

ORDINANCE NO. 2215

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE CITY OF KELLER CODE OF ORDINANCES, CHAPTER 3 – ANIMALS, FOWL, INSECTS, AND REPTILES, BY AMENDING SECTION 3-100. DEFINITIONS; SECTION 3-460. TRAPPING OF ANIMALS; AND ADDING A NEW SECTION 3-465. ANIMALS IN PROTECTIVE CUSTODY; PROVIDING A CUMULATIVE CLAUSE; A SEVERABILITY CLAUSE; DIRECTING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Keller, Texas, is a home-rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, the City Council finds that the current definition of "Dangerous Dog" requires clarification to align with Texas Health and Safety Code § 822.001, ensuring that attacks resulting in serious bodily injury to animals are included in enforcement measures; and

WHEREAS, the City Council has determined that the existing trapping regulations require modification to comply with state law, ensure humane practices, and clarify the procedures for handling trapped animals; and

WHEREAS, the City Council also finds that establishing regulations for animals in protective custody is necessary to ensure the proper care, holding period, and disposition of animals taken into custody due to emergencies, medical situations, or legal matters; and

WHEREAS, the City Council has determined that these amendments are necessary to protect public health, safety, and welfare and has complied with all prerequisites necessary for the passage of this Ordinance.

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

Section 1: THAT the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT the City of Keller Code of Ordinances Chapter 3 - Animals, Fowl, Insects and Reptiles is hereby amended as follows:

Sec. 3-100. – Definitions.

The following words and phrases, for the purpose of this chapter, shall have the following meanings:

Dangerous dog. Means a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than a private enclosure;
- (2) Commits unprovoked acts toward a person in a place other than a private enclosure and those acts cause that person to reasonably believe that the animal will attack and cause bodily injury to that person; or
- (3) Makes an unprovoked attack on a domesticated animal that causes serious bodily injury to the animal and occurs in a place other than a private enclosure, commercial kennel, animal shelter, or city-designated dog park.

Section 3: THAT the City of Keller Code of Ordinances Chapter 3 - Animals, Fowl, Insects and Reptiles is hereby amended as follows:

Sec. 3-460. – Trapping of Animals.

(a) It shall be unlawful for any person to:

- (1) Remove, alter, damage, or tamper with a trap or equipment placed by an Animal Services officer or employee.
- (2) Set a trap, or permit such a trap to remain, in a manner that injures or kills an animal.

Section 4: THAT the City of Keller Code of Ordinances Chapter 3 - Animals, Fowl, Insects and Reptiles is hereby amended as follows:

Sec. 3-465. – Animals in protective custody.

(a) Impoundment and Hold Period. Animals taken into protective custody due to emergencies—including but not limited to medical incidents, fires, hospitalizations, natural disasters, or an owner's arrest—shall be held at the Keller Regional Animal Services Shelter for a period not to exceed 10 days unless otherwise required by law.

(b) Fees and Owner Reclamation

- (1) Animals impounded due to medical emergencies, fires, hospitalizations, or natural disasters may be reclaimed by the owner or an authorized representative at no cost within the 10-day hold period.

(2) For animals impounded due to an owner's arrest, no fees will be charged for the first 24 hours; a boarding fee will be assessed thereafter, as outlined in the city's fee schedule.

(3) Owners or authorized representatives may reclaim the animal at any time during the hold period by providing proof of ownership and paying any applicable fees.

(c) Disposition of Unclaimed Animals. If an animal remains unclaimed after the 10-day hold period, the City may transfer ownership, place the animal for adoption, or take other lawful actions as necessary.

(d) Animal Care and Welfare. Animals in protective custody will be provided appropriate housing, food, and veterinary care as necessary while in the custody of the Keller Regional Animal Services Shelter.

Section 5: THAT this Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Keller, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in such event the conflicting provisions of the other ordinances are hereby repealed.

Section 6: THAT if any section, paragraph, clause, phrase, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the validity or enforceability of the remaining sections, paragraphs, clauses, phrases, or provisions shall not be affected.

Section 7: THAT the City Secretary is hereby directed to publish notice of the approval and adoption of this Ordinance in accordance with the provisions of the City Charter and state law.

Section 8: THAT this Ordinance shall become effective upon its adoption and publication provided by law.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 7 to 0 on this the 1st day of April 2025.

CITY OF KELLER, TEXAS

BY: _____
Armin R. Mizani, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney