

ORDINANCE NO. 20-2234

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AMENDING THE PROVISIONS OF SECTION 6-38 OF THE CODE OF ORDINANCES REGARDING DISPOSITION OF A DANGEROUS ANIMAL TO AMEND THE DANGEROUS ANIMAL REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Denton, Texas (the “City”) owns and operates the Denton Animal Shelter (the “Shelter”) and desires to promote the health, safety and welfare of animals in Denton; and

WHEREAS, the Shelter is operated under the guidance of the Animal Shelter Advisory Committee (ASAC) which pursuant to Chapter 823.005 of the Texas Health and Safety Code assist in the Shelter’s compliance with the requirements of the chapter; and

WHEREAS, the ASAC has recommended an amendment to Chapter 6 “Animals”, Section 39 “Disposition of a dangerous animal” to add additional language requiring both sterilization of an animal by a licensed Veterinarian under Subsection B and microchipping of the animal prior to the release to the owner; and

WHEREAS, the ASAC has recommended an amendment to Chapter 6 “Animals”, Section 39 “Disposition of a dangerous animal” to add additional language outlining the approval of a “secure enclosure” by the Shelter and a Municipal Magistrate under Subsection C; and

WHEREAS, the City Council has determined that it is in the best interest of the residents and animals of the City to enact regulations relating to dangerous animals and finds the attached amendments reasonable and necessary; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Section 6-38 “Disposition of Dangerous Animal” of Chapter 6 of the Code of Ordinances of the City of Denton is hereby to requiring microchipping and sterilization of animals declared dangerous and clarify the requirements of an enclosure for a dangerous animal. Section 6-38 shall now read as follows:

Sec. 6-38. - Disposition of a dangerous animal.

(a) If, in accordance with this article, a magistrate determines that an animal is dangerous, the magistrate shall issue an order of disposition for the animal. The magistrate may order the destruction of the animal or place special conditions on the owner for the continued maintenance of the animal.

(b) If an order of disposition contains special conditions, such conditions shall include, but not be limited to, a requirement that the owner:

(1) Register the animal as a dangerous animal with the animal control authority for the area in which the animal is kept;

- (2) Restrain the animal at all times in a secure enclosure when the owner or harborer is not present;
 - (3) Display signs of a permanent nature at the property lines located on the front and rear of the property and on the secure enclosure of the animal;
 - (4) 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 animal causing bodily injury to a person;
 - (5) Microchip the animal and register the animal for its life with a national registry, and present proof of the registration to animal control within thirty (30) days or within the timeframe ordered by the magistrate; and
 - (6) Present proof to animal control that the animal has been sterilized by a licensed veterinarian within thirty (30) days or within the timeframe ordered by the magistrate. This requirement may be waived by the magistrate if a licensed veterinarian certifies in writing that sterilization would endanger the health of the dog because of a preexisting medical condition.
- (c) For the purposes of this section, "secure enclosure" means a locked structure capable of preventing the entry of any part of the body of a human, including children, and capable of preventing the escape, release, or protrusion of any part of the body of the animal. The enclosure shall have secure sides and a floor either attached to the sides or with the sides embedded no less than twelve inches in a concrete border surrounding the base of the enclosure. The concrete border shall be no less than four inches wide and no closer than six feet to any property line. An enclosure shall be adequately lighted and ventilated and must be maintained in a clean and sanitary condition. Such enclosure must be inspected and approved by Animal Services Department to verify the enclosure is in compliance with the order issued by the magistrate before the dog is registered with the Animal Services Department.
- (d) For the purposes of this section, "on a leash" means secured on the owner's property by a leash no longer than four feet in length, held by a person of sufficient strength to restrain the animal, and muzzled by a muzzling device sufficient to prevent the animal from biting any person or any other animal.
- (e) For the purposes of this section, "register" means to:
- (1) Provide the animal control center with the name, address and telephone number of the person owning or harboring a dangerous animal;
 - (2) Provide the animal control center with the name, general description and two-color photographs, one depicting a frontal view and one depicting a side view, of the dangerous animal;
 - (3) Provide the animal control center with a valid rabies vaccination certificate issued for the dangerous animal by a licensed veterinarian;
 - (4) Provide a copy of a current liability insurance policy as prescribed by subsection (b)(3) of this section;

- (5) Agree to inspections by animal control officers of the dangerous animal and the premises on which the dangerous animal is kept at any reasonable times to insure compliance with the provisions of this article; and
 - (6) Pay a dangerous animal permit fee as authorized by the city council and on file in the office of the city secretary;
 - (7) Provide the animal control center with proof the animal has been sterilized by a licensed veterinarian; and
 - (8) Provide the animal control center proof that the animal's microchip is registered with a national registry.
- (f) For the purpose of this section, "signs" shall mean a sign, at least eight inches by twelve inches, of a permanent nature stating "BEWARE OF DANGEROUS ANIMAL" in red lettering on a white background. The lettering shall be no less than two inches in height and made of a reflective material that is visible in low-light situations or at night. The owner of a dangerous animal shall renew the registration at least annually and submit payment of fees as authorized by the city council and on file in the office of the city secretary.
- (g) The owner shall immediately notify the animal control center of any change in status of a dangerous animal, including relocation, transfer of ownership, escape, or death. In the event that the dangerous animal is moved to another location within the city, the animal control center shall inspect the new location to insure compliance with this section. If ownership of the dangerous animal is transferred to another person, that person shall be subject to all requirements of this section. If the dangerous animal is moved to a location outside the incorporated limits of the city, the owner shall inform the animal control center of the new location of the animal. The animal control center shall forward a copy of the magistrate's order of disposition to the local animal control authority of the jurisdiction into which the animal is being moved.
- (h) A person commits an offense if he knowingly, intentionally, or negligently fails to perform any act required by this section. Each day in which a person is in violation of this section shall constitute a separate offense under this section. An offense under this section shall be punishable by a fine of not less than two hundred fifty (\$250.00) dollars nor more than five hundred dollars (\$500.00).
- (i) Upon notification that a violation of this section has occurred, an animal control officer shall immediately impound the animal and the disposition of the animal shall be determined by a magistrate of the municipal court of the city.
- (j) If an owner of an animal deemed to be dangerous is unable to comply with the conditions set forth in this section, the owner shall have the animal humanely destroyed by a licensed veterinarian or by releasing the animal to the animal control center. If the animal is destroyed by a licensed veterinarian, the owner shall provide certification from the veterinarian that such destruction was performed.

SECTION 2. If any section, article, paragraph, sentence, phrase, clause, or word in this ordinance, or application thereof to any persons or circumstances, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of

the remaining portions of this ordinance; the City Council declares that it would have ordained such remaining portion despite such invalidity, and such remaining portion shall remain in full force and effect.

SECTION 3. All provisions of the ordinances of the City of Denton in conflict with the provision of this ordinance are hereby repealed. The repeal of any ordinance or any portion thereof by the preceding text shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect and such shall remain in force for all intents and purposes as if such ordinance or part thereof so repealed shall remain in force.

SECTION 4. Any person violating any provision of this ordinance shall, upon conviction, be found guilty of a misdemeanor and fined a sum of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00) for each violation. Each day that a provision of this Ordinance is violated shall constitute a separate and distinct offense.

SECTION 5. The City Secretary is hereby directed to record and publish the above regulations in the City's Code of Ordinances.

SECTION 6. Pursuant to Section 2.09(c) of the Charter for the City of Denton, this ordinance shall become effective fourteen (14) days from the date of this passage and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this Ordinance was made by Deb Armintor and seconded by Keely Briggs. This Ordinance was passed and approved by the following vote [6 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Chris Watts:	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
Birdia Johnson, District 1:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Keely G. Briggs, District 2:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Jesse L. Davis, District 3:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
John Ryan, District 4:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Deb Armintor, At Large Place 5:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Paul Meltzer, At Large Place 6:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

PASSED AND APPROVED this the 15th day of December, 2020.

CHRIS WATTS, MAYOR

By: Interim Mayor Pro Tem Jesse Davis

ATTEST:

ROSA RIOS, CITY SECRETARY

BY:

[Signature]

DEPUTY CITY SECRETARY

APPROVED AS TO LEGAL FORM:

AARON LEAL, CITY ATTORNEY

BY:

[Signature]
for SB

