

ANIMAL ORDINANCE 2009

CHAPTER 4. ANIMAL CARE AND CONTROL

Sec. 4-1. Definitions.

In this chapter, the following words and terms shall have the following meaning, unless the context indicates otherwise:

Abandon: The dumping, deserting, or leaving of any animal on public or private property with the intent of terminating any further responsibility for the animal; or failing to properly redeem any animal impounded or quarantined by the city.

Adoption: The purchase of a dog or cat from the city for pet purposes.

Animal: Any living creature, including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowls, and livestock but specifically excluding human beings.

Animal control officer: The person or persons designated by the city to represent and act for the city to enforce the provisions of this chapter; also known as an animal services officer.

Cat: A domesticated animal that is a member of the felidae (feline) family but does not include a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other wild animal of this family or hybrids.

Common household pets: Animals such as but not limited to dogs, cats, domestic birds, ferrets, hamsters, guinea pigs, gerbils, and rabbits.

Dangerous dog: 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) Makes an unprovoked attack on a domestic animal which occurs when the attacking dog is running at large.

Dog: A domesticated animal that is a member of the canidae (canine) family but does not include a wolf, jackal, fox or other wild animal of this family or hybrids.

Domestic birds: Birds such as but not limited to budgies, canaries, cockatiels, doves, finches, lovebirds, macaws, parakeets, and parrots.

Ferret: A domestic member of the family mustelidae, specifically *mustela putorius furo*.

Fowl: Chickens, turkeys, pheasants, quail, geese, ducks, ostriches, emus or similar feathered animals regardless of age, sex or breed.

Guard dog: A dog which has been trained for the purpose of protecting property by a guard dog company which is required to be licensed pursuant to V.T.C.A., Occupations Code ch. 1702, as amended.

Health officer: A licensed physician appointed by the city to have charge, control, protection of public health.

Hybrid: A product of the mating of two (2) different species of animals regardless of the number of generations born since the original mating.

Licensed veterinarian: A person licensed to practice veterinarian medicine.

Livestock: Farm animals such as horses, ponies, mules, donkeys, cattle, sheep, goats, and swine, regardless of age, sex, or breed, and including miniature breeds.

Local rabies control authority: The person designated by the city in accordance with V.T.C.A., Health and Safety Code § 826.017.

Owner: Any person owning, possessing, harboring, keeping or sheltering any animal.

Person: Any individual, firm, partnership, association, corporation or other legal entity.

Prohibited animal:

(1) Any animal not normally born and raised in captivity, including but not limited to the following:

- a. *Class Reptilia:* Family Helodermatidae (venomous lizards) and Family Hydrophiidae (Venomous Marine snakes); Family Viperidae (rattlesnakes, copperheads, cottenmouths, pit vipers and true vipers); Family Elapidae (coral snakes, cobras, and mambas); the following listed species of Family Colubridae-Dispholidus typus (Boomslang), Hyrodynastes gigas (water cobra), Boiga (mangrove snake), and Thelotornis (African twig snake) only; Order Phidia, Family Boidae (racers, boas, water snakes, and pythons); Order Crocodilia (such as crocodiles, alligators, caimans, and gavials);
- b. *Class Aves:* Order Falconiforms (such as hawks, eagles, falcons and vultures);
- c. *Class Mammalia:* Order Carnivores,
 1. Family Felidea (such as lions, tigers, bobcats, jaguars, ocelots, leopards and cougars), except commonly domesticated cats;
 2. Family Canidae (such as wolves, wolf-dog hybrids, dingos, coyotes, foxes and jackals), and any hybrid of an animal listed in this section except commonly domesticated dogs;
 3. Family Mustelida (such as weasels, skunks, martens, minks, badgers and otters) except ferrets;
 4. Family Procyonidae (such as raccoons and coati);
 5. Family Ursidae (such as bears);
 6. Marsupialia (such as kangaroos, opossums, koala bears, wallabys, bandicoots, and wombats);
 7. Chiroptera (bats);
 8. Edentata (such as sloths, anteaters, and armadillo);
 9. Probosidea (elephants);
 10. Primata (such as monkeys, chimpanzees, orangutans, and gorillas);
 11. Rodentia (such as beavers and porcupines); and
 12. Ungulata (such as antelope, deer, bison and camels);
- d. *Class Amphibi:* Poisonous frogs.
- e. *Class Insecta:* Poisonous insects.

(2) Does not include livestock, fowl or common household pets.

(3) Animals not listed: An animal control officer 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.

Properly fitted with respect to a collar or other neck restraint: One that measures the circumference of a dog's neck plus at least one (1) inch. With respect to a harness, properly fitted

means one (1) that is of an adequate size, design, and construction as appropriate for the dog's size and weight.

Running at large: Any animal not confined or restrained as required by this chapter.

Secure enclosure: A fenced area or structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the animal control officer.

Serious bodily injury: Any physical injury that involves a substantial risk of death, disfigurement, or impairment of any part of the body, including but not limited to a broken bone or a laceration requiring either multiple stitches or cosmetic surgery.

Unprovoked: Any action by an animal that is not:

- (1) In response to being tormented, abused, or assaulted by any person;
- (2) In response to pain or injury; or
- (3) In protection of itself or its food, kennel, immediate territory, or nursing offspring.

Vaccinated: Properly injected with an approved rabies vaccine licensed for use in that species by the United States Department of Agriculture (USDA) and administered by a licensed veterinarian.

Vicious animals: Any animal that has on three (3) occasions without provocation attacked or bitten any person or other animal.

Wild animals: Any mammal, reptile, or fowl that is wild by nature, which because of habit, mode of life, or natural instincts is incapable of being completely domesticated regardless of the state or duration of captivity.

Sec. 4-2. Enforcement.

- (a) The city shall designate employees as animal control officers.
- (b) Enforcement of this chapter and any state laws regulating animals shall be the primary responsibility of the animal control officers. Police officers employed by the city may also enforce the provisions in this chapter and any state laws regulating animals.
- (c) The director of community redevelopment and grants shall be authorized to adopt such administrative rules and regulations as may be necessary and proper to effectuate this chapter.
- (d) The provisions of Subchapter D. DANGEROUS DOGS, Chapter 822 of the Texas Health and Safety Code (V.T.C.A., Health and Safety Code § 822.041 et seq.), as amended, are incorporated into this chapter and the animal control officers are hereby the Animal Control Authority for purposes of administering and enforcing that subchapter.
- (e) The animal control officers and police officers are authorized to:
 - (1) Impound any animal in violation of this chapter;
 - (2) Issue citations for any violation of this chapter or applicable state law;
 - (3) Enter the premises upon which any animal is kept or harbored to demand the exhibition of such animal by the owner or license required for such animal; and
 - (4) Enter the premises where any animal is kept or harbored in a reportedly cruel or inhumane manner and demand to examine such animal and take

possession of such animal when, in the opinion of the officer, it requires humane treatment.

(f) No person shall interfere with any animal control officer or any authorized representative in the performance of their duties.

(g) Except when required otherwise by state law, all fees and charges required under this chapter shall be established by the director of community redevelopment and grants with the approval of the city manager.

Sec. 4-3. Rabies vaccination and city registration, required.

(a) The owner of a dog, cat or ferret shall have the animal vaccinated against rabies by the time the animal is three (3) months of age. The animal must receive a booster within the twelve (12) month interval following the initial vaccination. Every animal must be re-vaccinated against rabies at a minimum of once every three (3) years with a triennial vaccine or a minimum once each year with an annual vaccine. All rabies vaccinations should be administered by a licensed veterinarian.

(b) The owner of a dog, cat or ferret three (3) months of age or older shall, at no cost, register the animal with the city to ensure rapid return to the owner if circumstances warrant. All residents who register their animal in accordance with this ordinance shall receive a discount toward spaying or neutering and/or a microchip procedure by an approved provider. City registration shall be in conjunction with an animal's rabies schedule, either one (1) year or (3) years. Current rabies vaccination certificate must be submitted upon registration. The rabies vaccination certificate shall include the name and address of the applicant, a description of the animal, and proof of a current rabies vaccination. Upon receipt of a rabies vaccination certificate that meets the criteria of this section and state law, a city registration tag shall be issued, which shall bear an identifying number for the animal and the year of issuance. The license tag shall be securely attached to the collar or harness of the animal and worn at all times.

(c) A person commits an offense without regard to mental state, if the person owns, keeps, or harbors a dog, cat or ferret over three (3) months of age without having such animal currently vaccinated against rabies.

(d) A person commits an offense without regard to mental state, if the person owns, keeps, or harbors a dog, cat or ferret over three (3) months of age without having such animal currently registered with the city.

(e) A person commits an offense without regard to mental state, if the person owns, keeps, or harbors a dog, cat or ferret required to be vaccinated and registered by this section and fails to display on the animal at all times a current rabies vaccination tag and a current city registration tag.

(f) A person commits an offense without regard to mental state, if the person owns, keeps, or harbors a dog, cat or ferret and displays on the animal a rabies vaccination tag or a city registration tag issued to another animal.

Sec. 4-4. Revocation and denial of registration.

(a) An animal control officer may deny or revoke registration for an animal owned by a person who has been convicted of: Cruelty to Animals pursuant to V.T.C.A., Penal Code § 42.09, 42.091, or 42.092 as amended; Dog Fighting pursuant to V.T.C.A., Penal Code § 42.10 as amended; three (3) or more separate violations of this chapter or of an animal control ordinance

of another jurisdiction within any twelve (12) month period; or has had the same animal impounded four (4) or more times within any twelve (12) month period.

(b) If the animal control officer revokes or denies registration of a dog, cat or ferret, a written notice of the action and of the right to an appeal shall be given to the owner. The owner may appeal the decision of the animal control officer to the municipal court. The filing of a request for an appeal hearing stays an action of the animal control officer in revoking or denying the registration until the municipal court makes a final decision.

(c) The denial or revocation of registration may be appealed by filing with the animal control officer a written request for hearing within ten (10) days after notification of the denial or revocation. If written request for an appeal is not timely made, the denial or revocation is final. The municipal court may consider evidence offered by any interested person. The formal rules of evidence do not apply. The municipal court shall make its decision on the basis of a preponderance of the evidence presented at the hearing. The municipal court should conduct a hearing and render a decision within fifteen (15) days after the request for an appeal is filed or as soon thereafter as practicable. The municipal court may affirm or reverse the denial or revocation. The decision of the municipal court shall be sent to the owner of the affected animal. The decision of the municipal court is final.

(d) Within fifteen (15) calendar days after receipt of a notice of revocation or denial of registration, or after a final decision of the municipal court if an appeal is filed, a dog or cat owner shall remove the affected animal from the city limits. The animal control officer or the municipal court may extend the fifteen (15) day removal period for an additional fifteen (15) calendar days. The owner shall provide the animal control officer with a sworn statement confirming the removal of the animal.

(e) A person commits an offense if the person owns, keeps, or harbors a dog, cat or ferret within the city limits during a period when registration for the animal has been revoked or denied, or fails to remove a dog, cat or ferret from the city limits when required by this section.

Sec. 4-5. Number of common household pets allowed.

It shall be unlawful for any person to own, keep, or harbor at one residential dwelling unit more than five (5) common household pets over four (4) months of age in any combination of species.

Sec. 4-6. Confinement of dogs and running at large.

(a) A dog or dogs shall at all times be confined within a building or a fenced area that is at least 150 square feet in size per dog over four (4) months of age and of sufficient strength and construction to confine the dog or keep the dog from running at large.

(b) It shall be unlawful for an owner of a dog, without regard to mental state, to fail to keep the dog from running at large within the city limits.

(c) When a dog is on a leash held by a person capable of controlling the dog or being physically held by a person capable of controlling the dog, a dog shall not be deemed running at large.

(d) A dog confined within an automobile or other vehicle shall not be deemed running at large.

(e) An electronic fence shall not be considered a fence in compliance with this chapter.

Sec. 4-7. Restraint; tethering or chaining of dogs.

(a) Except as provided in Subsection (b), it shall be unlawful for a person to restrain a dog with a chain or tether unless the person is holding the chain or tether.

(b) The prohibition of Subsection (a) does not apply to a temporary restraint:

- (1) During a lawful animal event, such as walking on a leash, cleaning a dog pen, veterinary treatment, grooming, training, or law enforcement activity; or
- (2) That is required to protect the safety or welfare of a person or the dog, if the dog's owner or handler remains with the dog throughout the period of restraint.

(c) A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitting collar or harness worn by the dog. A person may not wrap a chain or tether directly around a dog's neck. A person may not restrain a dog with a chain or tether that weighs more than 1/8 of the dog's body weight. A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.

(d) A person may not restrain a dog in a manner that does not allow the dog to have access to necessary shelter and water.

(e) A person may not restrain a dog in a manner that allows the dog to move outside the person's property.

Sec. 4-8. Guard dogs.

All guard dogs shall be registered annually with the animal control officer prior to use as guard dogs. The city license tag for a guard dog shall be securely attached to the collar or harness on the animal and worn at all times. Guard dogs shall be restrained by a chain or leash not exceeding six (6) feet in length and humanely muzzled when off the premises where used.

Sec. 4-9. Impoundment.

(a) The following animals may be impounded:

- (1) Cats or dogs not exhibiting evidence of vaccination or registration.
- (2) Any animal kept under conditions which can endanger the public or animal health.
- (3) Any animal that has rabies or symptoms thereof or that a person could reasonably suspect of having rabies or that bites, scratches or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being or animal, or that requires observation for rabies as determined by the animal control officer.
- (4) Any animal other than a cat running at large. Except that a cat may also be impounded pursuant to section 4-17(f) of this chapter.
- (5) Any animal treated in a manner determined to be in violation of Cruelty to Animals, V.T.C.A., Penal Code § 42.09, 42.091, 42.092, as amended or Dog Fighting, V.T.C.A., Penal Code § 42.10.
- (6) Any animal in violation of any provision of this chapter.
- (7) Any animal reasonably suspected of having inflicted bodily harm on any human being or animal that poses a threat to public safety or constitutes a public nuisance.
- (8) Any prohibited animal.

(b) If any animal is found on the premises of any person, that person may confine such animal in a humane manner until the animal control officer impounds such animal. When so notified, it shall be the duty of the animal control officer to have such animal impounded.

(c) The city shall select and establish facilities for the impoundment, quarantine, maintenance, and destruction of animals.

(d) Reasonable effort shall be made by the animal control officer to contact the owner of any animal impounded which is wearing a current rabies vaccination tag or a current city license tag.

Sec. 4-10. Redemption of animal.

(a) The owner may redeem an impounded animal upon payment of all applicable impoundment fees, handling fees, and any veterinarian bills or other cost incurred by the city for the impoundment, care and welfare of the animal and upon proof of compliance with the vaccination/registration requirements of this chapter. Any animal being held under quarantine or observation for rabies shall not be redeemed until released from quarantine.

(b) Impounded animals shall be held for three (3) days after the date of impoundment except any animal wearing a current rabies vaccination tag or a current city license tag shall be impounded for seven (7) days. If the owner of an impounded animal does not redeem it within the period of impoundment, disposition will be in accordance with this chapter.

Sec. 4-11. Disposition of animals.

(a) Except as provided herein, any animal not redeemed within the above-stated time periods after impoundment, or release from quarantine, shall become the property of the city and shall be placed for adoption, transferred to a bona fide humane society or humanely destroyed.

(b) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by a court of competent jurisdiction.

(c) Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide care for the baby may be immediately destroyed to prevent further suffering. (d) Any impounded animal that appears to be suffering from extreme injury or illness may be immediately destroyed to prevent further suffering.

(e) Any owner who no longer wishes responsibility for an animal or believes the animal to be ill or injured may sign a written waiver supplied by the animal control officer surrendering all rights to the animal to the city and allowing for the disposition of said animal to be at the discretion of the city. The owner of such animal shall be charged a fee for this service.

Sec. 4-12. Adoption of dogs and cats.

(a) A person may adopt a dog and/or cat from the city animal shelter facility that has been classified as adoptable. If the animal has not been spayed or neutered, the adopting owner must sign an agreement to have the animal spayed or neutered within thirty (30) days or when the animal reaches the age of six (6) months. Additionally, any animal adopted must be vaccinated within five (5) days after purchase or by the time the animal reaches the age of three (3) months.

(b) A person commits an offense if the person fails to have the adopted animal spayed or neutered as required by this section.

(c) An animal control officer may refuse to allow a person to adopt an animal to whom he has reason to believe:

- (1) Would not have proper facilities to contain or care for the animal.
- (2) Wants the dog or cat for the purpose of resale or for purposes other than pet ownership.
- (3) There are reasonable grounds to believe the animal would be subjected to abandonment or cruelty.

Sec. 4-13. Animal quarantine.

(a) Any animal that has rabies or symptoms which could reasonably indicate rabies or that bites, scratches or otherwise creates a condition which may expose or transmit the rabies virus to a human being shall be impounded immediately. Upon notification, the owner shall surrender the animal to the animal control officer for quarantine at the city's designated animal shelter, or with approval from the animal control officer deliver the animal to a state-approved veterinarian quarantine facility for quarantine at the owner's expense. Quarantine shall be for a minimum of ten (10) days beginning on the date the incident occurred or longer as the animal control officer may deem necessary. Animal quarantine shall be in accordance with any applicable rules and regulations adopted by the Texas Department of State Health Services.

(b) Quarantine shall be subject to the following conditions:

- (1) The quarantine animal showing clinical signs of rabies shall be immediately destroyed and the head or brain submitted to the nearest Texas Department of State Health Services Laboratory for testing.
- (2) The animal placed in quarantine shall not be released without prior notification to and written approval from the animal control officer.
- (3) Home quarantine at the residence of the owner, if approved by the animal control officer, must satisfy the following conditions.
 - a. Secure facilities are available and approved by the animal control officer.
 - b. The animal is currently vaccinated against rabies.
 - c. A licensed veterinarian or Local Rabies Control Authority must observe the animal on the first and last days of the quarantine period.
 - d. The owner of the animal shall notify the animal control officer if the animal escapes, becomes or appears to become sick, or dies; and, in case of death of the animal while under quarantine, shall immediately surrender the dead animal to the animal control officer for diagnostic purposes.
 - e. The animal was not running at large at the time of the incident.
 - f. The animal is isolated from all other animals and human beings, other than a designated responsible adult who owns the animal.

(c) A person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies, or who knows of an animal that the person suspects is rabid shall report the incident or animal to the animal control officer. The report shall include the name and address of the victim and owner of the animal, and any other information relating to the incident or animal.

(d) The owner shall submit for quarantine an animal that:

- (1) Is reported rabid or to have exposed an individual to rabies; or

- (2) The owner knows or suspects is rabid or has exposed an individual to rabies; or
- (3) Has bitten, scratched or otherwise created a condition which may have exposed or transmitted the rabies virus to any human being.

(e) When submitted for quarantine, the owner shall provide the name, address and any other relevant information about the animal.

(f) The owner of a quarantined animal shall pay all reasonable costs of the quarantine and disposition of the animal, including charges for shipment of animal tissues, if required, to the Texas Department of State Health Services Laboratory for testing.

(g) An animal that has been quarantined may be released by the animal control officer after a licensed veterinarian or Local Rabies Control Authority determines that the quarantined animal does not show clinical signs of rabies and under the following conditions:

- (1) At the end of the observation period upon proof of vaccination prior to release from quarantine.
- (2) When all applicable fees have been paid.
- (3) If the animal is not being held for legal proceedings.
- (4) If appropriate city license registration has been obtained.

(h) It shall be unlawful for any person to interrupt the observation period or otherwise interfere with quarantine.

(i) It shall be unlawful for any person to destroy or remove from the city any animal that has bitten a person or other animal or that has been placed under quarantine, except when necessary to protect the life of any person or other animal or otherwise approved by the animal control officer.

(j) The carcass of a dead animal exposed to rabies or suspected of having been rabid, shall, upon demand, be surrendered to the animal control officer.

(k) Wild animals shall not be placed in quarantine. Wild animals shall be humanely destroyed in such a manner the brain is not mutilated. The brain will then be submitted to a Texas Department of Health Laboratory for testing.

(l) No person shall fail or refuse to surrender an animal for quarantine or for destruction when ordered by the animal control officer.

Sec. 4-14. Livestock and fowl.

(a) It shall be unlawful for any person to own, keep, or harbor any livestock or fowl within the city limits except on property defined as a farm or ranch pursuant to the city's zoning ordinance and in numbers and under the conditions as set out in this section.

(b) It shall be unlawful for any person to keep any swine within the city limits.

(c) The following per acre limits apply to the keeping of livestock or fowl in any combination of species:

- (1) One (1) adult horse, mule, donkey, or other animal of like kind or cow per acre,
- (2) Three (3) adult goats, sheep, llamas, alpacas, ostriches, or emus per acre; and
- (3) Ten (10) adult rabbits, chickens, turkeys, pheasants, quail, geese, or ducks per acre.

(d) It shall be unlawful for any person to keep more livestock or fowl on any premises than as set out in subsection (c).

(e) Any barn, stable, shed, or similar enclosure used to house livestock or fowl shall be located at a distance of not less than three hundred (300) feet from any adjoining tract of land or property line.

(f) Livestock pens, stables, corrals, or enclosures and fences shall be capable of preventing the entry of the general public and capable of preventing the escape of the livestock or fowl or allowing the livestock or fowl to run at large.

(g) It shall be unlawful for an owner of livestock or fowl, without regard to mental state, to fail to keep the livestock or fowl from running at large within the city limits.

Sec. 4-15. Sanitary requirements.

(a) The owner or person who has custody or control of any animal shall comply with the following standards:

- (1) All manure and other animal waste shall be removed from pens, corrals, cages, yards, or other enclosures at least twice a week to an approved disposal site;
- (2) Food shall be placed in impervious containers on impervious surfaces;
- (3) Refuse on the premises shall be removed and disposed of by means approved by the animal control officer;
- (4) Watering troughs or tanks shall be equipped with adequate facility for draining the overflow so as to prevent breeding of flies, mosquitoes or other insects;
- (5) No putrescible material shall be allowed to accumulate on the premises, and all such materials used to feed which is unconsumed shall be removed and disposed of by sanitary means.

(b) It shall be unlawful for any person to fail to comply with the sanitary requirements as set out in subsection (a).

Sec. 4-16. Animal care.

(a) The owner or person who has custody or control of any animal, including livestock, shall provide:

- (1) Sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal in good health;
- (2) Clean and wholesome water, served to the animal in a clean container, such water to be available to the animal at all times;
- (3) Adequate shelter and protection from the weather at all times; and
- (4) Veterinarian care as needed to prevent suffering.

(b) It shall be unlawful for any person to fail to comply with the animal care requirements as set out in subsection (a).

(c) It shall be unlawful for an owner or other person having custody or control of any animal to abandon such animal.

(d) No person other than a licensed veterinarian shall crop a dog's ears.

(e) The operator of any motor vehicle which strikes or injures a domesticated animal shall immediately report such incident to the animal control officer and the police.

(f) It shall be unlawful for any person to beat, starve or overwork, or to otherwise abuse any animal.

Sec. 4-17. Animal nuisances.

The following shall be considered a public nuisance and shall be unlawful:

(a) The keeping of an animal, including livestock, in such a manner as to endanger the public health, by the accumulation of animal waste which causes foul and offensive odors considered to be a hazard to other animals or human beings.

(b) To permit or allow an animal to defecate upon private or public property other than the property of the owner of said animal; and to fail to remove and dispose of in a sanitary manner any feces left by such animal.

(c) Property not kept free from carrion or other putrescible material.

(d) The keeping of bees in such a manner as to deny the lawful use of adjacent property or endanger the health and safety of others.

(e) The keeping of any animal which causes loud and frequent or long-continued barking, howling or other noise that disturbs the peace and quiet of any person of ordinary sensibilities.

(f) Persistent laxness in cat supervision so that their running at large results in an unreasonable disturbance to a person or persons or damages to property.

Sec. 4-18. Sale of Animals.

It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or otherwise convey ownership, or display for any purpose, any live animal, on any parking lot, right of way, roadside, garage sale, flea market, festival or other area generally accessed by the public within the city limits; except that any non-profit animal welfare group, animal rescue group, humane society, or the city may conduct adoptions of animals as approved by the city.

Sec. 4-19. Wild; wild-hybrid; vicious; and prohibited animals.

It shall be unlawful to own, possess, keep or harbor any wild, wild-hybrid, vicious or prohibited animal within the city.

Sec. 4-20. Dangerous dogs.

(a) *Nuisance declared.* It is hereby declared to be a public nuisance that an owner harbors, keeps or maintains a dangerous dog in the city unless the owner complies with the requirements of this section, and state statutes regulating dangerous dogs.

(b) *Requirements for owner of dangerous dog.*

(1) Not later than the thirtieth day after a person learns that the person is the owner of a dangerous dog, the person shall:

a. Register the dangerous dog with the animal control officer;

b. Provide animal control with two (2) colored pictures of the dog;

c. Have the animal spayed or neutered;

d. Have the dog micro-chipped;

e. Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

f. 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 dangerous dog causing bodily injury to a person.

- (2) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:
 - a. The owner knows of an attack described in the definition of "dangerous dog"; or
 - b. The owner is informed by the animal control officer that the dog is a dangerous dog; or
 - c. The owner receives notice that the municipal court has found that the dog is dangerous.
 - (3) If a person reports an incident described in the definition of "dangerous dog," the animal control officer may investigate the incident. After receiving sworn statements of any witnesses, the animal control supervisor shall determine whether the dog is a dangerous dog and shall notify the owner of that determination.
 - (4) The owner, not later than the fifteenth day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control officer to the municipal court. The owner shall confine the dog during the pendency of an appeal in a manner satisfactory to the animal control officer; including surrendering the dog to be held by the city. The determination of the animal control officer is final if the owner does not timely appeal.
 - (5) The animal control officer shall provide written notice of the date, time and location of the hearing to the owner of the dangerous dog and to any complainant, either in person or by certified mail, return receipt requested. At the hearing, all interested persons shall be given the opportunity to be heard.
- (c) *Registration.*
- (1) The animal control officer shall annually register a dangerous dog if the owner:
 - a. Presents:
 1. Proof of liability insurance or financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person;
 2. Proof of current rabies vaccination of the dangerous dog.
 3. Proof of a secure enclosure in which the dangerous dog will be kept.
 - b. Pays an annual registration fee established by resolution of the city council from time to time.
 - c. Provides two (2) color identification photographs of at least three (3) inches by three (3) inches of each dangerous dog with one (1) photograph showing the frontal view and the other photograph showing the side view of each dog.
 - d. Provides the name, general description, including sex, weight, color, predominate breed, height and length and any other discernible features of the dangerous dog.
 - (2) The animal control officer shall provide to the owner registering a dangerous dog, a registration tag which shall be placed and maintained on the dog's collar at all times.

- (3) If the owner of a dangerous dog sells or moves the dog to a new address, the owner, not later than the fourteenth day after the date of sale or move, shall notify the animal control authority for the area in which the new address is located. If the dangerous dog has been sold or given away, the former owner shall provide the animal control officer with the name, address and telephone number of the new owner. If the new owner resides in the city or if the animal is kept in the city, the animal control officer shall notify the new owner in person or by certified mail, return receipt requested, that a determination has been made that the dog is dangerous and provide the new owner with a copy of the requirements for the owner of a dangerous dog. It shall be unlawful for the new owner to fail to comply with such requirements.
 - (4) The owner of a registered dangerous dog shall immediately notify the animal control officer if the dangerous dog is running at large, has bitten or attacked a human being or another animal, has died, or has been sold or given away.
- (d) *Attack by dangerous dog.*
- (1) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on a person or another animal outside the dog's enclosure and causes bodily injury to a person or another animal.
 - (2) An offense under this subsection is a class C misdemeanor.
 - (3) If a person is found guilty of an offense under this section, the court which hears the case may order the dangerous animal destroyed by a licensed veterinarian or a person authorized by state law.
- (e) *Violations.* A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any requirements for ownership of a dangerous dog. An offense under this subsection is a class C misdemeanor. If the owner of any dog determined to be dangerous under this section fails or refuses to comply with requirements of this section, the dog shall be seized by the animal control officer and humanely destroyed.
- (f) *Defense.*
- (1) It is a defense to prosecution under section (d) or section (e) above that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter or a person employed by the state or political subdivision of the state to deal with stray animals, and has temporary ownership, custody and control of the dangerous dog in connection with that position.
 - (2) It is a defense to prosecution under section (d) or section (e) above that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or correction purposes.
 - (3) It is a defense to prosecution under section (d) or section (e) above that the person is a dog trainer or an employee of a guard dog company under the Private Security Act, V.T.C.A., Occupations Code Ch. 1702, as amended.

Sec. 4-21. Exemptions.

This chapter does not apply to a peace officer, or person employed by the state or a political subdivision of the state, or other governmental agency that trains or uses dogs for law enforcement or correction purposes.

Sec. 4-22. Penalties.

Any person violating any provision of this chapter shall be deemed guilty of a Class C misdemeanor and upon conviction thereof shall be punished by a fine set in accordance with state law.