

CITY OF COMO
ORDINANCE
2017-7

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE KEEPING OF SWINE, LIVESTOCK

Running at large, impoundment of livestock running at large. Generally, sale of animal, redemption of animals, disposition of animal if not sold or redeemed, fowl running at large, cruelty to animals, placing of poison in places accessible to animals, nuisances, keeping livestock and fowl, allotment of space, cleanliness of premises, protective measures against, disease, notice of improper maintenance of pre-muses violation and penalty, enforcement of ordinance.

SECTION 1. KEEPING OF SWINE:

It shall be unlawful for any persons to keep swine, or permit swine to be kept, upon premises under his control within the Corporate City Limits of Como, Texas.

SECTION 2. LIVESTOCK RUNNING AT LARGE PROHIBITED:

It shall be unlawful for any person to permit any horse, mule, cattle, hog, goat, fowl, and or sheep owned by him or under his control to run at large within the corporate limits of the city.

SECTION 3. IMPOUNDMENT OF LIVESTOCK RUNNING AT LARGE- GENERALLY:

It shall be the duty of City Council or anyone appointed by the City Council to cause all horses, mules, cattle, sheep, swine, fowl, and goats found running at large contrary to the provisions of Section (2) to be taken up and impounded at a place designated by the City Council.

SECTION 4. SALE OF ANIMAL:

If any animal impounded under Section (3) is not redeemed by the owner within (2) two days after impoundment, the City Council shall sell the same at Public Auction for cash, after giving Public Notice of the time, terms and place of sale, by Publishing such notice once in a newspaper published in the City, or a newspaper published that has widespread circulation within the City. Such advance of the day of the sale. The notice of sale shall describe the animal impounded and to be sold.

SECTIONS 5. REDEMPTION OF ANIMAL:

The owner of any animal impounded under Section (3) may redeem the same as follows: (a) Before the sale thereof, by paying all expenses incurred by the city as a result of such impoundment, forgather with the cost of advertising the sale, if any and a (\$5.00) impounding fee. (b) After the sale thereof, by paying the purchaser double the amount bid by him and or her such animal and for reasonable expenses for keeping the same, provided the owner redeems such animal within (30) days after the sale, otherwise date of sale,

otherwise such animal shall become the absolute cruelty property of the purchaser.

SECTION 6. DISPOSITION OF ANIMAL IF NOT SOLD OR REDEEMED:

If, at the time of the sale of an impounded animal under Section (3), no purchaser can be found and the animal is not redeemed by the owner, the city Council shall be authorized to dispose of the animal as seen fit.

SECTION 7. FOWL RUNNING AT LARGE PROHIBITED:

It shall be unlawful for any person to permit any chicken, turkey, duck, goose, and or domestic fowl owned by him and or her under his control to run large within the corporate limits of the City of Como.

SECTIONS 8. CRUELTY TO ANIMALS:

It shall be unlawful for any person to overdrive, willfully overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, unnecessary or cruelty beat, or needless mutilate and or kill any animal within the City of Como, or carry any animal in or on any vehicle or otherwise in a cruel or inhumane manner. It shall likewise be unlawful; for any person having the charge or custody of any animal to fail to provide it with proper food and or drink and water (to cruelty and or cruelty to abandon the animal). As used in this section, the work "animal" includes every living dumb creature and the words "torture" and "cruelty" include every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused, permitted or allowed to continue when there is a reasonable remedy or relief.

SECTION 9. PLACING OF POISON IN PLACES ACCESSIBLE TO ANIMALS:

It shall be unlawful for any person to place any poison or poisonous substances injurious to domestic, animals, in any shape or form, either alone or in combination with anything else in any place accessible to domestic animals either on the premises of the person so placing the poison or elsewhere.

SECTION 10. NUISANCE:

Shall mean when the owner or caretaker of an animal allows said animal to violate any of the following subsections:

- (a) Shall be unlawful for any owner or caretaker to fail to exercise proper care and control of his animals to prevent them becoming a public nuisance.
- (b) Running at large not being under the owner's control, not being confined to a cage, lease, either, fence. Etc... or any other means of restraint to prevent said animal from leaving the owner's property; or

- (c) Molests or disturbs person, vehicles or property , walking, chasing, digging, barking, or biting; or
- (d) Consistently barks, whines, howls, meows, cries, squawks, or makes any other noise excessively thus disturbing the peace and quiet in the area that the animal is located.
- (e) Defecates upon any public place or private property not owned or controlled by the animal's owner him and or herself; or

Note; if the owner of said animal immediately removes the waste he and or she shall not be held in violation.

- (a) Creates noxious or offensive odors; Or
- (b) Creates an insect breeding or gathering sight due to unsanitary conditions.

SECTION 11. KEEPING OF LIVESTOCK AND FOWL, APPLICABILITY OF ARTICLE PROVISIONS:

Any livestock or fowl maintained within the city limits of Como for any period exceeding (48) hours shall hereby come within the provisions of this article.

SECTION 12. PROTECTIVE MEASURES AGAINST DISEASE:

(a) Chickens; Caution shall be taken in extreme cleanliness for all fowl yards to keep down bugs and lice which infect themselves on the skin. All houses, roosts, and nests must be treated weekly with an approved Germicide in the form of a spray and powder. Care shall be taken to see that all cracks and crevices are thoroughly treated. Immediate attention of infection shall be brought to the attention of the City Council whereby protective measures can be obtained.

SECTION 13. NOTICE OF IMPROPER MAINTENANCE OF PREMISES: FAILURE TO OBEY

If at the time of any inspection by a member of the Como City Council, and the premises are not being maintained in the proper sanitary methods, a written notice shall be given to the person owning such premises and to the person owning the livestock and or fowl to correct the defects. This shall be by Certified Mail and issued by the City Secretary. A inspection shall be made at the end of (3) three days and if the corrections are not made, the persons owning the premises and or owning the livestock and or fowl shall be subject to the penalties established in this article and each day will constitute a separate offense.

SECTION 14. VIOLATION AND PENALTY

Any person who violates any of the provisions of this article shall, upon conviction, be fined up to \$200.00 per violation and each day a violation occurs shall constitute a separate offense, provided that no penalty shall

be imposed for violations occurring prior to May 1, 2011.

SECTION 15. ENFORCEMENT OF ORDINANCE.

It shall be the duty of the City Council or the City Attorney for the City of Como, Texas, when authorized, by bringing an action in a Court of Competent Jurisdiction.

PASSED AND APPROVED: 3-14-17

Ron Walker Mayor

Patsy Evans Commissioner

Don Weeks Commissioner

Attest

[Signature]
City Secretary