

ANIMAL, BIRD, FOWL OR REPTILE TO CREATE A NUISANCE

ORDINANCE # 1-08-96

AN ORDINANCE PROHIBITING ANY PERSON TO PERMIT ANY ANIMAL, BIRD, FOWL OR REPTILE TO CREATE A NUISANCE BY NOISE, ODORS, DISCHARGE OF FECES ON ANY PUBLIC OR PRIVATE PROPERTY BELONGING TO OTHERS AND TRESPASSING; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE IN THE SUM OF FIFTY AND NO/100 DOLLARS (\$50.00) EACH AND EVERY DAY DURING WHICH THIS ORDINANCE IS VIOLATED AFTER BEING NOTIFIED BY THE CITY SECRETARY OF THE VIOLATION; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERRYVILLE, TEXAS;

A. NOISE

No person shall knowingly or willfully harbor or keep on his premises or elsewhere any animal that makes or creates an unreasonable disturbance to the neighbors or the occupants of adjacent premises; or to suffer or permit such animal to make or create disturbing noises by howling, barking, crowing or otherwise, either continuously or intermittently for a period of fifteen (15) minutes or more. A person shall be deemed to have willfully and knowingly violated the terms of this section if such person shall have been notified by the City Secretary of such disturbances and shall have refused, for a period of twenty four (24) hours to correct such disturbances and take action to prevent its recurrence.

B. ODORS

It shall be unlawful for any person to maintain an animal in such a manner that residents of adjacent or nearby property are subjected to obnoxious odors for a period of twenty-four (24) hours after being notified of the complaint.

C. FECES

It shall be unlawful for any owner, keeper or walker of any animal to permit said animal to discharge its feces upon any public or private property (other than property of the owner, keeper, or walker) within the city unless said person immediately thereafter removes and cleans up such animal feces. It shall be unlawful for any person to maintain an animal which constitutes a nuisance by reason of repeated trespasses on public property or private property (other than that of the owner) or by reason of damage to public or private property.

SPECIAL REGULATIONS AND LIMITATIONS

A. DOGS AND CATS

It shall be unlawful for any person to keep or harbor more than a combination of 5 dogs or cats per household of any breed over the age of four (4) months within the city other than in an animal clinic or hospital. The harboring of any dogs in excess of this section shall constitute a kennel.

B. GUARD DOGS

It shall be unlawful for any person to place or maintain guard dogs in any area for the protection of persons or property unless the following provisions are met:

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- (1) The dogs shall be confined to an enclosed area adequate to insure they will not escape; or
- (2) They shall be under the absolute control of a handler at all times when not securely enclosed; and
- (3) The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs on, over or next to all exterior doors stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curblineline or a distance of fifty (50) feet, whichever is lesser, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day; and
- (4) Prior to the placing of a guard on any property, the person or persons responsible for the placing shall inform the City of Berryville, the police department and the fire department, in writing, of their intention to post said dog or dogs, the number of dogs to be posted, the location where said dog or dogs will be posted, the approximate length of time said dog or dogs will be guarding the area, the daily hours said dog or dogs will be guarding the area, the breed, sex, age and rabies tag number of said dog or dogs. Such notice must be renewed every six (6) months.

C. SWINE

It shall be unlawful for any person to keep or harbor any swine within the city.

D. WILD OR EXOTIC ANIMALS

It shall be unlawful for any person to keep, harbor or permit to be kept or harbored any wild or exotic animal within the city unless such wild animal is certified for medical, biological, herpetological or other scientific research or study.

E. BEES

No person shall keep any beehives within fifty (50) feet from any adjacent property. Under no circumstances shall anyone be authorized to keep more than two (2) hives.

F. OTHER ANIMALS

This ordinance shall include all types of animals, birds, fowl or reptiles kept within the city that shall create a nuisance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BERRYVILLE, TEXAS
THIS 8TH DAY OF JANUARY 1996.

John McElvany
Mayor
Berryville, TX

ATTEST:

Sharyn Harrison
City Secretary

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