false.

(h) A person commits an offense if the person makes a report of a violation of city ordinance or state, local or federal law that they know is false.”

**2.03.** Section 4.01.004 entitled “Limitation of number of animals” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended to add subsection 4.01.004 (b) which shall be and read in its entirety as follows and all other provisions of Section 4.01.004 not expressly amended hereby shall remain the same:

**“Sec. 4.01.004      Limitation of number of animals**

...

“(b) It shall be unlawful for any Person to keep within the city, in any residential district, more than four (4) adult domesticated animals of the same species on a residential lot. The residence shall be permitted to keep one (1) litter only at any given time.”

**2.04.** Section 4.01.006 entitled “Conditions constituting nuisance” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.01.006(a) and Subsection 4.01.006(b) shall be and read in their entirety as follows and all other provisions of Section 4.01.006 not expressly amended hereby shall remain the same:

**Sec. 4.01.006      Conditions constituting public nuisances**

“(a) A person commits an offense if he knowingly harbors an animal that unreasonably barks, howls, crows or makes other unreasonable noise near a private residence that disturbs the peace and quiet of any person of ordinary sensibility.

(1) A person who is disturbed by an animal that unreasonably barks, howls, crows or makes other unreasonable noise near a private residence may file a complaint with the animal control division. A complaint must include the name and address of the complainant, the exact address of the

disturbance, the type of animal causing the disturbance and the times that the animal is causing the disturbance.

(2) An animal control officer shall hand-deliver or mail the owner of the animal a notice that a disturbance complaint has been received.

(3) If an owner continues to allow his animal to cause a disturbance after the receipt of the notice of complaint, the complainant may file a complaint in writing with the municipal court.

(b) It shall be unlawful for the owner to permit, either willfully or through failure to exercise care and control, any such dog or other domesticated animal to defecate upon the sidewalk or parkway or any public street, or upon the floor of any common hall in any entranceway or stairway, or upon any wall of any public place or building or public park, and any private property not his own, if the owner or handler of the offending animal fails to remediate or clean up the waste deposited by the animal.”

**2.05.** Section 4.01.007 entitled “Animal care rules” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended to revise subsection 4.01.007(d) and to add a new subsection 4.01.007(f) which shall be and read in their entirety as follows and all other provisions of Section 4.01.007 not expressly amended hereby shall remain the same:

**“Sec. 4.01.007 Animal care rules**

....

(d) It shall be unlawful for a person to use a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object in violation of state law, or in a manner that could potentially harm the animal or the public.

...

(f) It shall be unlawful for any person to utilize an invisible fence, wireless containment device or other similar device to restrain an animal as their primary fence.”

**2.06.** Section 4.01.008 entitled “Cruelty to animals” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.01.008(6) shall be and read in its entirety as follows all other provisions of Section 4.01.008 not expressly amended hereby shall remain the same:

**Sec. 4.01.008 Cruelty to animals**

The following regulations are established for pet and animal care and are not intended to contravene the provisions for animal cruelty as contained in Texas Penal Code 42.09 and 42.092, as amended.

...

“(6) No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal’s health or safety. Any animal control officer or police officer is authorized to use reasonable force, including the breaking of any side window, to remove the animal from a vehicle whenever it appears the animal’s health or safety is or soon will be endangered, and said neglect or endangered animal shall be impounded.”

**2.07.** Section 4.01.009 entitled “Selling baby fowl or rabbits” of Article 4.01, entitled “General Provisions” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended to be entitled “Selling baby fowl or rabbits; dyed fowl or rabbits; prohibited locations” and to add subsection 4.01.009 (c) which shall be and read in its entirety as follows all other provisions of Section 4.01.009 not expressly amended hereby shall remain the same:

**Sec. 4.01.009 Selling baby fowl or rabbits; dyed fowl or rabbits; prohibited locations**

”(c) It shall be unlawful for any person to sell, exchange, trade, barter, lease, rent, give away, or display for a commercial purpose any live animal on any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, flea market, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized.”

**2.08.** Section 4.02.001 entitled “Animal shelter advisory committee” of Article 4.02, entitled “Animal Shelter” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.02.001(c) entitled “Duties” shall be and read in their entirety as follows and all other provisions of Section 4.02.001 not expressly amended hereby shall remain the same:

**Sec. 4.02.001 Animal shelter advisory committee**

“(c) Duties. The animal shelter advisory committee shall be limited to the following tasks and responsibilities:

(1) The animal shelter advisory committee shall meet to discuss ideas that will help ensure that the animal shelter is in compliance with the department of state health services rules pertaining to animal shelters;”

**2.09.** Section 4.02.002 entitled “Removal of animals from animal shelter; abandonment of animals at animal shelter” of Article 4.02, entitled “Animal Shelter” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.02.002(b) and Subsection 4.02.002 (c) shall be and read in their entirety as follows and all other all other provisions of Section 4.02.002 not expressly amended hereby shall remain the same:

**Sec. 4.02.002 Removal of animals from animal shelter; abandonment of animals at animal shelter**

...

“(b) A person commits an offense if he abandons an animal at the City animal shelter without the authorization of the City or abandons an animal at any location within the City.

(c) In addition to other applicable offenses under this Chapter, a person commits an offense if he is the Owner of an animal, and after being notified that the City has possession of his animal, he leaves an animal unattended at the city animal shelter.”

**2.10.** Section 4.03.003 entitled “Duplicate certificates” of Article 4.03, entitled “Registration of Dogs and Cats” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.03.003 shall be and read in its entirety as follows:

**Sec. 4.03.003 Duplicate certificates**

“If the original current metal registration certificate is lost or destroyed, the owner may obtain a duplicate registration from the animal control division for the fee in accordance with the adopted fee schedule in Appendix A of this code.”

**2.11.** Section 4.03.004 entitled “Expiration” of Article 4.03, entitled “Registration of Dogs and Cats” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances”

of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.03.004 shall be entitled "Registration Expiration" and shall be and read in its entirety as follows:

**Sec. 4.03.004 Registration Expiration**

"A tag shall be valid only for the animal for which it was originally issued. The Owner shall obtain a city registration within thirty (30) days following receipt of the rabies vaccination of any dog or cat. The registration and tag shall be renewed by Owner on an annual basis."

**2.12** Article 4.04 entitled "Livestock, Ferrets, Reptiles, Fowl and Rabbits" of Chapter 4, entitled "Animal Control" of Title I, "General Ordinances" of the Code of Ordinances of the City of Murphy is hereby amended so that Article 4.4 shall be entitled "Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees".

**2.13.** Section 4.04.001 entitled "Livestock" of Article 4.04, entitled "Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees" of Chapter 4, entitled "Animal Control" of Title I, "General Ordinances" of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.04.001(a), entitled "Keeping swine", Subsection (b) entitled "Number of horse", Subsection (d) entitled "Requirements for pens and enclosures" and Subsection (g) entitled "Reporting of livestock" shall be and read in their entirety as follows and all other all other provisions of Section 4.04.001 not expressly amended hereby shall remain the same:

**Sec. 4.04.001 Livestock**

"(a) Keeping swine. It shall be unlawful for a person to keep any swine within the city limits."

"(b) Number of livestock. It shall be unlawful for any person or corporation to keep livestock on any premises the overall area of which is less than one acre. The number of livestock permitted shall not exceed two adults (over six months of age) for the first one acre and one adult for each additional one half acre. The number of livestock less than six months of age and horses (miniature variety), sheep, goats less than 34 inches in height at the withers shall not exceed four (4) for the first one acre and three for each additional one half acre."

...

"(d) Requirements for pens and enclosures. It shall be unlawful to erect a structure/building upon property within the City for the housing or keeping of livestock which is within 40 feet of the property boundary line and 100 feet of the residence of any person other than the owner. A ten-foot by 12-foot stall or

enclosure under roof is required for each adult livestock. Offspring may remain with the female parent in the same stall or enclosure until six months of age. In addition, there must be at least 2,000 square feet of fenced exercise area/pasture for each adult. Horses (miniature variety), sheep and goats less than 34 inches in height at the withers shall be provided a stall or enclosure minimum four feet by eight feet under roof for each adult and 500 square feet of fenced exercise area/pasture. Fencing shall be at least four feet in height, or five feet high in the case of breeding-capable males. Fencing must be of proper strength to contain livestock and maintained in good repair at all times.”

...

“(g) Reporting of livestock. All livestock owners are required to submit a report to animal control listing all animals (species, sex, and age), contact information for the owner, contact information for the veterinarian, and emergency contacts. Reports shall be updated annually and shall be submitted to the City on or before January 1 of each year. “

**2.14** Section 4.04.004 entitled “Fowl” of Article 4.04, entitled “Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.04.004 shall be entitled “Fowl; Pigeons” and shall be and read in its entirety as follows:

**“Sec. 4.04.004 Fowl; Pigeons**

(a) The keeping of loud fowl such as roosters, ducks, turkeys, geese, peacocks, guineas, or other such loud fowl within the city limits upon a lot less than one (1) acre or in any pen, coop or enclosure, including without limitation, a fence, that is on a lot less than one (1) acre, business or school shall be prohibited. No more than two (2) loud fowl of any combination shall be permitted on a single lot over one (1) acre.

(b) No person shall keep more than four (4) hens in an area zoned residential within the city, and shall be no closer than 50 feet to the nearest inhabited dwelling, other than that of the owner.

(c) Any fowl kept within the city limits as authorized by this section shall be in a secure pen, coop or enclosure, and such structure shall be of such construction and strength to keep such animals from running at large. A coop shall be a minimum size of two (2) square feet for each fowl and eight (8) square feet for each fowl when enclosed in an outside enclosed pen.

(d) Pigeons shall be kept in an enclosure or coop that is located no closer than thirty (30) feet from any residential dwelling, other than that of the owner

and no closer than fifty (50) feet to a swimming pool on an adjoining or adjacent property.

(e) When a pigeon(s) is outside of its enclosure or coop, the owner shall ensure that the pigeon(s) do not roost on or about a dwelling, structure, or other property owned by another and do not interfere with a neighbor's enjoyment of his property."

**2.15** Article 4.04, entitled "Livestock, Ferrets, Reptiles, Fowl, Rabbits and Bees" of Chapter 4, entitled "Animal Control" of Title I, "General Ordinances" of the Code of Ordinances of the City of Murphy is hereby amended to add a new Section 4.04.006 which shall be and read in its entirety as follows:

**"Sec. 4.04.006 Bees**

(a) Keeping. It shall be unlawful for any owner, person, or beekeeper to keep any colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

(b) Hives. All bee colonies shall be kept in "Lang Troth" type hives with removable frames, which shall be kept in sound and useable condition.

(c) Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcock's, pet watering bowls, birdbath, or other water sources where they may cause human, bird, or domestic pet contact.

(d) Queens. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly "re-queen" the colony. Queens shall be selected from stock bred for gentleness and no swarming characteristics.

(e) Colony densities. It shall be unlawful to keep more than the following number of colonies on any lot:

1. One half acre lots or less of lot size: two (2) colonies;
2. Larger than one half up to one acre of lot size: four (4) colonies

Regardless of lot size, where all hives are situated at least 100 feet in any direction from all property lines of the lot on which the apiary is situated, there shall be no limit to the number of colonies.

(f) Marking Hives. The name, address, and telephone numbers of the owner or beekeeper shall be painted or otherwise clearly marked upon the structure of each hive.

(g) Compliance. The animal control manager, upon determination that any colony situated within the city is not being kept in compliance with this section, may order the bees removed from the city or relocated.”

**2.16.** Section 4.05.007 entitled “Keeping of wild animals” of Article 4.05, entitled “Dangerous Animals” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.05.007 shall be and read in its entirety as follows:

**“Sec. 4.05.007 Keeping of wild animals**

(a) It shall be unlawful to keep any wild animal within the city limits, with the following exceptions:

(1) If a person housing such wild animal(s) has complied with all applicable federal, state, and local laws and regulations, including, but not limited to, the acquisition and retention of all applicable permits and registrations, said person may retain dangerous wild animals(s) in compliance with all federal, state and local laws, including, but not limited to V.T.C.A., Health and Safety Code Chapter 822, as amended;

(2) A governmental agency or entity acting in an official capacity;

(3) A government-operated zoological park;

(4) A permitted wildlife educational center, animal exhibitions with valid state or federal permits; or

(5) A holder of an animal dealer or animal establishment with a wild animal permit. The possessor of any dangerous wild animal shall have all applicable state and federal permits to possess the species in question.

(b) Animal establishments or animal dealers who hold a Wild/Exotic Animal permit shall make written application to the animal control supervisor to permanently keep each dangerous wild animal in their possession. The application must include the species and location of the animal, at least two

pictures that clearly identify the wild animal, and proof that the establishment, center, or person is in possession of the necessary state and federal permit(s) to possess such species.”

**2.17.** Section 4.06.007 entitled “Animal exposed to rabies” of Article 4.06, entitled “Rabies Control” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.06.007 (b) shall be and read in its entirety as follows and all other provisions of Section 4.06.007 not expressly amended hereby shall remain the same:

**“Sec. 4.06.007      Animals exposed to rabies**

...

(b) For any animal [known] to have been, or suspected of being, exposed to rabies, the following rules shall apply:

(1) Animals having a current vaccination must be revaccinated immediately and confined at the animal shelter, by a licensed veterinarian, or if approved by an animal control officer, home quarantine for a period of not less than 45 days.

(2) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, the animal may be confined at the animal shelter or by a licensed veterinarian. Home quarantine will only be allowed if approved by an animal control officer and the owner complies with all requirements of this Chapter, including without limitation Section 4.06.010, as amended. Such animal must be vaccinated immediately following exposure and confined for not less than 90 days. A revaccination shall be administered on the third and eighth week prior to release from confinement.

**2.18** Section 4.06.008 entitled “Declaration of area quarantine” of Article 4.06, entitled “Rabies Control” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.06.008 shall be and read in its entirety as follows:

**“Sec. 4.06.008      Declaration of area quarantine**

Should a potential outbreak of rabies within the city be suspected and the danger to the public safety from rabid animals be reasonably imminent, the local rabies authority is hereby authorized to issue a quarantine proclamation, ordering persons owning, keeping, or harboring dogs or other animals to muzzle the same or confine them in such quarantine proclamation by local newspaper and/or

website or other medium. Owners of such animals shall confine the animals to premises owned, leased or controlled by the Owner unless the animals are effectively muzzled and under the control of an adult person by leash, cord, chain, or rope and complying with all requirements of this Chapter. Animals found at large in violation of this section may be destroyed by an animal control officer or police officer of the city if such officer is unable, with reasonable effort, to apprehend such animal for impoundment.”

**2.19** Section 4.07.005 entitled “Redemption of animal” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.005 shall be and read in its entirety as follows:

**“Sec. 4.07.005      Redemption of animal**

An Owner can regain possession of any impounded animal upon payment of impoundment fees, handling fees and any veterinarian bills incurred by the animal control division for the welfare of the animal and upon compliance with vaccination and registration provisions of this chapter. Any person owning any animal impounded under this article shall be allowed to take such animal from the animal shelter or other place where impounded upon the following conditions:

- (1) Payment to the city of an impoundment fee as described in the fee schedule in appendix A of this code, plus an amount established in the adopted fee schedule in appendix A of this code per day or fractional part thereof for handling fees for each day impounded.
- (2) If the owner cannot provide proof of a current rabies vaccination, the animal must be revaccinated or vaccinated for rabies within five days of being reclaimed by the owner of the impounded animal. Animals less than 12 weeks of age will not require a rabies vaccination in order to be released.”

**2.20** Section 4.07.006 entitled “Disposition of unclaimed animals” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.006 shall be and read in its entirety as follows:

**Sec. 4.07.006      Disposition of unclaimed animals**

“If the owner has not redeemed such impounded animal within three (3) days from its capture and impoundment, the animal shall become the property of the City and may be given to a nonprofit humane organization, placed for adoption,

or humanely destroyed as deemed appropriate by the animal control officer. Animals wearing a current city license tag will be held for six days prior to their disposition.”

**2.21** Section 4.07.007 entitled “Owner relinquishing responsibility” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.007 shall be and read in its entirety as follows:

**Sec. 4.07.007      Owner relinquishing responsibility**

“An owner who no longer wishes responsibility for an animal, or does not desire to regain possession of an impounded animal, may, upon signing a waiver in a form provided by the animal control division, allow the animal to be placed for adoption, given to a humane nonprofit organization, or humanely destroyed as deemed appropriate by the animal control officer; provided, however, that the animal has not bitten a human within the last ten days of the owner wanting to relinquish his responsibility of ownership.”

**2.22** Section 4.07.008 entitled “Sick or injured animals” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.008 shall be and read in its entirety as follows:

**Sec. 4.07.008      Sick or injured animals**

“Any impounded animal which has been seriously injured or is seriously ill may be euthanized immediately to prevent suffering, or given to a nonprofit humane organization for the purpose of veterinary medical care, as deemed appropriate by an animal control officer. The animal shelter shall not be responsible for providing veterinary care for any sick or injured animal nor shall the City be liable for any property damage as a result of euthanization or conveyance of such animal.”

**2.23** Section 4.07.010 entitled “Baby animals” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Section 4.07.010 shall be and read in its entirety as follows:

**Sec. 4.07.010      Baby animals**

“Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide nutritious meals may be immediately euthanized to

prevent suffering or given to an individual or to a nonprofit humane organization for the purpose of caring for such animal as determined appropriate by the animal control officer.”

**2.24** Section 4.07.012 entitled “Adoption of animals” of Article 4.07, entitled “Impoundment” of Chapter 4, entitled “Animal Control” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby amended so that Subsection 4.07.012(b) shall be and read in its entirety as follows and all other provisions of Section 4.07.012 not expressly amended hereby shall remain the same:

**Sec. 4.07.012 Adoption of animals**

“(b) The adoption fee includes sterilization, rabies vaccine, microchipping, and first combo vaccinations. Persons who adopt an animal under four (4) months of age will be provided with a date to return the animal to the animal shelter for sterilization and rabies vaccination.”

**2.25** Section A4.001 entitled “Animal Control Fees” of Article A4.000 entitled “Animal Control Fees” of Appendix A, entitled “Fee Schedule”, of the Code of Ordinances of the City of Murphy is hereby repealed in its entirety and a new Section A4.001 entitled “Animal Control” is hereby adopted and shall be and read in its entirety as follows:

**A4.000 ANIMAL CONTROL FEES**

**“Sec. A4.001. ANIMAL CONTROL FEES**

a)	Animal impound fee *	(1) 1 <sup>st</sup> impound	\$50.00
		(2) 2 <sup>nd</sup> impound	\$75.00
		(3) 3 <sup>rd</sup> impound	\$125.00
		(4) 4 <sup>th</sup> impound and up	\$150.00
b)	Daily handling fee		\$10.00 per day
c)	Pet registration	(1) Sterilized	\$10.00 per year
		(2) Non-Sterilized	\$15.00 per year
d)	Dangerous animal registration	Per animal	\$50.00 per year
e)	Dog or cat adoption fee (not sterilized)	Per animal	\$85.00
f)	Dog or cat adoption fee (sterilized)	Per animal	\$45.00
g)	Shipping for rabies testing	Per animal	Actual Costs
h)	Quarantine fee	Per animal	\$150.00
i)	Microchipping fee	Per animal	\$20.00
j)	Euthanasia fee	Per animal	\$25.00
k)	Disposal fee	Per animal	\$25.00
l)	Owner surrender fee	Per animal	\$20.00

- |  |            |         |
|--|------------|---------|
| m) Duplicate animal registration fee   | Per animal | \$5.00  |
| n) Wild/Exotic animal registration fee | Per animal | \$50.00 |
- \*These fees are above and beyond any fines for citations related to violations of city ordinance or state laws.”

**SECTION 3.  
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.  
SAVINGS/REPEALER CLAUSE**

Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION 5.  
PENALTY**

It shall be unlawful for any Person to intentionally, knowingly or recklessly violate or fail to comply with any provision of this ordinance. Such person shall be fined, upon conviction, not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00), except that violations of provisions of this Ordinance that govern public health and sanitation, other than vegetation and litter violations, shall be punishable by a fine of not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$500.00), as authorized by state law. A separate offense shall be deemed committed upon each day or portion thereof upon which a violation occurs or continues.

**SECTION 6.  
EFFECTIVE DATE – PUBLICATION**

This Ordinance shall become effective immediately upon its passage and publication as required by the City Charter and by law.

**DULY PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas, on this the 16th day of August, 2016.



Eric Barna, Mayor  
City of Murphy

ATTEST:



Susie Quinn, City Secretary  
City of Murphy



APPROVED AS TO FORM:

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Wm. Andrew Messer, City Attorney