

ORDINANCE_____

AN ORDINANCE AMENDING CHAPTER 6, ANIMALS, OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, ADDING PROVISIONS RELATED TO DANGEROUS AND AGGRESSIVE DOGS, COMMUNITY CATS, AND WILD ANIMALS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATIONS AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

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

SECTION I. That Chapter 6, Articles I, IV, V, and VI of the City of Killeen Code of Ordinances are hereby amended to read as follows:

Chapter 6 Animals

ARTICLE I. IN GENERAL

Sec. 6-4. Definitions.

Community Cat shall mean any free-roaming cat, regardless of socialization or sociability, cared for by one or more known or unknown residents of the immediate area.

Feral ~~or free-roaming~~ cat means any cat that has no apparent owner or identification and is wild, untamed or unsocialized, and is unable to be approached or handled.

ARTICLE IV. DANGEROUS AND AGGRESSIVE DOGS

DIVISION 2. AGGRESSIVE DOGS

Sec. 6-126. Requirements for owners/possessors of aggressive dogs.

- (a) Unless the person is appealing animal services' determination that the ~~animal~~~~dog~~ is an aggressive ~~animal~~~~dog~~, in addition to the other requirements of this chapter, the owner/possessor of an aggressive dog shall comply with the following conditions not later than ~~ten~~~~(15)~~fifteen (15) calendar days after a person learns that the person is the owner/possessor of an aggressive dog or receives notice of the aggressive dog determination:
- (1) Removal from the city. Remove the dog from the territorial limits of the City of Killeen; or
 - (2) Register the animal with animal services and pay applicable registration fee once a year;
 - (3) Restrain the aggressive dog at all times either indoors or within a double secured enclosure outdoors, where each of the two (2) enclosures consists of a substantial fence or enclosure measuring at least one hundred (100) square feet secured by a lock to include a secure top and concrete bottom, and of sufficient strength and height to prevent the animal from escaping or reaching any part of its body over, under, or through the fence;
 - (4) Obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the aggressive dog and provide proof of the required liability insurance coverage or financial responsibility to the animal services;
 - (5) Present proof of current rabies vaccination of the aggressive dog to animal services annually;
 - (6) Have the dog sterilized by a veterinarian if the animal is over six (6) months old, or sterilized by the 30th day after the animal becomes six (6) months old;
 - (7) Have the dog identified by a microchip device and provide proof to animal services; and
 - (8) Pay any kennel fees accrued due to the seizure of the dog by the city.
- (b) It is an exception to subsection (a)(3) if the dog is being transported to or from a veterinary or kennel appointment and is secured by means of a leash, cord or chain to control the actions of such animal or secured within the passenger compartment of a motor vehicle.
- (c) If the dog was not seized and the owner/possessor of the aggressive dog decides not to comply with subsection (a), the owner/possessor shall deliver the ~~animal~~~~aggressive dog~~ immediately to animal services, but not later than ~~ten~~~~fifteen~~ (15) calendar days after the owner/possessor learns that the animal is an aggressive dog.

ARTICLE V. ~~COMMUNITY~~~~FERAL~~ AND FREE-ROAMING CATS

Sec. 6-140. ~~Community~~Feral and free-roaming cat colony permit.

- (a) A trap, neuter, vaccinate, and return programs (TNVR) ~~may~~shall be permitted in accordance with this division. In order to participate in the TNVR program, all ~~community~~feral and free-roaming cat colony caregivers must apply to animal services and be approved by the animal services ~~director~~manager for a ~~community~~feral or free-roaming cat colony caregiver permit prior to the date on which the colony caregiver begins to provide care for a ~~community~~feral and free-roaming cat colony. A cat colony caregiver shall obtain a permit from animal services for each cat colony that the caregiver intends to ~~provide care for~~feed or water ~~prior to the date on which the cat colony caregiver commences to feed or water the colony.~~ All colony caregivers providing care for a ~~feral or~~community or free-roaming cat colony prior to the effective date of this division shall register each ~~community~~ feral or free-roaming cat colony within ~~thirty~~ten (30~~10~~) calendar days from the effective date of this division.
- (b) To apply for a permit to care, feed, or water a ~~feral~~community or free-roaming cat colony, a person must present evidence to animal services of satisfactory completion of a trap, neuter, and release educational course.
- ~~(c) Community cat colonies within the city limits of Killeen must meet the following requirements:~~
- ~~(1) No community cat colony shall be established on public or private property without first obtaining written permission from the property owner and providing a copy of the written permission to animal services;~~
- ~~(2) No community cat colony shall be allowed to continue on a property that creates the unwanted presence of cats on another private property, in compliance with section 6-142;~~
- ~~a. Community cat caregivers shall be given a period of thirty (30) days to resolve any issues associated with the unwanted presence of cats on another private property.~~
- ~~(3) Residential community cat colonies shall be limited to no more than six (6) cats at one time; and~~
- ~~(4) No cats shall be brought into a community cat colony from outside the city limits of Killeen.~~
- ~~(cd) Community and free-roaming cat colony permits must be renewed annually.~~
- ~~(c) A cat colony caregiver shall implement proper trap, neuter, vaccinate, and return (TNVR) and management practices as required by animal services to maintain a valid feral or free-roaming cat colony permit.~~
- ~~(d) The cost associated with participation in the TNVR program shall be solely on the permitted colony caregiver, and participation in the TNVR program is at the colony caregiver's own risk. The city shall not be responsible for any costs or liabilities associated with the TNVR program.~~
- (e) The decision of the animal services ~~director~~manager under this division ~~is final and may not be further~~ appealed ~~to the Assistant City Manager or designee.~~

(Ord. No. 20-057 , § I, 10-27-20)

Sec. 6-141. Trap, neuter, vaccinate, and return program (TNVR).

- (a) ~~All colony caregivers must participate in the trap, neuter, vaccinate, and return program (TNVR). A cat colony caregiver shall implement a proper trap, neuter, vaccinate, and return (TNVR) program and management practices to ensure that every cat within the community cat colony has met each of the following requirements:~~

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- (1) Sterilization by a licensed veterinarian with an ear tip amputation for recognition purposes; and
 - (2) Vaccination against communicable diseases, particularly rabies, in accordance with best practices for community cats by a licensed veterinarian.
 - (b) The cat colony caregiver must maintain accurate records of the cat colonies in their TNVR program.
 - (1) The records must include:
 - a. The location and size of each cat colony; and
 - b. Proof of sterilization and vaccination for all community or free-roaming cats in the caregiver's permitted cat colony.
 - (2) Animal services may request copies of these records at any time. Failure to provide such records may result in the revocation of the permit to operate a community cat colony.
 - (c) The cost associated with participation in the TNVR program shall be solely on the permitted colony caregiver, and participation in the TNVR program is at the colony caregiver's own risk. The city shall not be responsible for any costs or liabilities associated with the TNVR program.
 - (d) Cat colony caregivers must make all reasonable efforts to catch a sick or injured cat within the permitted cat colony and take the cat to a veterinarian.
 - ~~(b) All sites authorized for use in the TNVR program must be located on private property and approved by the animal services manager or his/her designee prior to the release of any feral or free-roaming cats onto the property. It will be the responsibility of the colony caregiver to provide the following to animal services in the colony caregiver's request for TNVR permit:~~
 - ~~(1) Address of the property requested for use in the TNVR program;~~
 - ~~(2) Location on the property where the colony caregiver plans to provide care to the feral or free-roaming cats;~~
 - ~~(3) Obtain written permission of the landowner or the landowner's agent, if not owned by the colony caregiver, where the colony caregiver plans to provide care for the feral or free-roaming cats, to include where the cats congregate or are fed;~~
 - ~~(4) Obtain written permission from the landowners or tenants of the residences and/or business establishments within one (1) block of the address of the property requested for use in the TNVR program;~~
 - ~~(5) No site will be authorized for use in the TNVR program if the site is located within one-half (½) mile of a school, church, or public playground.~~
 - ~~(c) The TNVR program requires a colony caregiver to:~~
 - ~~(1) Provide animal services with a reasonable estimation of the number of cats in each cat colony on an annual basis or as required by animal services.~~
 - ~~(2) Trap feral or free-roaming cats in a humane manner.~~
 - ~~(3) Sterilize (spay or neuter) all trapped feral or free-roaming cats by a licensed veterinarian, show proof to animal services of sterilization and the number sterilized.~~

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- ~~(4) Vaccinate for rabies and administered by a licensed veterinarian all trapped feral or free-roaming cats, show proof to animal services certificate of rabies vaccination and the number vaccinated.~~
 - ~~(5) Obtain an ear tip amputation performed by a licensed veterinarian on all trapped feral or free-roaming cats once the cat has been sterilized and given a rabies vaccination.~~
 - ~~(6) Make all reasonable efforts to catch a sick or injured cat within the permitted cat colony and take the cat to a veterinarian.~~
 - ~~(7) Have a licensed veterinarian evaluate the health of all trapped feral or free-roaming cats.
 - ~~a. Any feral or free-roaming cat testing positive for feline leukemia (FeLV) and/or feline immune deficiency virus (FIV) shall not be released and shall be either humanely euthanized or isolated indoors, and shall be reported immediately to animal services; and~~
 - ~~b. Seriously ill or injured cats with no reasonable prognosis for humane rehabilitation for survival outdoors will be humanely euthanized.~~~~
 - ~~(8) Maintain proof of sterilization and vaccination for all feral or free-roaming cats in the caregiver's permitted feral or free-roaming cat colony.~~
 - ~~(9) Provide adequate fresh food and water on a daily basis to the cats in the caregiver's permitted feral or free-roaming cat colony, to include ensure arrangements for feeding the colony throughout the year, including weekends, holidays, and vacations which may take the colony caregiver away from the location of the colony. Ensure that sufficient provisions of food and water are available for the cats within the colony in a manner that does not leave excess food in the area.~~
 - ~~(10) Submit annual reports to animal services to include but not limited to the estimated number of cats per colony that the cat colony caregiver has obtained a permit for, the number of cats vaccinated for rabies, the number of cats sterilized, and the name and location of the veterinary clinic used by the caregiver.~~
 - ~~(11) Release non-feral cats to animal services for domestication and placement, unless a nonprofit animal welfare organization approved by animal services agrees to accept the animal into their adoption program.~~
 - ~~(12) Make every effort to remove kittens from the colony before eight (8) weeks of age for domestication and placement through the animal shelter or a nonprofit animal welfare organization approved by animal services.~~
 - ~~(d) All colony caregivers must fully cooperate with animal services in resolving any:
 - ~~(1) Situation involving any cat within the colony posing a potential threat to the public health and safety, including the risk of rabies transmission;~~
 - ~~(2) Investigation into animal cruelty;~~
 - ~~(3) Investigation into animal nuisance claims; and~~
 - ~~(4) Situations involving feral or free-roaming cats in unsafe or inappropriate areas.~~~~
 - ~~(e) If at any time a colony caregiver chooses or is unable to continue to provide care to their permitted colony or colonies, it will be the responsibility of the colony caregiver or their representative to notify animal services in writing that the colony caregiver will no longer be participating in the TNVR program. If no other colony~~

caregiver wishes to assume responsibility for the colony or colonies that will be left without care, animal services shall immediately take steps to remove the colony or colonies.

- (f) ~~A cat colony caregiver may apply to animal services for a waiver of any provision of this section. The decision of the animal services manager or authorized representative on the application and any waiver is final and may not be appealed.~~
- (g) ~~Animal services may immediately seize and remove all, or parts of any colony for the following reasons:~~
 - (1) ~~Public health or safety concerns including, but not limited to, rabies or other epizootic and certain zoonoses identified by the department of health;~~
 - (2) ~~Animals creating a public nuisance by interfering with passing vehicles, trespassing on school grounds, repeatedly defecating on neighboring properties, or crying or whining in an excessive, continuous or untimely fashion.~~
- (h) ~~Animal services shall contact the nearest colony caregiver when an ear tipped cat has been impounded at the animal shelter. If positively identified, the ear tipped cat will be released back to the colony caregiver to be returned to the approved TNR release site.~~
- (i) ~~Any feral or free-roaming cat, regardless of whether or not it has completed the TNR program, that is found to be a public nuisance will not be released back to the colony caregiver, and will become the property of the animal shelter.~~

(Ord. No. 20-057 , § I, 10-27-20)

Sec. 6-142. Enforcement~~Revocation of permit.~~

- (a) A permit issued under this division may be revoked by the animal services ~~director~~manager or his/her designee, for any violation of the provisions of this chapter by the holder thereof.
 - (1) ~~Revocation of a colony caregiver permit by the animal services director~~manager or their designee ~~is final and non-appealable~~may be appealed to the Assistant City Manager or designee.
 - (b2) ~~Animal services shall provide written notice of the revocation to the holder by sending the notice certified mail returned receipt or by personally delivering the written notice to the last known address of the holder of the permit. An executed return receipt is prima facie evidence of service. If notice is mailed according to this subsection and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and notice shall be deemed to be delivered. Animal services shall provide written notice of the revocation to the holder by sending the notice certified mail or by personally delivering the written notice to the holder of the permit.~~
- (b) ~~Prior to revocation, written notice will be given to the colony caregiver. The notice shall set forth any specific conditions that are grounds for revocation of the permit. The colony caregiver shall be given thirty (30) days to correct these conditions.~~
- (c) ~~Animal services may immediately seize and remove any and all community cats from a community cat colony for any of the following reasons:~~
 - (1) ~~Public health or safety concerns including, but not limited to, rabies or other epizootic and certain zoonoses identified by the department of health;~~

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- (2) Animals creating a public nuisance by interfering with passing vehicles, trespassing on school grounds, repeatedly defecating on neighboring properties, damaging private property, or crying or whining in an excessive, continuous or untimely fashion; or
 - (3) A community cat colony violates any provisions of this chapter.
 - (d) Any community cat impounded at the animal shelter will be identified by its ear tip and may be immediately released to the appropriate community cat colony provided:
 - (1) The community cat has not been reported as a nuisance by a property owner, on whose property the community cat has been impounded more than once.
 - (2) The community cat is not a member of a colony that has been reported as a nuisance or as having created the unwanted presence of cats on another private property.
 - (3) The cat colony caregiver is not in violation of any provision of this chapter.
 - (4) A community cat may be released to an alternate colony if any of the provisions in this subsection exist.
 - (5) A microchip may be placed in the community cat while in the care of the shelter, with any applicable fees paid by the cat colony caregiver.

(Ord. No. 20-057 , § I, 10-27-20)

Sec. 6-143. Violations.

- (a) It shall be a violation of this chapter to feed a cat running at-large outside of the property owned by the person feeding the cat, without first obtaining a community feral or free-roaming cat colony permit.
- (b) Any cat colony caregiver determined to be in violation of proper management, ~~and~~ sterilization practices, or any other provisions, required by this division shall be issued a written warning and allowed a period of time, which shall not exceed ninety (90) calendar days, to come into compliance. Failure to comply within the given time period is a violation.
- (c) Colony caregivers shall have immunity from criminal charges regarding restraint violations, but are responsible for ensuring that the community feral and free-roaming cats in their care do not create a public nuisance.
- (d) Colony caregivers are not immune from criminal charges for failure to provide care for the cats in their care.
- (e) Colony caregivers are not immune from civil suit for damages as a result of their choice to participate in the TNVR program.
- (f) Community cat colonies within the city limits of Killeen shall be in violation of this ordinance if the Community cat colony is not in compliance with the below conditions:
 - (1) No community cat colony shall be established on public or private property without first obtaining written permission from the property owner and providing a copy of the written permission to animal services;

(2) No community cat colony shall be allowed to continue on a property that creates the unwanted presence of cats on another private property;

a. Community cat caregivers shall be given a period of thirty (30) days to resolve any issues associated with the unwanted presence of cats on another private property before any such permit revocation may occur in accordance with Sec. 6-142.

(3) Residential community cat colonies shall be limited to no more than six (6) cats at one time; and

(4) No cats shall be brought into a community cat colony from outside the city limits of Killeen.

(Ord. No. 20-057 , § I, 10-27-20)

Secs. 6-144—6-149. Reserved.

ARTICLE VI. TRAPPING, WILD ANIMALS, AND LIVESTOCK

DIVISION 2 WILD ANIMALS

Sec. 6-152. Prohibited wild animals.

(a) It shall be unlawful to keep, maintain, harbor or possess any of the following animals, fowl or reptiles within the corporate limits of the city:

- (1) *Class Reptilia*. Family Heldermatidea (venomous lizards such as, but not limited to, gila monster and Mexican beaded lizard); family Viperidae (rattlesnakes, copperheads, cottonmouths, adders, bushmasters, other pit vipers and true vipers); family Elapidae (coral snakes, cobras, asps, mambas, and other elapids); the following listed species of family Colubridae *Dispholidus typus* (boomslang), *Hydrodynastes gigas* (water cobra), *Bioga* (mangrove snake), and *Thelotornis* (African twig snake) only; Order Phidia, family Boidae (racers and water snakes); and Order Crocadilla (crocodiles, alligators, caimans, and gavials).
- (2) *Class Mammalia*. Order Carnivora, family Felidae (such as ocelots, margays, tigers, jaguars, leopards and cougars), except commonly accepted domesticated cats; family Canidae (such as wolves, wolf-dog, hybrids, dingos, coyotes and jackals), except domesticated dogs; family Mustelidae (such as weasels, skunks, martins, mink and badgers) except domestic ferrets (*Mustela putorius furo*); family Procyonidae (raccoon); family Ursidae (such as bears); order Marsupialia (such as kangaroos, wallabies and common opossums); order Edentata (such as sloths, anteaters and armadillos); order Proboscidea (elephants); order Primata (such as monkeys, chimpanzees and gorillas); order Rodentia (such as porcupines); and order Ungulata (such as antelope, deer, bison and camels), unless the order Ungalata are located on properly zoned property.

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- (3) *Class Arachnida*. Order Scorpiones (scorpions); order Araneae, genus, Loxosceles (recluse spiders such as brown recluse spider); order Araneae, genus, Latrodectus (such as black widow, red widow and brown or gray widow spiders).
- (4) *Bats*.
- (5) *Skunks*.
- (6) *Animals not listed*. The animal services manager may declare any species of animal not listed in this subsection as "prohibited" if the confinement of the animal within the city can be shown to constitute a threat to public health and safety; and does not mean any bird kept in a cage or aviary that is not regulated by international, federal or state law, or a gerbil, hamster, guinea pig, hedgehog or laboratory mouse or rat.
- (b) No person shall own, keep, harbor or permit to be kept any prohibited wild animal or hybrid thereof as a pet.
- (c) No person shall keep or permit to be kept on his premises or premises under his control, any prohibited wild animal for sale, display or for exhibition purposes, whether gratuitously or for a fee.
- (d) No person shall sell, give, transfer or import into the city any prohibited wild animal except for the transportation of a prohibited wild animal to and from a veterinary clinic.
- (e) It shall be unlawful for any person to breed, raise, keep, or have in his possession any prohibited wild animal within the corporate city limits, except a prohibited wild animal kept by an educational or a scientific institution. These institutions shall be subject to initial approval and periodic inspections by the animal services manager or his/her designee.~~It shall be unlawful for any person to breed, raise, keep or have in his possession any poisonous reptile within the corporate city limits, except a poisonous reptile kept by an educational or a scientific institution. These institutions shall be subject to initial approval and periodic inspections by the animal services manager or his/her designee.~~
- (f) The animal services manager may issue temporary approval for keeping, care and protection of an injured, newborn or immature animal native to this area that he deems to be incapable of caring for itself. Further, the animal services manager shall have the power to release or order released any animal being kept temporarily under the provisions of the previous sentence.
- (g) This section shall not apply to the city, veterinary clinics, licensed wildlife rehabilitators, approved zoological parks, performing animal exhibitions, circuses, primary and secondary schools, colleges and universities, or zoological parks owned and operated by a governmental entity.
- (h) This section shall not be interpreted to restrict a person from giving ill, injured, or orphaned wildlife to a registered wildlife rehabilitator or to a permitted wildlife educational center. This section shall not be interpreted to restrict a permitted wildlife educational center from transferring wild animals to another educational center, zoological park, or other facility capable of legally caring for the animal.

(Ord. No. 20-057 , § I, 10-27-20)

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective on April 12, 2023, after its passages and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 11th day of April 2023, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED

Debbie Nash-King, MAYOR

ATTEST:

Laura Calcote

CITY SECRETARY

APPROVED AS TO FORM:

Holli Clements

CITY ATTORNEY