

**CITY OF HIGHLAND HAVEN, TEXAS  
ORDINANCE # 036 (REV #3)**

**AN ORDINANCE SETTING FORTH THE VARIOUS PERMISSIONS AND PROHIBITIONS RELATING TO ALL DOMESTIC AND WILD ANIMALS WITHIN THE CITY OF HIGHLAND HAVEN, TEXAS. THIS ORDINANCE SHALL BE KNOWN AND REFERRED TO AS THE “ANIMAL CONTROL ORDINANCE”.**

**Revision #2** Provides clarification on leash requirements.

**Revision #3** Provides a specific date for the two dog/cat limit.

**SECTION 1  
DEFINITIONS**

CITY or THE CITY means the City of Highland Haven, Texas.

BOARD OF ALDERMEN, BOARD or ALDERMEN means the Board of Aldermen, including the Mayor, of the City of Highland Haven, Texas.

AT LARGE means not restrained as required by the provisions of Section 3 hereof.

HARBORING means the keeping, raising, using, possessing, under the control or attempted control of, or having on the property of the resident within the city limits of The City of any animal or animals.

ANIMAL as used in this ordinance includes all mammals other than human beings, fish, fowl, reptiles, or any other living creatures.

Kennel means any person or persons engaged in the commercial business of breeding, buying, selling, or boarding any animal or animals, excluding any person who is a passive or occasional breeder of not more than one (1) litter or brood per calendar year.

OWNER means any person or persons, partnership, corporation or any other entity keeping or harboring an animal or animals. In the case of a dog(s) or cat(s), the owner may also be deemed to be the person or persons whose property is returned to by a dog(s) or cat(s) on a routine basis.

PERSON means any individual, group of individuals, corporation, partnership or any other legal entity.

RESIDENCE means a place, premises, dwelling, house or other place where a person resides.

RESTRAINT means any fence, leash, chain, cord or other suitable material, all of which shall be in good repair and of such quality as to prohibit its being broken or breached by the animal by which it is restrained. Devices commonly referred to as “invisible fences” shall be considered restraints provided they are in good repair and in proper working order.

PROPERTY means, any real estate, including residence as defined herein, owned, rented or otherwise occupied by any person within the city limits of The City.

VACCINATION means, for an animal or animals, vaccination against rabies or any other vaccination(s) required by the laws of the State of Texas.

VICIOUS AND/OR DANGEROUS ANIMAL means:

1. Any animal, domestic (breeds such as pit bull dogs) or wild, known to attack with or without provocation any person where such person may lawfully be at any time.

1. Any animal that bites, scratches, or otherwise injures a human resulting in the requirement for medical treatment regardless of how minor or major such medical treatment may be, and regardless of whether or not such treatment is administered by a licensed professional or by a layman.

1. Any domestic, wild or feral animal, which by species or nature is vicious or dangerous to humans. It is presumed that any species of animal, as defined herein, for which either Federal law or any law of the State of Texas requires a permit, is a dangerous animal.

WILD ANIMAL means lions, tigers, ocelots, cougars, leopards, cheetahs, jaguars, lynx, bobcats, hyenas, bears, lesser pandas, wolves, coyotes, foxes, raccoons, possums, non-human primates, elephants, rhinoceroses, or any poisonous or dangerous snake or other reptile, which can be found in the wild.

## **SECTION 2 HARBORING WILD ANIMALS PROHIBITED**

It is unlawful for any person to harbor vicious, dangerous or wild animals within the city limits of  
The City.

## **SECTION 3 RESTRAINT REQUIRED**

All animals shall be kept under restraint (see definition of restraint section 1 above) at all times.

All dogs must be restrained at all times by:

1. Being enclosed within the owner's residence or other building maintained by and on owner's property, or
1. Confined on owner's property within a fence or other enclosure reasonably designed to prohibit the dog from becoming loose.

When not confined as in (a) or (b) above, the dog must be securely leashed or tethered and under the control of owner, a member of owner's family, or owner's agent. Securely leashed shall mean that one end of the leash is securely fastened to the dog's collar, harness or other device attached to the dog and the other end of the leash is either attached to a tethering device on the owner's property or held firmly by the owner, a member of the owner's family, or the owner's agent. When tethered the tether must be of such a length as to prohibit the dog from straying beyond the owner's property.

Cats do not require a leash or tether but must be restrained within the owner's property.

## **SECTION 4 PICKETING**

It shall be unlawful for any person to picket, tie, tether, or restrain any animal in, on, or along any public street, right-of-way, other public lands, or any park within the city limits of The City for any purpose whatever.

## **SECTION 5 NUISANCE**

Any animal causing excessive and/or continuous noise found objectionable by residents of City must be restrained within the residence or other building on owner's property in such a manner as to confine the noise within such building so that the noise may not be heard by other residents of  
The City.

Any animal deemed to be molesting passersby, chasing vehicles, biting or attacking other animals or humans, trespassing or defecating or otherwise abusing another person's property shall be deemed a public nuisance.

**SECTION 6  
CLEAN-UP OF PET DROPPINGS**

Persons exercising pets on property other than their own are required to utilize clean-up equipment in such a manner that pet droppings are not left on the property of persons other than that of the pet owner.

**SECTION 7  
VACCINATION REQUIRED**

No person shall own, keep or harbor any animal that has not been vaccinated in accordance with the laws of the State of Texas.

**SECTION 8  
TAG AND COLLAR REQUIREMENTS**

All dogs are required to wear a collar, harness, choke chain, or similar device at all times and to which device a current veterinarian's vaccination tag must be securely attached. It is recommended, but not required, that all dogs also have a tag showing the dog's name as well as the owner's name, address and phone number attached to its collar.

**SECTION 9  
PET LIMIT**

As a matter of public health and safety it shall be unlawful to maintain more than two (2) dogs and/or two (2) cats per household within the city limits of The City. However, this limit shall not apply to households maintaining more than two (2) dogs and/or two (2) cats on or before April 17, 2007, and such households shall be allowed to continue maintaining such animals until their death or disposition by owner, after which occurrence the limits prescribed in this section will become fully applicable to such households.

In the event of a litter, said litter should be removed within ninety (90) days after birth.

**SECTION 10  
PROVISION APPLICABLE TO THAT AREA OF THE CITY  
THAT IS ZONED AGRICULTURAL**

In addition to all other provisions of this ordinance, as provided in Ordinance #007, "Large Agricultural Animals" (sheep, goats, horses and cattle) may be kept in that portion of the City that is zoned Agricultural. This provision does not apply to any other area of the City regardless of how that area may be zoned.

**SECTION 11  
PROVISION APPLICABLE TO THAT AREA OF THE CITY  
THAT IS ZONED AS A PLANNED DEVELOPMENT DISTRICT (PDD)**

In addition to all other provisions of this ordinance, as provided in Ordinance #015, the current owners, David and Kay Clampitt, of that part of the City that is zoned as a Planned Development District are permitted to keep animals as follows:

1. on that part of the PDD referred to in Ordinance #15 as the 1.31 acre tract as many as three horses for the personal uses of the property owners, and
2. on that part of the PPD referred to in Ordinance #15 as the 6.96 acre tract keeping of exotic deer and/or antelope is permitted.

This provision does not apply to any other area of the City regardless of how that area may be zoned.

**SECTION 12  
SWINE, HOGS, AND PIGS**

The keeping, harboring, maintaining, having custody of, or any other manner of possession of

swine, hogs, and pigs is prohibited within the city limits of the City regardless of how any area may be zoned and regardless of the reason or purpose for keeping, harboring, maintaining, having custody of, or otherwise possessing such animals.

**SECTION 13  
PENALTY**

Any person violating any provision of this ordinance or failing to comply therewith or with any of the requirements thereof may be charged with a misdemeanor and be subject to a fine or such other penalty as may be assessed by a court of competent jurisdiction.

If any violation shall continue for more than one (1) day, each day such violation continues shall be deemed a separate violation or offense for the purposes of penalty assessment as set out herein.

**SECTION 14  
SEVERABILITY**

If any article, section, subsection, subdivision, paragraph, sentence, clause, phrase or provision hereof shall be adjudged invalid, unenforceable, or illegal, such invalidity, un-enforceability or illegality shall not affect any other article, section, subsection, subdivision, paragraph, sentence, clause, phrase or provision of this Ordinance, it being the express intent of the Board of Aldermen of the City of Highland Haven, Texas that this ordinance would have been enacted in the absence of the article, section, subsection, subdivision, paragraph, sentence, clause, phrase or provision having been found invalid, unenforceable, or illegal.

**PASSED AND APPROVED ON THE 16TH DAY OF June 2009 BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS.**

**SEAL**

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Signed  
Peter E. Freehill  
Mayor of the City of Highland Haven, Texas

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Attest  
Dana Turner  
Secretary of the City of Highland Haven, Texas