

**ORDINANCE 105-87**  
(Amended by Ordinance 105-94)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS:

SECTION I.

Definitions: A. Unrestrained Animal is one which

is not:

- (1) Inside a fenced yard or cage;
- (2) On a leash;
- (3) In a house, or other dwelling unit;
- (4) Tied, or staked upon open or unfenced land;
- (5) Under the immediate control of a person by obedience to the said person's commands (the person and animal must be within sight of each other).

B. A Nuisance Animal is one which:

- (1) On property other than its owner habitually trespasses in a damaging way or habitually commits a nuisance on the property;
- (2) Shows vicious habits (Exception see Section VII);
- (3) Molests passersby who are lawfully on public property;
- (4) Attacks or bites a person on property other than that of the owner of the animal. It is a defense to this nuisance that the complaining party provoked the attack by teasing, taunting, injuring or attempting to injure said animal, nothing herein changes the duties, powers, and responsibilities of The City and owner under Section VIII;
- (5) While upon property of its owner an animal is not a nuisance the first time it bites a person, it is a defense to this paragraph if the bitten person is a member of the landowner's family or a resident on same, or that the injured party had provoked the attack by teasing, taunting, injuring or attempting to injure said animal or its unweaned offspring, or the injured party is later charged for trespassing, burglary, or other criminal offense against property as a result of the same incident in which the injury occurred, nothing herein changes the duties, powers, and responsibilities of The City and owner under Section VIII;
- (6) Habitually runs at or after pedestrian(s) or bicycle(s), or motor vehicle(s);.
- (7) Is kept under such unsanitary conditions that the maintenance or keeping of said animal creates vile smells to the annoyance of the public in the vicinity;
- (8) Habitually barks, whines, howls or otherwise makes a noise to the substantial annoyance of the public in the vicinity;

C. Owner shall, for the purpose of this Ordinance, mean any person owning, keeping, maintaining or harboring or having control or custody of an animal.

- D. Own shall, for the purpose of this Ordinance, mean own, keep, maintain, harbor, or have control or custody of an animal, there is a prima facia presumption that an animal that is regularly kept or maintained upon specific property is owned by the owner or user thereof and that the person named in the Deed Records of Johnson and Ellis Counties, the tax records of the city or the water records of the city is the owner or user of the property.
- E. Public as used in this Ordinance, shall mean two or more adult persons not residents of the same household. |
- F. Animal - "animal" unless otherwise stated, includes mammals and reptiles.
- G. Livestock shall be horse, cow, cattle, mule and/or donkey.
- H. Wild Animal shall, for the purpose of this Ordinance, include, but not be limited to, the following: lion, tiger, bobcat, panther, leopard, cheetah, bear, jaguar, javalina, raccoon, wolf, coyote, skunk and armadillo.
- I. Poisonous Reptile shall, for the purpose of this Ordinance, include, but not be limited to, the following: Gila monster, and all poisonous snakes.
- J. Dangerous Reptile shall, for the purpose of this Ordinance, include, but not be limited to, the following: Crocodiles, alligators, boa constrictors, or pythons.
- K. Domestic Farm Animals and Fowl shall, for the purpose of this Ordinance, be animals that are kept for commercial purposes, i.e. breeding, production of food, fur, eggs, feathers, or fertilizers. Includes, but not be limited to the following: ducks, geese, pigeons, and guinea.
- L. The City shall, for the purpose of this Ordinance, mean the City of Venus, of Johnson and Ellis Counties, Texas.

#### SECTION II.

On or after the effective date of this Ordinance it shall be unlawful for any person to keep, maintain, own or harbor an unrestrained or nuisance animal. The Animal Control Officer or his authorized representative and/or any police officer may enter upon private property in an effort to capture any unrestrained or nuisance animal accused of violating any Section of this Ordinance. The Animal Control Officer, his designated representative, or any police officer may issue a citation for any violation of this Ordinance.

#### SECTION III.

A. Any unrestrained or nuisance animal may be impounded by the Animal Control Officer, or his authorized representative, or any police officer. The City shall charge reasonable fees for the redemption of animals, all costs, expenses, damages, and services rendered by The City and its employees and agents as approved by the City Council; and all fees shall be paid by the owner and/or person attempting to redeem an animal or animals prior to the release of the animal or animals by The City. Any animal not redeemed within seventy-two (72) hours after its impounding shall be

disposed of by sale or destruction or any other means deemed proper by The City, and proceeds from such sale shall be retained by The City as cost for handling, maintaining, and caring for the animal.

B. The taking or attempting to take or remove from the custody of The City any impounded animal, livestock, wild animal, domestic farm animal or fowl that has been impounded under the authority of this Ordinance shall be a separate offense, unless it is released to the owner or their agent by The City.

#### SECTION IV.

A. After the effective date of this Ordinance, it shall be unlawful for any person, association, or corporation to keep, own or harbor, any wild animal, dangerous reptile, or poisonous reptile within the corporate limits of The City and keeping of such animal is hereby declared a public nuisance; this section may be waived upon issuance of a special permit by The City under guideline established by the City Council for bona fide circuses, carnivals, zoos, or mercantile establishments. The applicant must show that the general public can be protected from these animals and that these animals will not be abused or neglected while in the corporate limits of The City.

B. The keeping of swine, pigs and/or hogs in the corporate limits of The City is declared a nuisance and is prohibited.

C. The keeping of fowl on residential property is prohibited, except as enumerated:

1. birds that are kept as household pets and housed within the residence;
2. two or less birds of the same gender that are kept as a pet, even if the fowl might be considered a Domestic Farm Animal and Fowl which would include pigeon(s), but does not include emus and/or ostriches which are specifically prohibited in residential zonings;
3. Section I, B d(8), does apply to these exceptions.

Unless otherwise provided, livestock and domestic farm animals and fowl shall be prohibited in residential zones, and only permitted to be kept or maintained on land with agricultural zoning.

- D. The keeping of honeybees in a residential area is allowed if only one hive, and that hive is either:
1. More than 300 feet from any residence other than the property owner, or
  2. Property owner submits to city written consent from all neighbors with residences within 300 feet of the proposed location of the hive.

#### SECTION V.

It shall be deemed a nuisance whenever any building, house, barn, shed, stable, stall, pen, or any yard or appurtenance thereof, in which any livestock,

dog, cat, or any other wild or domestic animal or animals shall be kept in which manure or liquid discharge of such animals shall collect or accumulate, and which building, house, barn, shed, stable, stall, pen, or any yard appurtenance thereof, is not kept in a clean and sanitary condition so that no offensive smell shall be allowed to escape therefrom. Provided, that nothing in this section shall be allowed or so construed as to include manure deposits upon any private property for the purpose of cultivating or fertilizing same, when such deposits are maintained so as to prevent the breeding of flies. Enforcement of this section shall be the responsibility of the County Health Officer, City Health Officer, or Chief of Police of The City.

#### SECTION VI. '

After the effective date of this Ordinance, it shall be unlawful for any person, group of persons, associations, or corporations to maintain on or in any apartment, residence, structure, lot, contiguous lots, parcel or contiguous parcels, or tract of land, three (3) or more grown dogs or <sup>1</sup> grown cats/ or combinations of dogs and cats. As used in this section a grown dog or grown cat shall be one that has been weaned from its mother's milk. This section shall not; apply to veterinary offices, animal hospitals, mercantile establishments selling pets, commercial kennels, or animal boarding facilities. The heretofore mentioned exceptions cannot be operated in the following zoning districts: Residential District or Multi-Family District, as defined in Ordinance No. 242-2001 and it's amendments, City of Venus Zoning Ordinance.

#### SECTION VII.

An exception to Section VI will be that there is no limit to the number of sentry dogs that may be maintained by a landowner or user in property zoned for Retail Business District, Restricted Business, and Industrial District, as defined in Ordinance No. 56 and it's amendments, The City's Zoning Ordinance, nothing herein shall be deemed to waive the provision of Section V above. The maintenance of a sentry dog or dogs under this Ordinance does not waive civil responsibility and/or liability for the conduct and action of the animal; and it is a defense to Section I, Paragraph B, Sub-paragraphs 2 and 3, that the animal bit or attacked a person or persons while in the capacity for which he was maintained. Any person owning or having custody or using sentry dogs which are kept, maintained, trained, or reported to be trained to work without supervision in a fenced area to deter or detain unauthorized persons found in said area shall notify in writing the Venus Police Department of the fact that sentry dogs are maintained on said property, failure to notify is declared a misdemeanor under this Ordinance with a minimum fine of Five Hundred (\$500.00) Dollars.

#### SECTION VIII.

Any animal, which has been reported to have bitten any person, may be impounded by the Animal Control Officer, County health officer, their deputies, or any police officer at a place to be designated by The City for a reasonable period, not to exceed fourteen (14) days, for observation, securing of specimens, and/or treatment, if necessary, in order to determine if the animal has rabies or any other dangerous or hazardous disease. All reasonable charges which are incurred for such impounding are to be paid by the animal's owner, (prior to the release of the animal by The City). It is hereby made an offense to hide, conceal, or remove from the Jurisdiction and city limits of The City any animal accused of biting or

attacking a person; this offense shall be known as "thwarting quarantine" and each day of violation is a separate offense and the minimum fine for this offense is \$100.00. It shall be unlawful for any person to interfere with the Animal Control Officer, County health officer, their deputies, or any police officer, in the performance of their duties under this Ordinance.

#### SECTION IX.

All animals over the age of three months within the corporate limits are hereby required to be vaccinated on an annual basis against rabies, if a vaccine is available for the particular species, by licensed veterinarian. Vaccination shall not apply to animals considered as livestock. Upon administering the vaccination, a vaccination certificate shall be issued to the owner, and at the same time, a metal tag placed on the animal's collar showing the date of vaccination. Failure by a veterinarian to perform these duties does not relieve the owner of an animal of the legal responsibility to keep the vaccination tag attached to the collar of the animal at all times and the owner, under this Ordinance, has a legal responsibility to keep a collar or harness on all animals, except livestock, when the animal is not within a structure or dwelling.

#### SECTION X.

Any animal now in possession of the City pursuant to any existing ordinance shall be disposed of under the applicable provisions of this Ordinance as though said animal had been impounded pursuant to terms of this Ordinance.

#### SECTION XI.

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other Ordinances regulating and governing the subject matter covered by this Ordinance.

#### SECTION XII.

That it is hereby declared that if any section, articles, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance shall be declared void, ineffective, or unconstitutional by a valid Judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this Ordinance since the same would have been enacted by the city council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph, subsection, article or section.

#### SECTION XIII.

Any person, firm, association of persons, corporations or other organizations violating provisions of this Ordinance shall be deemed to be guilty of a misdemeanor and upon conviction shall be fined in an amount not in excess of One Thousand (\$1,000.00) Dollars, each violation of this Ordinance

shall be deemed a separate offense and each day that the violation continues shall be deemed a separate offense. Nothing herein shall prevent the enforcement of this Ordinance by another means authorized by law and this Ordinance may be enforced by any or all means, and the choice of one remedy is not to the exclusion of any other remedy.

#### SECTION XIV.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.