

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2026-23**

AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ANIMALS CODE; BY AMENDING SAID CODE TO ADD DEFINITIONS; ENHANCING MANAGEMENT OF FERAL CATS; INCREASING THE INSURANCE REQUIREMENT FOR DANGEROUS DOGS; ADDRESSING LIABILITY FOR PROPERTY DAMAGE CAUSED FROM REMOVING AN ANIMAL FROM A VEHICLE OR ENCLOSED TRAILER; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the City of Kerrville adopted a comprehensive animal code in 2024 in light, in part, of changes in state law; and

WHEREAS, the City has hired an Animal Control Officer who has identified several necessary amendments to ensure the effective regulation of animals within the City; and

WHEREAS, City Council finds that the amendments to the Animals Code are in the public interest and are necessary to ensure effective and efficient enforcement of animal related regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. Chapter 18 of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding the language that is indicated in blue and underlined (addition) and deleting the language that is indicated in red and stricken (~~deleted~~) to the sections as follows:

“Sec. 18-1. – Definitions.

Abandonment means to desert or to leave:

- (1) In an enclosure on private property without care, food, shelter, or a continuous source of clean water for a period of 24 hours or more;
- (2) On private property without the consent of the owner or person with legal right to control the property; ~~or~~

- (3) On public property without the express written permission of the animal control authority or owner or agent in charge of the property;
or
(4) On private property that is not occupied by any person(s) more than fifty percent (50%) of any 30-day period. It shall be an affirmative defense if the absence was due to business, vacation, or emergency.

Animal means any member of the group of living beings belonging to the subphylum vertebrate, specifically excluding human beings. Animals includes any and all types, both domesticated and wild, male and female, warm and cold blooded.

Animal control authority means the person or persons designated by the city manager or applicable state law to enforce this chapter, including animal control officers, and duly licensed peace officers. The term includes both city employees and the county's animal services department in its role as the "local rabies control authority."

Animal dealer means any person, partnership, or corporation engaging in the business of buying, selling, or trading animals to others in any public area, including, but not limited to, sale of any animal at a roadside stand, booth, flea market, or other temporary site. This definition does not include private party animal sales, non-profit animal rescue groups, or animal services facility.

Animal establishment means any facility or business that has custody or control of animals within the city including, but not limited to, pet shops, pet grooming facilities, animal auction facilities, or commercial kennels. This term does not include veterinary or medical facilities or research or other facilities licensed by government agencies.

Animal exhibition means any exhibition or act featuring performing animals, including circuses, temporary animal exhibits, petting zoos, and private zoos. Such exhibitions shall not include resident or nonresident dog and cat shows that are sponsored and/or sanctioned by the animal service division.

Animal services facility means an establishment operated by the city or county for the temporary confinement, safekeeping, and control of animals that come into the custody of the city or county.

~~*Animal shelter* means a facility designated or recognized by the city for the purpose of impounding and caring for animals.~~

Assistance animal means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with special needs, including, but not limited to, guiding individuals with

impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

At large means ~~to be free of physical restraint beyond the boundaries of the premises of the owner~~ an animal (excluding sterilized and registered cats) that meets one (1) of the following criteria:

- (1) On premises of owner. Any animal not confined to the premises of the owner by some physical means of sufficient height, strength, length, and/or manner of construction to preclude the animal from leaving the premises of the owner.
- (2) Off premises of owner. Any animal that is not physically and continually restrained by some person by means of a leash or chain of proper strength and length that precludes the animal from making unsolicited contact with any person, their clothing, their property, or their premises.

The term shall not include animals, with required permits, being exhibited while under the immediate physical control of a person.

Cat means any member of the family *Felis domestica* catus. Cats and related terms are defined as follows:

- (1) *Ear tipping.* A technique for painless removing of a quarter-inch (1/4") off the top of the feral cat's left ear by a licensed veterinarian while the cat is anesthetized for spaying/neutering for the purpose of permanently identifying a feral cat that has been evaluated, vaccinated, and sterilized.
- (2) *Feral cat.* Any cat that is too poorly socialized to be handled and, therefore, must be trapped and sedated for examination and cannot be placed into a typical pet home.
- (3) *Feral cat caregiver.* A person who feeds feral cats, performs trap-neuter-return, and provides long-term care and monitoring for adult feral cats that are returned.
- (4) *Feral cat colony.* Three or more cats that have been fed and cared for at some level but are not claimed by any one person.
- (5) *Free roaming cats.* Cats that are not confined to the house or an enclosure and are at large.

- (6) Managed feral cat colony. A feral cat colony in which all cats have been sterilized and vaccinated and are provided daily food and shelter by a feral cat caregiver. The caregiver follows the most structured form of TVARM. This means to trap, vaccinate, alter, return, and manage.
- (7) Registered feral cat colony. A feral cat colony that is registered with animal control and meets all requirements of this chapter.
- (8) Stray cat. Cats that are currently or recently owned but are lost from their homes.

City means the City of Kerrville, Texas.

City council means the city council for the City of Kerrville, Texas.

City manager means the city manager or designee for the City of Kerrville, Texas.

~~*Community cat* means a feral cat that has been (1) ear tipped and microchipped, (2) vaccinated, and (3) sterilized through trap-neuter-return.~~

~~*Community cat caregiver* means a person who participates in trap-neuter-return. A community cat caregiver is not considered the owner, caretaker, custodian, harborer, or keeper of a community cat.~~

~~*Community cat colony* means a group of community cats that congregate, more or less, together as a unit and may share a common food source.~~

County means Kerr County and its authority and responsibilities under state law and the applicable order of the commissioner court as the local rabies control authority.

Court means the municipal court of the City of Kerrville, Texas, or a Kerr County justice court.

Coyote hybrid means an animal that is the offspring created by the mating of a coyote with a non-coyote animal, or is shown to be a coyote hybrid by the testimony of a licensed veterinarian or animal control officer, or is represented to be a coyote hybrid by a person who owns or exercises control or custody of said animal.

Currently vaccinated means properly injected with a rabies vaccine licensed for use in the subject species by the United States Department of Agriculture and administered by or under the direct supervision of a licensed veterinarian.

Dangerous dog means a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; ~~or~~
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.; or
- (3) Meets the definition of a dangerous dog under applicable state law.

Dog means any member of the family *Canis familiaris* excluding coyote and wolf hybrids ~~which contain any percentage of wolf.~~

Domestic animal means a tame, gentle animal (including *Felis domestica* and *Canis familiaris*), caged birds, amphibians, fish, reptiles other than poisonous, venomous, or otherwise dangerous reptiles; small caged rodents; and *P. furus* (the common ferret).

~~*Ear tipping* means the removal of the 3/8-inch tip of a cat's ear, performed while the cat is under anesthesia, to identify the cat as being a community cat that has been sterilized and lawfully vaccinated for rabies.~~

Enclosure means:

- (1) A structure with lockable windows and doors;
- (2) A tether, as defined by this chapter and in compliance with this chapter;
or
- (3) A fenced area that is reasonably certain to prevent the animal in question from escaping.

~~*Feral cat* means a free-roaming domestic cat which is not owned and is not socialized to people.~~

Fowl means domesticated animals belonging to the class of *Aves* including chickens, poultry, game birds, pigeons, or similar whether kept for pleasure or for profit.

Impound means the act of placing an animal in an animal shelter.

Livestock means domestic animals generally used or raised on a farm for profit, work, or pleasure, including cattle, sheep, swine, horses, donkeys, mules, domesticated game animals, and llamas. Livestock does not include mini-pigs.

Mini-pig means any of the domesticated forms of the species *suidae sus scrofa*, under 180 pounds, originating in Southeastern Asia, and having a straight tail, potbelly, swayback, and coat that is black, white, or both.

Neutered means rendered permanently incapable of reproduction. The term neuter is synonymous with spay or sterilize.

Nonprofit animal welfare organization means a nonprofit organization that has as its purpose 1) the prevention of cruelty to animals; or, 2) the sheltering of, caring for, and providing homes for lost, stray, and abandoned animals.

Owner means any person, partnership, corporation, association, or legal entity that ~~who has a right of property to an animal, keeps or~~ harbors, shelters, keeps, controls, manages, possesses, or has whole or part interest in any animal, ~~has an animal in their care, acts as custodian of an animal, or who permits an animal to remain on or about his or her premises.~~ The occupant, owner, or head of household of any premises where an animal remains for seventy-two (72) hours or more shall be rebuttably presumed to be the owner of such animal, unless the animal has been reported to the city enforcement agency as a stray animal. An occupant of any premises on which a dog or cat remains or customarily returns is a person responsible for it under this chapter. If a person under the age of seventeen (17) years owns an animal subject to the provisions of this chapter, the head of the household of which such person under the age of seventeen (17) years is a member shall be the person responsible for the animal under this chapter. Such household head may himself be under the age of seventeen (17) years and therefore subject to prosecution under this chapter. There may be more than one person responsible for an animal.

Person means any individual, firm, corporation, partnership, other business unit, society, association or other legal entity, any public or private institution, the state, or any municipal corporation or political subdivision of the state.

Pet animal means an animal that may be kept as a pet within the city so long as all of the required provisions of this chapter are met, and is not a dangerous wild animal or a wild animal, including but not limited to the following animals:

- (1) Reptiles: Any nonvenomous reptile that is not protected from ownership by an state or federal law;

- (2) Birds: any birds commonly kept as pets that are not protected from ownership by any state or federal law, or any bird kept for falconry purposes by a state and federally permitted falconer;
- (3) Fish: any fish commonly kept as pets that are not protected from ownership by any state or federal law; or
- (4) Mammals: any animals commonly kept as pets including dogs, cats, ferrets, rabbits, guinea pigs, hamsters, hedgehogs, rats, mice, chinchillas, and sugar gliders, but not limited to these.

Quarantine means to take into custody, place in confinement, and isolate from human beings and other animals. The quarantine period for a dog, cat, or a domestic ferret for rabies observation is ten (10) days or 240 hours from the date and time of the bite, scratch, or other exposure, or as recommended by the regional veterinarian from the department of state health services.

Registration or registered means a tag worn on a collar for identification and annually renewed with the registration authority and/or an implanted registered microchip.

Registration authority means the agency or department designated by the city manager and charged with registering animals upon confirmation of a rabies vaccination.

Restraint means ~~that an animal is considered under restraint if it is within a secured enclosure, secured by a leash or lead, or under the physical control of a responsible person~~ to control an animal by physical means so that it remains on the premises of the owner, or, when off the owner's premises, by means of a cage or leash or rope under the direct control of a person of sufficient strength or control the animal.

Secured enclosure means a structure that has working locks on doors and windows or a fenced area that meets the following criteria:

- (1) Lockable or otherwise capable of preventing the entry of the general public, including children;
- (2) Capable of preventing the release or escape of the dog being secured;
- (3) Clearly marked as containing a dangerous dog by signs at all entrances; and
- (4) Of sufficient height and depth to prevent the dog from climbing out or digging under.

Seize means the act of taking physical possession of an animal.

Serious bodily injury means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Tether means a ~~chain~~, rope, leash, cable, or other device that is attached to a stationary object or cable run as a means of restraining an animal.

Trap-neuter-return means a nonlethal approach to feral cat population control where feral cats are humanely trapped, sterilized and vaccinated, ear-tipped and microchipped, and then returned to the location where they were originally trapped or to another ~~community~~ cat colony when authorized under section 18-324.

Unprovoked attack or acts means an attack or act by a dog which took place even though the person that was attacked did not unreasonably do anything to cause or encourage the attack or act.

Wild animals means all undomesticated animals including lions, tigers, bears, wolves, wolf hybrids, coyote, coyote hybrids, apes, monkeys, foxes, baboons, skunks, raccoons, squirrels, birds of prey, migratory birds, other nondomestic birds, and all forms of poisonous, venomous, or otherwise dangerous reptiles.

Wolf hybrid means a canid that is the offspring created by the mating of a wolf with a non-wolf animal, or is shown to be a wolf hybrid by the testimony of a licensed veterinarian or an animal control officer, or is represented to be a wolf hybrid by a person who owns or exercises control or custody over said animal.

Sec. 18-2. Enforcement.

(a) It shall be the duty of the animal control authority to carry out all applicable provisions of this chapter and to seize and impound all animals when authorized or required by this chapter.

(b) Any offense of this chapter is considered a nonculpable offense, unless the section specifically sets out the necessary culpability for the offense. The penalty for a violation of this chapter shall be as set forth in section 1-7 of this Code.

(c) It is unlawful for a person to interfere with, hinder, or molest any agent of the animal control authority in the performance of any duty as herein provided. It shall also be unlawful for a person to remove an animal from or inflict damage upon a humane live trap set by the animal control authority.

(d) It is unlawful for an animal's owner or ~~community~~ cat caregiver to intentionally or knowingly deceive or mislead the animal control authority by statement, action, or omission in order to avoid a penalty, charge, or other consequence under this chapter.

(e) In any case where one or more animals have been the cause of a substantial number of bona fide nuisance complaints under this chapter from multiple sources, the animal control authority may petition the court to order the removal of the animal(s) from the city limits. A substantial number of nuisance complaints means three or more complaints within the past 12 months. Multiple sources means that there are two or more reporting parties that do not reside at the same address. A complaint is bona fide if made in good faith and is not unfounded, as determined by the animal control authority. If the court orders the animal removed, it must be microchipped (dogs and cats only), registered with the animal control authority, and removed to a permanent location that is greater than 5,000 feet outside the city limits. If an animal that was ordered removed is found within the boundary of 5,000 feet outside the city limits, the city manager may obtain a seizure warrant from the court, which warrant shall order the humane disposition of such animal in accordance with this chapter.

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Sec. 18-5. Redemption.

The owner of any impounded animal may reclaim same by signing any citations issued for alleged violations of this chapter and paying all impoundment fees, fines and other accrued expenses. If an animal is not redeemed within three days of impoundment and that the animal shelter is open to the public, the animal control up for adoption or arrange for other humane disposition. If an animal has been previously impounded, the impoundment fee may be raised. A ~~community~~ feral cat caregiver may reclaim a ~~community~~ feral cat in the same manner as an owner. A ~~community~~ feral cat caregiver may only reclaim a feral cat if it is, or will be, ear-tipped, microchipped, vaccinated, and sterilized before being reclaimed.

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Sec. 18-30. Rabies vaccination and registered.

(a) *Required; exception.* Except as otherwise provided, no person shall own, keep, or harbor any dog or cat over four months of age within the City limits unless such dog or cat is currently vaccinated and registered. The provisions of this section do not apply to animals owned by a licensed research facility or government operated animal shelter.

(b) *Vaccination by licensed veterinarian.* All dogs and cats shall be vaccinated against rabies by a licensed veterinarian in accordance with Section 826.021, Texas Health and Safety Code.

(c) *Microchipping.* All dogs and cats shall be microchipped and owners shall thereafter update the microchip company with the current address of the owner.

(d) *Time limit for registration; exception.* The owner of a dog or cat shall seek registration within 30 days after obtaining a dog or cat over four months of age. This requirement will not apply to a nonresident keeping a dog or cat within the city for no longer than 60 days. New residents must apply for registration within 30 days of establishing residency.

(e) *Registration period; registration to be attached to collar; transferability; records.* Except as otherwise provided, the registration period shall be for one year. Each applicant shall pay the appropriate fee annually and shall supply all information reasonably requested on forms supplied by the registration authority. Registration furnished by the registration authority shall be of durable material. Registration issued for a dog or cat must be attached to the collar of the animal and must be worn at all times. Registrations are not transferable. A record of all registrations issued shall be maintained by the registration authority; and such records shall be available to the animal control authority if not the same entity. The registration authority shall maintain records for five years.

(f) *Failure to obtain registration.* A registration shall be issued after payment of the required fee, and a showing of proof of vaccination by a licensed veterinarian. A person who fails to obtain registration for his or her dog or cat as required within the time period specified in this section will be subjected to a delinquent fee.

(g) *Waiver of registration fee.* Registration fees shall be waived for dogs serving the blind, deaf, or other persons with disabilities as defined by law, or government-owned dogs used for law enforcement. All other registration provisions will apply.

(h) *Tag required.* It is unlawful for a person to have a dog or cat in their care, custody or control which does not have a current vaccination tag and a license on the dog or cat.

(i) *Exception.* This section does not apply to ~~community~~ feral cats with up-to-date vaccinations.

Sec. 18-31. Public Nuisances.

(a) All dogs and cats, excluding ~~community~~ feral cats, shall be kept under restraint.

(b) No dog or cat may be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this article.

(c) A dog or cat is considered a nuisance if it:

- (1) damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noisemaking; chases vehicles; or molests, attacks, or interferes with persons or other domestic animals on public property or private property not belonging to the pet animal's owner;
- (2) engages in conduct that establishes such animal as a "dangerous animal";
- (3) is "at large" (excluding sterilized and registered cats that are identified by some means of traceable identification);
- (4) produces odors or unclean conditions sufficient to offend a person of normal sensibilities;
- (5) creates a condition conducive to the breeding of flies or other pests;
- (6) creates a condition that is dangerous to human life or health;
- (7) renders the ground, the water, the air, or human food a hazard or injurious to human life or health;
- (8) is offensive to the senses; or
- (9) is detrimental to the public health.

(d) ~~Engage in conduct that establishes such animal as a "dangerous animal."~~Failure to secure and maintain proper fencing that has or may allow a dog or cat to be at large is considered a nuisance.

(de) It is unlawful for a person to feed feral cats or to provide food for feral cats. It is an affirmative defense if the person is a ~~community~~ feral cat caregiver maintaining a ~~community~~ registered feral cat colony.

(ef) If a ~~community~~ feral cat colony is the source for a substantial number of nuisance complaints from multiple sources, the affirmative defense under subsection (de) does not apply and the ~~community~~ feral cat colony must be relocated or the cats claimed by owners and re-homed per the city animal control officer's discretion. A substantial number of nuisance complaints means three or more complaints within the past 12 months. Multiple sources means that there are two or more reporting parties that do not reside at the same address.

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Sec. 18-32. ~~Community~~ Feral cats.

(a) ~~Community~~ Feral cats impounded on a nuisance complaint shall be humanely euthanized after expiration of the redemption period unless a ~~community~~ feral cat caregiver claims the ~~community~~ feral cat and agrees and is able to relocate the cat to another location, in compliance with this chapter. ~~Community~~ Feral cats may be held longer, as space is available in the animal shelter.

(b) ~~Community~~ Feral cats that bite or scratch a person shall undergo rabies observation or testing, shall be euthanized in accordance with law, and may not be released, including to a ~~community~~ feral cat caregiver.

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Sec. 18-33. Redemption.

(a) A ~~community~~ feral cat released to a ~~community~~ feral cat caregiver may be released without payment of an impoundment fee, unless the ~~community~~ feral cat was seized pursuant to a nuisance complaint.

(b) Any dog or cat confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of a fee. Disposal of a dog or cat by any method specified herein does not relieve the owner of liability for violations and accrued charges.

(c) No dog or cat required to be registered or vaccinated under this chapter may be redeemed until arrangements for such registration and vaccination have been made.

(d) As a condition for redemption, the animal control authority may require a dog or cat, including ~~community~~ feral cats, to be microchipped and have the microchip registered such that the animal control authority is able to identify the owner or ~~community~~ feral cat caregiver, as applicable.

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Sec. 18-34. Feral Cat Colonies ~~Registration fees~~.

Any person who would like to become a feral cat caregiver must register the managed feral cat colony with the city and execute a contract with the city that informs the potential feral cat caregiver of all city ordinances and rules associated with feral cat colonies.

Sec. 18-3~~4~~5. Registration fees.

Any and all registration fees required by this chapter shall be set by city council after direct consultation with the county as to the appropriate fee amounts. The resolution shall also determine the conditions of payment and collection of the required fees.

Sec. 18-3~~5~~6. Over four dogs and/or cats prohibited.

(a) It is unlawful for a person to harbor, keep, or maintain more than four dogs, cats, or a combination thereof on any property within the city. This section does not apply to a property owned and/or operated by a governmental entity, a nonprofit animal welfare organization, or an animal shelter.

(b) It is an affirmative defense to a violation of subsection (a) if the dogs or cats are four months of age or younger and are part of a litter that is in the process of being weened.

(c) It is an affirmative defense to subsection (a) if animals are being fostered for the animal control authority or a nonprofit animal welfare organization, and the care is not otherwise in violation of this chapter or any applicable policy. The animal control authority may waive the permit fee as a part of promotion for adoption or to encourage compliance with this chapter.

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Sec. 18-55. Requirements for owner of dangerous dog.

(a) Within 30 days of the court decision to declare a dog dangerous, or within 30 days of such decision being upheld on appeal, the owner of the dangerous dog must comply with the following requirements for the dog to be released from impoundment:

(1) Registration, specifically as a dangerous dog, with the animal control authority for the area in which the dog is kept, which registration must be updated within 14 days in the event of a change in address or ownership;

(2) Restrain the dog at all times on a leash in the immediate control of a person or in a secured enclosure as defined by state law;

(3) Obtain liability insurance policy with at least \$1500,000.00 in coverage for damages resulting from an attack by the dog causing serious bodily injury or provide proof of financial responsibility substantially equal to that amount;

(4) The dog must be microchipped and the owner must update the microchip company with the current address of the owner;

(5) The dog must be fitted with a bright orange collar visible from 50 feet away;

(6) The dog must be vaccinated for rabies and registered as required by this chapter; and

(7) Have the dog sterilized.

(b) If the owner of the dangerous dog is unable to establish timely compliance with the above requirements, the dog shall be humanely euthanized.

(c) It is a violation of this chapter for an owner of a dog previously declared dangerous to be out of compliance with these requirements, including a dog previously declared dangerous in another jurisdiction.

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Sec. 18-71. Inhumane treatment, generally.

(a) It is unlawful for a person to treat an animal inhumanely. The penalty for a violation of this section is as set forth in section 1-7 of the Code of Ordinances.

(b) For the purposes this section inhumane treatment means:

(1) To unnecessarily permit or cause pain or suffering;

(2) To unnecessarily deprive the animal of food, water, veterinary care, or shelter; or

(3) To confine in a manner that is injurious to the animal's health and/or wellbeing.

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Sec. 18-76. Animals left in vehicles.

(a) It is unlawful to leave an animal in a parked or standing vehicle or enclosed trailer in such a way as to endanger the animal's health, safety, or welfare.

(b) It is presumed that an animal's health, safety, or welfare is endangered when the animal is confined for a period of ten or more minutes at a time when the ambient outside air temperature is above 75 degrees or below 35 degrees Fahrenheit.

(c) The animal control authority, a peace officer, or a firefighter may take reasonable actions to remove an animal that was left in violation of subsections (a) or (b), including use of force if necessary and/or if the animal is showing signs of distress. Any animal so removed shall be impounded as if at large. It shall be the responsibility of the animal's owner to repair any damage caused by the removal of the animal from the dangerous situation by the city enforcement agent or peace officer.

Sec. 18-77. Animals in trucks and trailers.

It is unlawful for a person to transport in an open bed pickup or an open flatbed truck or to tow in an open flatbed trailer on a public street or highway while a dog or other animal occupies the bed of the truck or trailer unless the animal is secured in a kennel or other secure vented enclosure, restrained by a harness manufactured for the purpose of restraining animals, or restrained using a ~~chain-wire rope~~, rope, or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling. If the ambient outside air temperature is above 85 degrees Fahrenheit, there must be some kind of flooring between the animal and the truck bed that will prevent injury by the hot surface of the bed.

Sec. 18-78. Care.

- (a) All animals must be provided with:
 - (1) Daily food and a clean source of water sufficient for the breed and size to maintain the animal at a good level of nutrition;
 - (2) A source of shelter from the elements appropriate for the breed, size, and needs of the animal; and
 - (3) Veterinary care reasonably necessary to prevent suffering.
- (b) Failure by an owner of an animal to provide care as required by this section is a violation of this chapter. This section does not apply to ~~community~~ feral cats.

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Sec. 18-91. Fowl.

- (a) It is unlawful for a person to keep fowl within the city limits in violation of this section.
- (b) Any enclosure that houses fowl must be at least 50 feet from any dwelling other than the dwelling occupied by the owner of the fowl, provided that there are fewer than six fowl on the property. Any enclosure that houses fowl must be at least 180 feet from any dwelling other than the dwelling occupied by the owner of the fowl, when there are six or more fowl on the property. A property in the city limits may not have more than 12 fowl unless it is zoned agriculture, general. This section does not apply to exotic birds such as parakeets and parrots that are primarily kept indoors.
 - (b)(1) Any and all chicken hens so kept shall remain confined in an enclosure to prevent their running at large.
 - (b)(2) Any such above-described enclosure shall be kept in the rear yard.
 - (b)(3) Any and all enclosures or other such shelters provided for said permitted chicken hens shall be of a size sufficient to be conducive to good sanitation and shall provide adequate and sanitary drainage for the enclosure or shelter.
 - (b)(4) All litter and droppings resulting from the keeping of permitted chicken hens shall be collected weekly in a container or receptacle of such a type that when closed is rat proof and fly tight and said container or receptacle shall remain closed after collection of litter or droppings. Any such litter and droppings so collected shall be disposed of at a minimum of once weekly in a manner that complies with all provisions

of this code and in such a way as not to permit fly breeding or any other unsanitary condition.

(b)(5) All feed provided for any such permitted chicken hens shall be stored and kept in a rodent and wildlife proof and fly tight receptacle.

(c) It is unlawful for a person to own, keep, harbor, or maintain a rooster within the city limits.

(d) It is unlawful for a person to own, keep, harbor, or maintain an ostrich, peafowl, or an emu within the city limits.

(e) The owner of fowl, or the owner of real property on which fowl is being kept, may not allow the fowl to be a nuisance, or be the source of a nuisance, by virtue of (1) dust, smoke, odor, glare, excessive noise, vibration, trash, junk, water spray, or attraction of pests, which would disturb a person of normal sensibilities; or (2) otherwise create a health hazard.

(f) This section is only applicable where the city's application of these provisions do not conflict with state law.

Sec. 18-92. Rabbits.

(a) A person may not keep, harbor, own, or maintain, within city limits, on residential property, as that term is defined by "dwelling unit" in the city's zoning code, more than ten rabbits unless the person is lawfully involved in an agricultural youth project under the supervision of a county extension agent or agriculture teacher employed by the independent school district.

(b) Any enclosure that houses rabbits within city limits must be at least 50 feet from any dwelling other than the dwelling occupied by the owner of the rabbits.

(c) The owner of rabbits, or the owner of real property on which rabbits are being kept, may not allow the rabbits to be a nuisance, or be the source of a nuisance, by virtue of (1) dust, smoke, odor, glare, vibration, trash, junk, water spray, excessive noise, or attraction of pests, which would disturb a person of normal sensibilities; or (2) otherwise create a health hazard.

(d) This section is only applicable where the city's application of these provisions do not conflict with state law.

Sec. 18-93. Ferrets.

- (a) It is unlawful for a person to harbor, keep, or maintain ferrets over the age of six months on any property within the city limits where the overall number of ferrets, dogs, and cats exceeds four such animals.
- (b) Ferrets must be currently vaccinated against rabies at all times.
- (c) The owner of ferrets, or the owner of real property on which ferrets are being kept, may not allow the ferrets to be a nuisance, or be the source of a nuisance, by virtue of (1) dust, smoke, odor, glare, vibration, trash, junk, water spray, excessive noise, or attraction of pests, which would disturb a person of normal sensibilities; or (2) otherwise create a health hazard."

SECTION TWO. The City Secretary is authorized and directed to submit this amendment to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code as appropriate.

SECTION THREE. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

SECTION SIX. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the 8th day of September, A.D., 2026.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 22nd day of September, A.D., 2026.

Joe Herring, Jr., Mayor

APPROVED AS TO FORM:

ATTEST:



William L. Tatsch, City Attorney

Shelley McElhannon, City Secretary