

ORDINANCE NO. 17-2025

AN ORDINANCE AMENDING CHAPTER 6, "ANIMALS AND FOWL," OF THE CODE OF THE CITY OF ABILENE, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the City seeks to protect the public health and safety of citizens of Abilene through regulation of domestic animals located in the city limits; and

WHEREAS, the City seeks to protect the health and safety of domestic animals within the city limits; and

WHEREAS, the protection of the health and safety of citizens and domestic animals may be accomplished by amending Chapter 6 of the Code of Ordinances.

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


- PART 1:** That Chapter 6, "Animals and Fowl," of the Code of Ordinances of the City of Abilene, Texas, are hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.

PASSED ON FIRST READING this 13th day of February, 2025.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 23rd day of February, 2025, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 27th day of February, 2025, to permit the public to be heard. At the Council meeting on February 27, 2025, the public hearing was publicly rescheduled for March 13, 2025. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 13th day of March, 2025.


ATTEST:

A handwritten signature in black ink, appearing to be "J. H. Smith", written over a horizontal line.

CITY SECRETARY

A handwritten signature in blue ink, appearing to be "William Smith", written over a horizontal line.

MAYOR

A handwritten signature in black ink, appearing to be "S. J. Smith", written over a horizontal line.

CITY ATTORNEY



Chapter 6 ANIMALS AND FOWL

ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

Animal: Any live, vertebrate creature, domestic or wild.

At large: Any animal off the property of its owner and not under the control of a competent person.

Commercial breeder: A person who has been issued a commercial breeding permit by Abilene Animal Outreach.

Domestic animals: Those animals which are naturally tame and gentle or which, by long association with ~~man~~humans, have become thoroughly domesticated and are now reduced to such a state of subjection to ~~his~~human will that they no longer possess a disposition or inclination to escape.

Kennel: Any place where more than four (4) dogs or more than four (4) cats, or any combination of cats and dogs where the total exceeds four (4) animals over the age of ten (10) weeks, ~~and where said animals~~ are raised, trained, boarded, harbored, or kept.

Necessary veterinary care: Veterinary medical attention appropriate to the circumstances, whenever an animal is known or suspected to have suffered an injury, accidental or deliberate, or exhibits signs of disease process such as shock, temperature fluctuations, tremors, swelling, broken bone, ~~(s)~~, open ~~wounds, wound(s)~~, inability to eat or drink, blistering, irregular or abnormal breathing, partial or local paralysis, abnormal discharge or bleeding, ~~managemange~~, or other signs of health problems.

Owner: The actual owner of an animal and/or the person who has the care, custody, or control of such animal.

Restraint: An animal shall be deemed to be restrained when it is:

- (1) Confined on the premises of the owner within a fence or enclosure; ~~or~~
- (2) Fastened or picketed by a lead, or rope ~~or chain~~ so as to keep the animal on the premises; ~~or~~
- (3) Under the control of a person by a leash; ~~or~~
- (4) On or within a vehicle being driven or parked; or
- (5) At heel beside a competent person and obedient to that person's command.

Wild animal: Those animals of wild nature or disposition so as to require to be reclaimed and made tame by art, industry, or education, or else must be kept in confinement to be brought within the immediate control of the owner.

Sec. 6-2. Violations—Citing to appear.

- (a) When an animal is found in violation of a provision of this chapter and its ownership is known to the agent of ~~the Abilene~~ Animal ~~Control Department Outreach~~, such animal need not be impounded by the agent. The agent may, if the owner agrees to sign a citation, issue a citation which shall require the person to appear in court within ten (10) days to answer a charge of a violation of this chapter.
- (b) Signing the citation shall only be a promise to appear and is not an admission of guilt.
- (c) It shall be unlawful for any person upon being issued any citation to give the animal control employee a false name or address.
- (d) It shall be unlawful to fail to appear in municipal court within ten (10) days of the signing of the citation.

Sec. 6-3. Same—Impoundment.

- (a) When an animal is found in violation of a provision of this chapter and its ownership is known to the ~~agents agent~~ of ~~the Abilene~~ Animal ~~Control Department Outreach~~ and the owner cannot be located or refuses to sign a citation, the agent may impound the animal and/or file a complaint against the owner in municipal court.
- (b) When an animal is found in violation of a provision of this chapter and its ownership is not known to the agent of ~~the Abilene~~ Animal ~~Control Department Outreach~~, such animal shall be impounded.

Sec. 6-4. Interference with department.

No person shall interfere with, hinder, or molest any agent of ~~the Abilene~~ Animal ~~Control Department Outreach~~ in the performance of any duty of the agent, or seek to release any animal in the custody of ~~the Abilene~~ Animal ~~Control Department Outreach~~, the Abilene Animal Shelter's managing entity, or ~~its~~their agents.

Sec. 6-5. Records.

It shall be the duty of ~~the Abilene~~ Animal ~~Control Department Outreach~~ to keep, or cause to be kept, accurate and detailed records of:

- (1) *Impoundment and disposition.* Impoundment and disposition of all animals coming into its custody.
- (2) *Bite cases.* All bite cases reported to it and its investigation of same.
- (3) *Monies received.* All monies received under this chapter.

Such records shall be open to inspection at reasonable times by persons responsible for similar records of the City, and shall be audited by the City Auditor in the same manner as other City records which are audited.

Sec. 6-6. Noise.

It shall be unlawful for any person to own, keep, or be in control of any animal which causes unreasonably loud or unnecessary noise that causes material distress, or discomfort to ~~persons, or~~ persons of ordinary sensibilities in the immediate vicinity.

Sec. 6-7. Keeping certain animals—Prohibited.

- (a) It shall be unlawful for any person to harbor or maintain within the City limits the following animals:
- (1) All high risk rabies carriers, as defined in state law, including bats, skunks, coyotes, raccoons, and foxes;
 - (2) Venomous reptiles and amphibians;
 - (3) Any wild animal whose normal mature weight exceeds forty (40) pounds; or
 - (4) Any "dangerous wild animal" as defined in the Texas Health and Safety Code, as amended.
- (b) A person shall not sell, exchange, give away, or transfer a prohibited animal to any person in the City for use, retention, resale, or transfer as a pet or as a human's companion except as provided by state or federal law for:
- (1) A federal, state, county, or municipal agency or an agent of such an agency acting in an official capacity;
 - (2) A research facility licensed by the United States Secretary of Agriculture under the Animal Welfare Act (7 U.S.C. § 2131 et seq.), as amended;
 - (3) A zoo;
 - (4) Transporting an injured, sick, orphaned, or abandoned prohibited animal for care or treatment;
 - (5) A licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under V.T.C.A., Parks and Wildlife Code Ch. 43, subch. C, as amended, who is temporarily treating or caring for a sick or injured prohibited animal;
 - (6) A transient circus company;
 - (7) A television or motion picture production company that has temporary custody or control of the prohibited animal during the filming of a television or motion picture production in the City;
 - (8) A college or university that owns and has possession, custody, or control of the prohibited animal solely as a mascot for the college or university;
 - (9) Transporting the prohibited animal in interstate commerce in compliance with the Animal Welfare Act (7 U.S.C. § 2131 et seq.), as amended;
 - (10) A person whose only business is to supply nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class "A" or Class "B" dealer's license issued by the United States Secretary of Agriculture under the Animal Welfare Act (7 U.S.C. § 2131 et seq.), as amended;
 - (11) A participant in a species survival plan of the American Zoo and Aquarium Association for the species of prohibited animal owned by or in the possession, control, or custody of the person; or

- (12) Exhibiting a prohibited animal at a special event conducted with written permission from the City.

Sec. 6-8. Same—Exceptions.

The provisions of section 6-7 shall not apply to or prohibit the keeping of wild animals by the following:

- (1) A publicly or privately owned zoo maintained or operated by a nonprofit organization or governmental entity.
- (2) ~~Publicly~~A publicly or privately maintained circus, traveling show, or rodeo which does not remain in this City longer than thirty (30) days out of each year.
- (3) Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals.

Sec. 6-9. Restraint of wild animals.

It shall be the duty of each owner of a wild animal in the City to keep the same under restraint at all times.

Sec. 6-10. Keeping swine restricted.

- (a) ~~No~~Except as provided herein or as otherwise allowed by law, no person who is the owner of any swine, or any person who has any swine under his or her management or control, shall keep the same or allow the same to remain in any pen or in any other place within the City.
- (b) This section shall not apply to or prohibit the keeping of swine by the following:
 - (1) A publicly or privately owned zoo maintained or operated by a nonprofit organization or governmental entity.
 - (2) ~~Publicly~~A publicly or privately maintained circus, traveling show, or rodeo which does not remain in the City longer than thirty (30) days out of each year.
 - (3) ~~Slaughterhouses~~A slaughterhouse.
 - (4) Any person, persons, organization, or corporation keeping swine in an agricultural open space district as provided by the City of Abilene zoning ordinance and when said swine is kept no closer than six hundred (600) feet from any other residential district, church, or school.
 - (5) Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals.

Sec. 6-11. Running at large generally.

If any animal, other than ~~dogs, cats~~a dog, cat, or other domesticated ~~pet~~pet, is found at large within the City limits, the owner thereof shall be guilty of a misdemeanor.

Sec. 6-12. Herding.

The driving of herds of animals, other than dogs, cats, or other domesticated pets, along or upon any street, avenue, or alley of the City is hereby prohibited. This section shall not apply to or prohibit the herding of animals along or upon any street, avenue, or alley of the City by:

- (1) ~~Publicly~~A publicly or privately maintained circus, traveling show, or rodeo which does not remain in this City longer than thirty (30) days out of each year.
- (2) Any officer, agent, or employee of the federal, state, or local government, or agencies thereof, if such herding is done in the performance of ~~its~~ official duties.

Sec. 6-13. Dead animals—Leaving carcass exposed a nuisance.

- (a) No person shall place or deposit the exposed carcass of any animal or fowl on any street, alley, highway, or public place or upon private property or shall stand or permit to stand any truck or other vehicle containing such carcass on any street, alley, highway, or public place or on private property within the City. The term "exposed" as used in this section ~~is meant~~means the exposure of the carcass of an animal so that putrefying odors may escape therefrom and contaminate the air.
- (b) The exposure of the putrefying carcass of a beast so that noxious or disagreeable odors may escape therefrom and contaminate the air shall be a public nuisance, and the Health Officer or any ~~Police Officer~~peace officer may summarily remove such carcass to a point outside the City or may bury or burn the same, and the expense of such disposal shall be included in the fine collected from the person so violating this section.

Sec. 6-14. Same—Removal by owner.

No person shall allow or permit any animal or fowl which has died and which, at the time of death, was owned ~~or~~, controlled, or kept by such person to lie in or upon any street, alley, lot, or other place in this City. Such person or persons shall cause the carcass of such animal or fowl to be disposed of as the Health Officer may direct.

Sec. 6-15. Same—Removal and disposal service, fees.

The fees and charges for services furnished by the City, shall be determined from time to time and placed on file in the office of the City Secretary.

Sec. 6-16. Care and humane treatment of animals.

- (a) For purposes of this section, "restraint" shall mean a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.
- (b) It shall be unlawful for an owner or other person to:
 - (1) Fail to provide an animal with sufficient good and wholesome food and water; adequate housing consisting of a three-sided structure with a cover or roof, and a floor that is sufficient to keep the ~~animals~~animal dry and ensure that ~~they do it~~does not have to lay in water; shelter and protection from the weather; veterinary care when needed to prevent suffering; ~~or~~and with humane care and treatment;
 - (2) Beat, torment, abuse, overload, seriously overwork, maim, disfigure, burn or scald, mutilate, or torture an animal;
 - (3) Carry or transport an animal in any vehicle or other conveyance in a cruel or inhumane manner;

- (4) Cruelly confine an animal;
- (5) Crop a dog's ears, dock a tail, remove dew claws, or perform other surgical procedures on a dog or cat, except as provided by the Veterinary Licensing Act, as amended;
- (6) Use steel jaw or leg-hold traps or snares;
- (7) Abandon an animal, including abandoning an animal in the owner's custody without making reasonable arrangements for the assumption of custody by another person;
- (8) Instigate or permit any dog fight, cock fight, or other combat between animals or between animals and humans;
- (9) Leave any animal in a standing or parked vehicle in such a way as to endanger the animal's health, safety, or welfare;
- (10) Secure by use of a restraint a dog or other animal to a stationary object for a period of time or in a location so as to create an unhealthy situation for the animal or a potentially dangerous situation for a pedestrian.
 - a. "Unhealthy situation" and "potentially dangerous situation for a pedestrian" shall include, but not be limited to:
 1. Leaving a dog unattended by use of a restraint that unreasonably limits the dog's movement:
 - i. Between the hours of 10:00 p.m. and 6:00 a.m.;
 - ii. Within five hundred (500) feet of the premises of a school; or
 - iii. In the case of extreme weather conditions, including conditions in which the actual or effective outdoor temperature is below thirty-two (32) degrees Fahrenheit, a heat advisory has been issued by a local or state authority or jurisdiction, or a hurricane, tropical storm, flood, or tornado warning has been issued for the jurisdiction by the National Weather Service.
 2. Secure by use of a restraint an animal in such a manner as to permit the animal access upon any public "right-of-way";
 3. Secure by use of a restraint an animal in such a manner that does not permit the animal to reach ~~shelter, food, food, potable water, an area that allows the animal to avoid standing water and exposure to excessive animal waste, shade from direct sunlight, or water~~ adequate shelter;
 4. Secure by use of a restraint an animal in such a manner that it is subject to attacks by persons or other animals, stinging bites from outdoor insects, or other similar hazards that pose an unreasonable threat of injury to the animal;
 5. Failing to remove waste on a daily basis from the area in which the animal is restrained;
 6. Using a choke-type collar ~~to~~ on an animal in conjunction with a restraint; or

7. Restraining a dog outside and unattended by use of a restraint that is a chain or has weights attached.

- b. It shall be minimally required that the ~~tether~~restraint used must be ~~at least ten (10) feet in length,~~ equipped with swivel ends; positioned in such a manner as to prevent the animal from becoming entangled with any obstruction, from partially or totally jumping any fence, or from leaving any part of its owner's property; and ~~that is~~ secured to the animal using a properly fitted collar or harness.
- c. For purposes of subsection (10), a restraint unreasonably limits a dog's movement if the restraint: uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog; is a length shorter ~~than~~that the greater of five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail or ten (10) feet; is attached to a trolley system that allows the dog to move along a running line for a distance less than the greater of five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail or ten (10) feet; is in an unsafe condition; or causes injury to the dog.
- d. ~~Notwithstanding subsections [sic] subsection~~Subsection (10) does not apply to:
- ~~21.~~ A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;
- ~~32.~~ A dog restrained for a reasonable period, not to exceed three (3) hours in a twenty-four-hour period; and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;
- ~~43.~~ A dog restrained while the owner is engaged in, or actively training for, an activity ~~that is conducted pursuant to~~under a valid license issued by this state if the activity ~~for which the license is issued~~ is associated with the use or presence of a dog;
- ~~54.~~ A dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; ~~or~~
- ~~65.~~ A dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products; ~~if the restraint is;~~
6. A dog restrained in an open-air truck bed only for the time reasonably necessary for the owner to complete a temporary task that requires the dog to be left unattended in the truck bed;
7. A dog restrained while the owner is engaged in, or actively training for, hunting or field trialing.

(11) Kill an animal, except as allowed by law;

(12) Expose an animal to any poisonous substance, whether mixed with food or not, so that the poison is likely to be ingested by an animal. Provided, however, it shall not be a violation of this section for a person, on his or her own property, to expose rats or mice to common rat poison intended for the purpose of exterminating the rats or mice; or

(13) Cause any of the enumerated acts (1)—(12) to be done; ;

Sec. 6-17. Removal of animal in immediate danger and veterinary medical attention.

- (a) Any animal observed by a peace officer or agent of ~~the~~Abilene Animal ~~Control~~ DepartmentOutreach that appears to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.
- (b) In the event the animal removed requires veterinary medical attention, the peace officer or agent of ~~the~~Abilene Animal ~~Control~~ DepartmentOutreach removing the animal is authorized to take the animal to a licensed veterinarian as soon as practicable for veterinary medical treatment. The owner will be responsible for reimbursing the City for the cost of any veterinary medical treatment; and must pay the bill before redeeming the animal; in the event the animal is allowed to be returned to the owner. If a person other than the owner is found to have violated section 6-16, that person will be responsible for reimbursing the City for the amount of the veterinary medical bills. Such reimbursement is required before the animal will be released to the owner.
- (c) If the veterinarian determines that the animal is too severely injured, or is too ill, to have a reasonable chance of recovery, ~~the~~Abilene Animal ~~Control~~ DepartmentOutreach is authorized to have the animal humanely destroyed. Any costs incurred as a result of the humane destruction of the animal may be recovered from the owner or other person who is found to have violated section 6-16.

Sec. 6-18. Impoundment, release, and disposition of animal.

- (a) Any peace officer or any agent of ~~the~~Abilene Animal ~~Control~~ DepartmentOutreach may seize and impound any animal that appears to have been cruelly treated in violation of section 6-16.
- (b) If the animal is not in need of immediate veterinary medical attention as provided in section 6-17, the animal shall be held by ~~the~~Abilene Animal ~~Control~~ DepartmentOutreach while an investigation is conducted to determine whether there is sufficient evidence to proceed against the owner or other person for a violation of section 6-16.
- (c) If at the conclusion of the investigation ~~the~~, Abilene Animal ~~Control~~ DepartmentOutreach determines that there is not enough evidence to proceed against the owner or other person for a violation of section 6-16, or other law prohibiting cruelty to animals, the animal shall be returned to the owner upon payment of any veterinary medical bills as provided in section 6-17; and payment of impound fees and compliance with the associated requirements set forth in section 6-93. Payment of the veterinary medical bills and impound fees is required before the animal will be released.
- (d) If at the conclusion of the investigation ~~the~~, Abilene Animal ~~Control~~ DepartmentOutreach determines that there is enough evidence to proceed against the owner or other person for a violation of section 6-16, ~~the~~Abilene Animal ~~Control~~ DepartmentOutreach may initiate a proceeding in the municipal court to:
 - (1) Prosecute the owner or other person for a violation of section 6-16;
 - (2) Determine the appropriate disposition of the animal;
 - (3) Assess the appropriate amount of impound fees and veterinary medical bills required to be paid by the owner or other person found to have violated section 6-16; and

- (4) Impose a fine in accordance with section 1-9.
- (e) If, after prosecution for an offense under section 6-16, the municipal court finds the owner or other person prosecuted for a violation of section 6-16 not guilty, the owner or other person prosecuted is still responsible for payment of any veterinary medical bills as provided in section 6-17, and payment of any impound fees and compliance with the associated requirements set forth in section 6-93. Full payment of veterinary medical bills and impound fees, and compliance with section 6-93 is required before the animal will be released to the owner.
- (f) Nothing in this article shall be construed to prevent the election by ~~the~~ Abilene Animal ~~Control Department~~ Outreach to pursue criminal charges against the owner or other person for violations of the applicable animal cruelty provisions of the Texas Penal Code.

Sec. 6-19. Sale of domestic animals in public places

It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for commercial purposes any domestic animal on a roadside, public right-of-way, sidewalk, street, parkway or any other public property or any property dedicated to public use, a commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event. This section does not apply to a sale held on privately owned property with the written permission of the owner of the property including a parking lot where the seller has the parking lot owner's written permission. This section does not apply to the City of Abilene or a not-for-profit 501(c)(3) animal welfare, rescue, or adoption agency.

Secs. 6-~~1920~~—6-28. Reserved.

ARTICLE II. PETS

DIVISION 1. GENERALLY

Sec. 6-29. Exemption.

Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except as otherwise stated.

Sec. 6-30. Reserved.

Sec. 6-31. Vaccination.

No person shall own, keep, or harbor a dog or cat over the age of four (4) months within the City limits unless the dog or cat has a current certificate of vaccination for an anti-rabies vaccine.

Sec. 6-32. Restraint of dogs.

Every person who owns, keeps, or is in charge of a dog shall restrain ~~his~~ the dog at all times.

Sec. 6-33. Special confinement requirement for fierce, dangerous, vicious dogs.

The owner shall confine within a building or a secure enclosure a fierce, dangerous, or vicious dog and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.

Sec. 6-34. Spay or neuter required

All dogs and cats that are kept, harbored, or maintained within the city limits must be spayed or neutered as recommended by a veterinarian. This section applies to the owner of the dog or cat. This section does not apply to an owner who holds a commercial breeder/show animal's permit issued under this chapter. This section does not apply to an owner whose dog or cat is temporarily kept, harbored or maintained within the city limits for one week or less.

Sec. 6-354. Commercial breeding, show animals

(a) Commercial breeding/show animal — Permit required.

(1) A person commits an offense if the person breeds cats or dogs, to the extent that more than twelve (12) cats, dogs, or combination thereof or two (2) litters of cats, dogs, or combination thereof, whichever is greater, are produced during any twelve (12) consecutive month period, without a commercial breeding/show animal permit issued by Abilene Animal Outreach.

(23) An application for a commercial breeding/show animal permit must be made on the form prescribed by Abilene Animal Outreach and shall include, at a minimum, the following information:

- a. Applicant's name, telephone number, and address;
- b. Address where any notices related to the permit are to be sent;
- c. Address of proposed location for breeding the dogs or cats;
- d. A description of the species, breed, gender, age, and registration certificate number for each female animal to be used for breeding;
- e. A description of the species, breed, gender, and, if applicable, microchip number for each female animal owned by the commercial breeder which will not be used for breeding;
- f. A statement affirming that the applicant is familiar with the provisions of this chapter and will maintain all breeding animals in accordance with all applicable legal requirements;
- g. A statement affirming that, upon request by the department, the applicant will make the breeding animals, premises, equipment, and veterinary records available for inspection during business hours; and

h. A statement affirming the applicant will notify Abilene Animal Outreach, as required, of any additional female cats or dogs acquired for breeding during the term of the permit.

if:
(34) Abilene Animal Outreach shall not issue a commercial breeding/show animal permit

a. Operation of commercial breeding at the proposed location would violate established zoning laws of the City of Abilene;

b. The applicant or the applicant's spouse has been found by a court of competent jurisdiction to have cruelly treated an animal, used an animal for dog or cock fighting, or been a spectator of dog or cock fighting; or

c. In the twelve (12) months preceding the date of the application, the applicant or the applicant's spouse received two (2) or more citations for violating any provision of this chapter. This prohibition shall not apply if the citation was subsequently dismissed or if the applicant or the applicant's spouse was found "not guilty" of the citation by a court of competent jurisdiction.

(46) A permit issued under this section is issued to the individual applicant and is not transferable to another person. The permit shall be valid for a period of two (2) years, unless revoked or surrendered. Permits may be surrendered by providing written notification of the surrender to Abilene Animal Outreach.

(57) Abilene Animal Outreach may revoke a commercial breeding/show animal permit in accordance with this section upon providing the permit holder written notice via hand-delivery, certified mail, return receipt requested, or electronic mail with delivery confirmation.

(8) A commercial breeder/show animal permit may be revoked if:

a. The permit holder provided false information on the application;

b. The permit holder or the permit holder's spouse has been found by a court of competent jurisdiction to have cruelly treated an animal, used an animal for dog or cock fighting, or been a spectator of dog or cock fighting;

c. The permit holder or the permit holder's spouse has been convicted of a violation of any provision of this chapter on two (2) or more occasions within the past twelve (12) months; or

d. Other good cause as determined by the City Manager or his or her designee.

(9) Commercial breeders acquiring a female cat or dog for breeding purposes during the term of a permit are required to notify Abilene Animal Outreach of the acquisition by completing the form prescribed by Abilene Animal Outreach.

(b) Planned breeding—Registration certificate required.

(1) Every female cat or dog to be used for breeding by a commercial breeder shall be microchipped and registered as a registered breeding animal prior to being used for breeding.

(2) The registration application shall be on the form prescribed by Abilene Animal Outreach and, at a minimum, include:

a. The name of the animal;

b. A description of the animal's species, breed, gender, and age;

c. A signed, written letter of approval for breeding by a licensed veterinarian dated within the last ninety (90) days;

d. Records of the animal's microchip, including the unique microchip ID, and current rabies vaccination; and

e. Proof of registration with the American Kennel Club or license for breeding issued by the Texas Department of Licensing and Regulation pursuant to the "Dog or Cat Breeders Act."

(3) A registration certificate authorizing the animal to be used for breeding should be issued within ten (10) business days.

(4) The registration certificate shall authorize the animal to be used by a commercial breeder for breeding for a period of two (2) years from the date of issuance unless suspended or surrendered. The commercial breeder may notify Abilene Animal Outreach in writing to surrender the certificate.

(5) The registration certificate authorizing an animal to be used for breeding is automatically suspended during any period in which a licensed veterinarian determines it is unsafe for the animal to be used for breeding or the animal is subject to mandatory quarantine.

(c) Appealing determination of Animal Services Manager.

(1) If Abilene Animal Outreach Services denies, fails to renew, revokes, or suspends any license, permit, or other authorization provided in this section, the applicant or person holding such license, permit, or other authorization may appeal the decision to the City

Manager or his or her's designee by filing a written appeal with the City Manager within ten (10) business days of the notice being sent.

(2) The Ceity Mmanager or his or her's designee shall make a decision within ten (10) business days of the appeal being received.

(d) Exemption for certain persons who breed special purpose dogs.

(1) Those breeders exempt under Chapter 802.005 of the Texas Occupations Code are also exempt from Section 6-34 of this ordinance.

Secs. 6-~~34~~~~365~~—6-44. Reserved.

DIVISION 2. LICENSE

Sec. 6-45. Required.

No person shall own, keep, or harbor a dog or cat over the age of four (4) months within the City unless a license has been obtained for the same.

Sec. 6-46. Administration by veterinarians.

The City ~~Animal Control Department of Abilene~~ or its authorized agent will furnish licensed veterinarians who agree to follow the provisions of this division with application forms and license tags for dogs and cats.

Sec. 6-47. Application.

Written applications for dog and cat licenses shall be made upon a printed application form provided by the City and shall state the name and address of the owner or keeper of said dog or cat and the name, breed, color, age, and sex of the dog or cat being licensed.

Sec. 6-48. Conditions for license.

The dog and cat license tags shall be issued upon payment of the license fee and the meeting of one (1) of the following conditions:

- (1) Vaccination by a licensed veterinarian with anti-rabies vaccine; or
- (2) Presentation of a metal vaccination tag issued by a licensed veterinarian showing that such vaccination was given less than three (3) months prior to the date of application for such license.

Sec. 6-49. Fee.

The fees and charges for services furnished by the City, shall be determined from time to time and placed on file in the office of the City Secretary.

Sec. 6-50. Issuance.

Dog and cat license tags shall be issued by the ~~Animal Control Department~~ City of Abilene or its authorized agent and authorized veterinarians licensed in the state and practicing within the City limits or its extraterritorial jurisdiction.

Sec. 6-51. Collar, tag to be worn.

Every person who owns, keeps, or is in charge of or in control of a dog or cat within the City shall provide and place on such dog or cat a collar or harness which shall be worn by said dog or cat at all times when off the premises of said person, and shall attach to the collar or harness the metal license tag obtained pursuant to this division.

Sec. 6-52. Transfer.

Each dog or cat license issued under this division shall be restricted to the animal for which the same was issued and shall not be transferred.

Sec. 6-53. Duration.

Every license issued under the provisions of this division shall be valid for one (1) year from the date of issuance thereof.

Sec. 6-54. Reimbursement by City.

The City will reimburse authorized licensed veterinarians the sum of one dollar (\$1.00) for each dog or cat license issued by such veterinarian, to help defray the cost imposed on such veterinarian for issuing said licenses in accordance with this article.

Secs. 6-55—6-59. Reserved.

DIVISION 3. DANGEROUS AND AGGRESSIVE DOGS

Sec. 6-60. Authorization, Dangerous Dogs.

The general laws of the state, except as specifically provided through proper ordinances and regulations of the City, shall control the handling of dangerous dogs. There is adopted as part of this chapter all of the provisions of V.T.C.A., Health and Safety Code title 10, Ch. 822, subch. DD, including § 822.0422, as amended, insofar as applicable.

Sec. 6-61. Definitions.

For the purposes of this ~~division~~ article, the following words and/or phrases shall have the meanings respectively ascribed to them by the statute except as provided below:

"Dangerous dog" as defined in V.T.C.A., Health and Safety Code § 822.041, ~~is amended to include the additional definition~~ definitions of:

"Aggressive dog" is a dog that makes an unprovoked attack on a domestic animal that causes bodily injury or death 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.

Sec. 6-62. Dangerous Dog determination, Seizure.

- (a) If a person reports an incident described by V.T.C.A., Health and Safety Code § 822.041(2), ~~as codified and amended by section 6-61 of the Abilene City Code, the~~ Abilene Animal Control Department Outreach may seize and impound the dog pending investigation of the incident.
- (b) ~~The~~ Abilene Animal Control Department Outreach shall release the dog to the owner if ~~the~~ Abilene Animal Control Department Outreach has not made a determination that the dog is a dangerous dog on or before the tenth business day after the seizure and impoundment of the dog, and if all fees have been paid as required under subsection (d). Release of the dog does not prohibit the Abilene Animal Control Department Outreach from receiving more information and subsequently declaring the dog a dangerous animal.
- (c) If ~~the~~ Abilene Animal Control Department Outreach determines the dog is a dangerous dog, it shall continue to impound the dog until the owner complies with V.T.C.A., Health and Safety Code § ~~822.042~~, or until such time as the dog may legally be destroyed.
- (d) The owner shall pay any cost or fee assessed by ~~the~~ Abilene Animal Control Department Outreach related to the seizure, acceptance, impoundment, or destruction of the dog. In the event that the dog is returned to the owner, all fees must be paid prior to release of the dog.

Sec. 6-63. Aggressive Dog determination; Seizures; levels defined.

- (a) After receiving a sworn affidavit of complaint and upon making a decision that seizure is a reasonable precaution to ensure the health and safety of the public, an Abilene Animal Outreach officer may seek a warrant for the immediate seizure and impoundment of the dog. A search and seizure warrant shall be obtained from any municipal court magistrate to enter onto private property to search for a dog which is allegedly an aggressive dog, if permission to enter the subject premises is denied by a person in lawful possession.

(b) Abilene Animal Outreach shall release the dog to the owner if Abilene Animal Outreach has not made a determination that the dog is an aggressive dog on or before the tenth business day after the seizure and impoundment of the dog, and if all fees have been paid as required under subsection (d). Release of the dog does not prohibit the Abilene Animal Outreach from receiving more information and subsequently declaring the dog an aggressive animal.

(c) The owner shall pay any cost or fee assessed by Abilene Animal Outreach related to the seizure, acceptance, impoundment, or destruction of the dog. In the event that the dog is returned to the owner, all fees must be paid prior to release of the dog.

(d) If the dog is determined to be an aggressive dog, the cost of securing and caring for the dog shall be borne by the owner. If a dog which has been impounded by Abilene Animal Outreach is determined to be an aggressive dog, it shall not be released back to the owner until the owner certifies in writing the owner will comply with the conditions set forth in

section 6-65 as required and has paid all fees incurred for impoundment of the dog. If the owner fails to take the necessary action to have the dog released to the owner under this section within thirty (30) days of the date of the final aggressive dog determination, the owner shall be deemed to have surrendered ownership of the aggressive dog to the city in which case the dog shall become the property of the City of Abilene and may be placed for adoption, transferred to rescue/foster organizations/individuals, transferred to other humane organizations, or euthanized humanely, as determined by Abilene Animal Outreach. If ownership of the dog is transferred, the new owner must be made aware of the dog's classification and the required conditions with which the new owner must comply.

(e) If a dog which has been impounded by Abilene Animal Outreach is determined not to be an aggressive dog, the dog shall be released to the owner and the owner shall not be responsible for payment of the fees associated with the impoundment of the dog. If such dog is not reclaimed within three (3) days of the owner receiving written notice the dog is able to be reclaimed, the dog shall become the property of the City of Abilene and may be placed for adoption, transferred to rescue/foster organizations/individuals, transferred to other humane organizations, or euthanized humanely, as determined by Abilene Animal Outreach.

(f) Abilene Animal Outreach shall give the dog's owner written notice of the dog's specific behaviors resulting in the determination that the dog is an aggressive dog, of the dog's classification as an aggressive dog, and of the restrictions applicable to that dog by reason of its classification.

Sec. 6-64. Appeal of aggressive dog determination.

(a) An owner may appeal an aggressive dog determination within fifteen (15) calendar days after receiving notice of the determination by:

(1) Filing a written notice of appeal of the aggressive dog determination in the Abilene Municipal Court;

(2) Attaching a copy of the determination of Abilene Animal Outreach; and

(3) Serving a copy of the notice of appeal to Abilene Animal Outreach by certified mail.

(b) A municipal court judge shall conduct a hearing to determine whether the preponderance of the evidence supports the aggressive dog determination.

(c) The municipal court judge shall be the finder of fact. As such, the municipal court judge may compel attendance of the complainant, any known witnesses, the dog owner against whom the complaint was filed, and Abilene Animal Outreach staff who investigated. Failure of the owner of the animal to appear at the hearing shall result in a final classification with no further appeal. The owner may be represented by counsel.

(d) At the conclusion of the hearing, the municipal court judge may affirm or reverse the aggressive dog determination.

(e) The result of the appeal hearing is final, and, if the dog is determined to be an aggressive dog, shall be considered a final aggressive dog determination.

- (f) An aggressive dog determination made by Abilene Animal Outreach which is not timely appealed shall be considered a final aggressive dog determination.

Sec. 6-65. Regulation of aggressive dogs.

- (a) In addition to the other requirements of this chapter, the owner or keeper of an aggressive dog shall, within thirty (30) days of a final aggressive dog determination, comply with the following conditions:

- (1) The aggressive dog shall be confined so as not to be at large by an enclosure or structure in a manner that prevents the dog from reaching any public sidewalk or adjoining property and must be located so as not to interfere with the public's legal access to the owner's or keeper's premises whenever the dog is outside. The owner or keeper shall restrict the dog to the owner's or keeper's property unless the dog is restrained by an adequate leash under the control of a capable person and muzzled in a manner that will not cause injury to the dog nor interfere with its vision or respiration. The owner or keeper of an aggressive dog shall post no less than two (2) "Beware of Dog" warning signs on the property where the dog is being kept and shall not permit the warning signs to be removed. The signs must be sufficient in size to be readable from the public right-of-way. The signs shall be no closer than six (6) feet apart. In addition, Abilene Animal Outreach may require the owner or keeper to obtain and maintain proof of public liability insurance in the amount of one hundred thousand dollars (\$100,000.00).
- (2) To ensure correct identification, all dogs that have been classified as aggressive dogs shall be microchipped and photographed and may be fitted with a special tag or collar as determined by Abilene Animal Outreach at the owner's expense.
- (3) The owner or keeper of an aggressive dog shall not allow the special tag or collar to be removed from the dog. The owner or keeper of an aggressive dog shall not allow the dog to be moved to a new address or change owners or keepers without providing Abilene Animal Outreach at least ten (10) days' prior written notice containing the new address and name and contact information for the new owner(s) or keeper(s). If the dog changes owners or keepers, the person providing the dog to the new owner or keeper shall notify the new owner or keeper of the dog's classification and the requirements with which the owner or keeper must comply and certify to Abilene Animal Outreach, in writing, that such notification was made.
- (4) At the owner's expense, the aggressive dog must be spayed or neutered either by Abilene Animal Outreach or, at the discretion of Abilene Animal Outreach, by a veterinarian approved by Abilene Animal Outreach prior to being released back to its owner.

- (b) Notwithstanding any other provision, if Abilene Animal Outreach determines an owner or keeper of an aggressive dog has failed to comply with the requirements of this chapter, Abilene Animal Outreach may request a show cause hearing before the municipal court and seize the aggressive dog, pursuant to a warrant or court order until such time as the hearing can be held. The hearing shall be held no later than ten (10) calendar days from

the date the aggressive dog is seized. Upon the conclusion of the hearing, the judge may, but is not required to, modify the requirements of the existing aggressive dog determination. Such modifications may include ordering the aggressive dog to be humanely euthanized.

Secs. 6-~~6366~~—6-68. Reserved.

ARTICLE III. IMPOUNDMENT

DIVISION I. GENERALLY

Sec. 6-69. Authorized.

Any peace officer or any agent of ~~the Abilene Animal Control Department~~ Outreach may take up and impound any animal found in violation of this chapter.

Sec. 6-70. ImpoundmentPets.

The impoundment of dogs, cats, or any other domestic ~~animal~~ pet ~~pets~~ shall be as provided in sections 6-89 through 6-99.

Sec. 6-71. Confinement by private citizen.

If any animal, including any domestic ~~animal~~ pet, is found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal temporarily until he or she can notify ~~the Abilene Animal Control Department~~ Outreach. When notified, ~~the Abilene Animal Outreach~~ shall behave the duty ~~of the department~~ to impound such animal as provided in this chapter.

Sec. 6-72. ~~Pound~~Shelter fees.

The fees and charges for services furnished by the City, shall be determined from time to time and placed on file in the office of the City Secretary.

Sec. 6-73. Disposition at City ~~Manager~~Manager's or his or her designee's discretion.

If any animal impounded is found to be affected with a contagious disease, or if the animal is seriously injured, or if ~~the animal~~ cannot be otherwise placed for adoption, the animal shall become the property of the City, and ~~the animal~~ may immediately be euthanized or otherwise disposed of without notice or any waiting period. All decisions as to the condition, adoption, or other disposition of the ~~animals~~ animal shall be made by the City Manager or his or her designee.

Sec. 6-74. Redemption.

The owner of any animal not affected with a contagious disease or seriously injured and impounded under the provisions of this chapter may redeem the same within three (3) business days of its impoundment by paying the required ~~pound~~ shelter fees.

Sec. 6-75. Disposition of impounded animals.

If not redeemed within the appropriate time period specified in section 6-74, the animal shall become the property of the City, and the animal may be adopted, euthanized, or otherwise disposed of as recommended by the City Manager or his or her designee.

Sec. 6-76. Reserved.

Sec. 6-77. Records of impoundment.

The Abilene Animal ~~Control Department~~ Outreach shall keep a record for at least one (1) year giving the description of all animals impounded, the date of impoundment, the date of adoption or other disposition, the amount realized for such animal, and the name and address of the new owner.

Secs. 6-78—6-88. Reserved.

DIVISION 2. PETS

Sec. 6-89. Authorized.

The agents of the Abilene Animal ~~Control Department~~ Outreach are authorized to take up and impound:

- (1) All dogs found not restrained by their owners; or
- (2) All cats which do not have a vaccination tag as provided by sections 6-31 and 6-51 and are found not restrained by their owners.

Sec. 6-90. Redemption.

- (a) The redemption period for an animal impounded other than for quarantine or pursuant to a court order, is:
 - (1) Three (3) business days after the date of impoundment, unless subsections (b) or (c) apply to the animal.
- (b) The redemption period for an animal impounded pursuant to a court order is the time set forth in the court order or, if no provision is made in the court order, five (5) days after the court proceedings are final.
- (c) The redemption period for an animal impounded for quarantine is three (3) days after completion of the quarantine period.
- (d) If an animal is not redeemed within the appropriate time period specified in subsections (a) through (c), or the animal is voluntarily surrendered by the owner, the animal shall become the property of the City and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the City Manager or his or her designee.
- (e) An owner of an impounded animal commits an offense if he or she removes or attempts to remove the animal from ~~a City~~ the Abilene Pet Adoption and Resource Center Animal Shelter without first paying all applicable fees required in this chapter.
- (f) *Notice.* Upon impounding a dog found with current vaccination tags or chip, the agents of the Abilene Animal ~~Control Department~~ Outreach shall make a reasonable effort to notify the

owner that his or her animal has been impounded and the conditions whereby he or she may regain custody of such animal.

Sec. 6-91. Reserved.

Sec. 6-92. Fees.

The fees and charges for services furnished by the City, shall be determined from time to time and placed on file in the office of the City Secretary.

Sec. 6-93. Reserved.

Sec. 6-94. Redemption of unvaccinated or unsterilized animal.

(a) The owner of any animal over the age of four (4) months, which has not been vaccinated as required by this chapter, upon satisfactory proof of ownership, shall pay to the City Animal Services of Abilene or its authorized Agent applicable fees to cover the cost of rabies vaccination and City tag for the animal before the animal can be redeemed. Upon payment of the fee, a receipt for the shots shall be given to the owner to be honored by the veterinarian designated by the owner. The owner of the animal shall have seventy-two (72) hours from the time the receipt is issued to take the animal and receipt to the veterinarian for vaccination. Failure to vaccinate within the stated time period will result in forfeiture of the rabies vaccination and City tag fees to the City. Each month, all veterinarians shall turn in all receipts that they have received, and the City shall reimburse them for the full value of each receipt.

(b) An owner reclaiming any dog or cat over the age of six (6) months, which has not been sterilized (spayed or neutered), shall submit written proof to the City of Abilene or its authorized Agent of having the animal sterilized within thirty (30) calendar days of the animal's release from the animal shelter. Any owner who does not provide such proof of sterilization as required by this section shall commit an offense.

(1) An owner is excepted from the sterilization requirement of this subsection (b) if the owner proves to the satisfaction of the City of Abilene or its authorized Agent within thirty (30) calendar days of the animal's release from the animal shelter:

a. That the animal is dead, lost, or stolen; or

—A licensed veterinarian has certified that the animal should not be sterilized for health reasons or is permanently non-fertile.

(2) It is an affirmative defense to the sterilization requirement of this subsection (b) that:

a. The owner is a licensed breeder under this Chapter;

b. The animal being reclaimed is a dog bred with the intent that it be used primarily for the purposes described in Texas Occupations Code Section 802.005(a); or

c. The animal is a trained animal used by or under the authority of a governmental agency in police or rescue work.

(c) If an owned dog or cat is impounded twice by the City of Abilene or its authorized Agent and such animal is over the age of six (6) months, then prior to the release of said animal to the owner after the second such impoundment, the owner shall allow and pay for the animal to be sterilized (spayed or neutered), or show proof satisfactory to the City of Abilene or its Authorized Agent that said animal has been sterilized (spayed or neutered) previously. Any owner who misrepresents whether said animal has been sterilized shall commit an offense.

(1) An owner is excepted from the sterilization requirement of this subsection (c) if the owner proves to the satisfaction of the City of Abilene or its authorized Agent prior to release that a licensed veterinarian has certified that the animal should not be sterilized for health reasons or is permanently non-fertile.

Sec. 6-95. Reserved.Transfer of title; deposits for spaying and neutering.

The fees and charges for services furnished by the City, shall be determined from time to time and placed on file in the office of the City Secretary.

Sec. 6-96. Placement with competent person.

The ~~Animal Control Department~~City of Abilene or its authorized Agent may place any animal, held at ~~its animal shelter,~~the Abilene Pet Adoption and Resource Center~~Animal Shelter~~ in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this chapter.

Sec. 6-97. Reserved.Placement with humane society, fees.

The fees and charges for services furnished by the City, shall be determined from time to time and placed on file in the office of the City Secretary.

Sec. 6-98. Reserved.

Sec. 6-99. Destruction of donated, sick, injured animals.

The ~~Animal Control Department~~City of Abilene or its authorized Agent may destroy any animal by a humane method if it has been donated to the ~~shelter~~Abilene Pet Adoption and Resource Center~~Animal Shelter~~ with the request that it be destroyed; if the animal is so sick or injured that its cure is considered by the ~~Animal Control Department~~City of Abilene or its authorized Agent to be impractical or if its death is imminent; or if it is found to be infected with

a contagious disease. In any such event, the animal shall become the property of the City, and such destruction may be done immediately without notice or any waiting period.

Secs. 6-100—6-115. Reserved.

ARTICLE IV. RABIES CONTROL

DIVISION 1. GENERALLY

Sec. 6-116. Report of rabies suspect by veterinarian.

It shall be the duty of every licensed veterinarian to report to ~~the~~Abilene Animal ~~Control~~ ~~Department~~Outreach his or her diagnosis of any animal observed by him or her as a rabies suspect.

Sec. 6-117. Report of bites or scratches by physicians.

It shall be the duty of every physician or other practitioner to report to ~~the~~Abilene Animal ~~Control~~ ~~Department~~Outreach the names and addresses of persons treated for bites or scratches inflicted by animals, together with such other information as will be helpful in rabies control.

Sec. 6-118. Killing or removing rabid animal from the City.

No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal which has bitten a human or which is suspected of having bitten a human, except as herein provided, nor remove same from the City limits without written permission from ~~the~~Abilene Animal ~~Control~~ ~~Department~~Outreach.

Sec. 6-119. Surrender of carcass.

The carcass of any dead animal suspected of having been exposed to rabies shall, upon demand, be surrendered to ~~the~~Abilene Animal ~~Control~~ ~~Department~~Outreach.

Sec. 6-120. Disposition of rabid animals.

~~The~~Abilene Animal ~~Control~~ ~~Department~~Outreach shall direct the disposition of any animal found to be infected with rabies.

Sec. 6-121. Duty to surrender animal.

No person shall fail or refuse to surrender any animal for quarantine, destruction, or disposal as required herein when demand is made therefor by ~~the~~Abilene Animal ~~Control~~ ~~Department~~Outreach.

Sec. 6-122. Rabies control authority.

The Abilene Animal ~~Services Manager~~Outreach Supervisor or designee shall be the rabies control authority authorized to quarantine an animal as provided in V.T.C.A., Health and Safety Code Ch. 826, as amended, and the rules adopted by the Texas Board of Health under that chapter.

Secs. 6-123—6-132. Reserved.

PART II - CODE
Chapter 6 - ANIMALS AND FOWL
ARTICLE IV. - RABIES CONTROL
DIVISION 2. QUARANTINE OF SPECIFIC ANIMAL

DIVISION 2. QUARANTINE OF SPECIFIC ANIMAL

Sec. 6-133. Authorized; minimum time.

Upon being presented a sworn affidavit that an animal has bitten or scratched a person, the City Manager or his or her designee shall quarantine the animal so identified for a period of ten (10) days.

Sec. 6-134. Places.

(a) Quarantine of an animal which has bitten or scratched a person shall be at the following:

- (1) Animal shelter;
- (2) A licensed veterinarian hospital in the City at the expenses of the owner, upon the owner's request; an approval by the local rabies control authority; or
- (3) Home quarantine. Home quarantine is permissible when allowed by applicable laws and regulations and the City Manager or his or designee agrees that home quarantine is warranted and believes the following requirements are satisfied:
 - a. The owner of the animal is a resident of this City and agrees to keep the animal at his or her residence in this City;
 - b. The animal was properly restrained at the time the bite occurred; and
 - c. The animal was properly protected by rabies vaccination.

(b) Animals of unknown ownership will be quarantined at the Abilene Pet Adoption and Resource Center. ~~animal shelter.~~

Abilene Animal Shelter.

Sec. 6-135. Surrender by owner.

Upon ~~the~~ demand made by ~~the~~ Abilene Animal ~~Control Department~~ Outreach, it shall be unlawful for the owner to fail to surrender any animal which has bitten or scratched a human being or which is suspected of having been exposed to rabies; for quarantine, which expenses shall be borne by the owner.

Sec. 6-136. Released to owner.

The quarantined animal may be reclaimed by the owner if adjudged free of rabies, upon payment of the fees set forth in section 6-92, upon compliance with the vaccination provisions set forth in section 6-31.

Sec. 6-137. Pathological examination—Death during quarantine.

When an animal under quarantine diagnosed by a licensed veterinarian as being rabid or suspected of being rabid dies while under observation, ~~theAbilene Animal Control~~ ~~DepartmentOutreach~~ shall immediately send the head of such animal to the Health Department for a pathological examination. ~~TheAbilene Animal Control DepartmentOutreach~~ shall notify the proper Health Officer of reports of human contacts and then the diagnosis made of the suspected animal after the pathological examination has been made.

Sec. 6-138. Same—Emergency situation.

When an animal bites or scratches a person so that the Director of the Health Department believes that the quarantine observation period cannot be observed because of the danger of developing rabies, the Health Director shall order that ~~theAbilene Animal Control~~ ~~DepartmentOutreach~~ immediately forward the animal's head for pathological examination.

Secs. 6-139—6-149. Reserved.

DIVISION 3. CITY-WIDE QUARANTINE

Sec. 6-150. When authorized.

A City-wide quarantine may be invoked for a period of thirty (30) days by the City Council upon the recommendation of ~~theAbilene Animal Control DepartmentOutreach~~ after it has been notified by the Health Department of a positive diagnosis of rabies of an animal or after an investigation has determined there exists an immediate threat of rabies.

Sec. 6-151. Extension of time.

In the event there are additional positive cases of rabies occurring within the thirty-day period of the City-wide quarantine, such period of quarantine shall be extended for additional reasonable period of time.

Sec. 6-152. Destruction of bitten animals.

During a period of City-wide rabies quarantine, every animal bitten by a rabid animal shall be destroyed.

Sec. 6-153. Confinement of animals.

It shall be unlawful for any person to take or permit any animal in the streets or any other public place during the period of quarantine, including but not limited to public and private dog parks.

Secs. 6-154—6-165. Reserved.

ARTICLE V. TRAPS

Sec. 6-166. Placement and baiting prohibited on streets and alleys.

It shall be unlawful for any person to place and bait or to permit the placing or baiting ~~and placing~~ of any trap, designed for trapping animals, in any highway, street, alley, or other public place within the corporate limits of the City.

Sec. 6-167. Prohibited within City limits; exception, areas zoned agricultural open space.

It shall be unlawful for any person to set or bait or permit the setting or baiting or placing of any steel-jawed, killer-type, toothed trap designed in such a fashion as to reasonably ensure the cutting, slicing, tearing, or otherwise traumatizing of entrapped prey and commonly known as a ~~"bear trap," "wolf trap," or "coyote trap"~~ in any zoning district within the City limits, except in those districts zoned agricultural open space. In agricultural open space districts, any trap must be more than three hundred (300) yards from the nearest district zoned for residential, commercial, or industrial use.

Sec. 6-168. When declared abandoned; impoundment.

Any traps mentioned in sections 6-166 and 6-167 found upon any public property shall be and the same are hereby declared to be abandoned property, and any animal control agent/~~police or peace~~ officer is hereby authorized and directed to impound any such trap and process the same as abandoned property in accordance with the appropriate provisions of this Code.

Sec. 6-169. Animal trapping by animal control.

It is hereby specifically provided that ~~the City of Abilene~~ Animal ~~Control Division~~ Outreach is exempted from any provision of these animal trapping sections in the performance of ~~their~~ its lawful duties.

Secs. 6-170—6-195. Reserved.