

## ORDINANCE NO. 2021-22

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE'S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, CHAPTER 18 (ANIMALS); PRESCRIBING REGULATIONS TO ENSURE THE HEALTH AND HUMANE TREATMENT OF ANIMALS AND THE PUBLIC; DEFINING TERMS; ESTABLISHING REGULATIONS ON ANIMALS, DOGS AND CATS, DANGEROUS DOGS AND RABIES CONTROL; PROVIDING FOR AN ANIMAL SHELTER ADVISORY BOARD; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE, PENALTY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") finds that it is necessary and in the public interest to ensure the health and humane treatment of animals and the public in the City of Wylie, Texas ("Wylie" or "City");

WHEREAS, the City Council finds that it is in the best interest of the citizens of Wylie to amend Chapter 18 (Animals) of the City's Code of Ordinances, Ordinance No. 2021-17, as amended ("Code of Ordinances"), as set forth below, to promote public and animal health, safety and welfare.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Chapter 18 (Animals) of the Code of Ordinances. Chapter 18 (Animals) of the Code of Ordinances is hereby amended and replaced in its entirety as follows:

### **"CHAPTER 18 – ANIMALS**

#### **ARTICLE I – IN GENERAL**

##### **Sec. 18-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandon* means to fail to adequately provide an animal with one (1) or more of the necessities of life, including but not limited to, air, food, potable water, sanitary conditions, shelter, protection from the heat, cold, or other environmental conditions, or under other circumstances that may cause bodily injury, serious bodily injury, or death of the animal, for twenty-four (24) or more hours, or to leave an animal in the care, custody, or control of another person without his or her

consent.

*Animal* means any live vertebrate creature, domestic or wild, but specifically excluding human beings.

*Animal services* means the animal services division of the police department, directed by the chief of police, or his/her designee, of the City, or its designee, as determined by the City Manager.

*Animal services director* means the director of the City animal services department and his/her authorized designees.

*Animal services facility* means a facility operated by the City of Wylie or its agents or designees for the purpose of impounding or caring for animals held under the authority of this chapter or state or federal laws.

*Animal services manager* means the person designated by the animal services director or his/her designee to supervise all aspects and operations of animal services.

*Animal services officer* means a person employed by the City to represent and act for the City in the impounding of animals, controlling of animals running at large, and enforcing the provisions of this chapter and all regulations relating to animals as authorized by other local, state or federal law.

*Animal shelter* means a facility operated by the City for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

*Assistance animal* has the meaning assigned in the Texas Human Resources Code, Chapter 121, as amended.

*At large* means:

(1) On the Premises of the Owner:

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

(2) Off the Premises of the Owner: Any animal which is not physically and continually restrained by some person by means of a leash or a chain of proper strength and length that precludes the animal from making any unsolicited contact with any person, their clothing, their property and/or their premises; provided, however, that any animal which is securely confined within a cage, automobile, truck or any other vehicle, and that cannot come into contact with any other person/property other than the owners, shall not be deemed at large.

*Cat* means a domesticated member of the feline family (*Felis domesticus*) other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar or other prohibited feline, or any hybrid thereof.

*Chicken* means any particular domesticated farm or ranch animal of the particular fowl family (*Gallus domesticus*) developed in a number of breeds for its flesh, eggs and feathers but does not include ducks, geese, turkeys or other domesticated fowl.

*Circus* means a commercial variety show featuring animal acts for public entertainment.

*City* means City of Wylie.

*City enforcement agent* means any designee of the City animal services director, any animal services officer, or law enforcement officer that is employed by the City.

*Dangerous dog* means a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own;
- (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 attack on an animal that causes serious 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.

*Department* means the City animal services department.

*Direct physical control* means having precautions in place so the person may exercise physical control over the animal in the event it should become necessary to do so to protect the animal, a human, or another animal from harm. For the purposes of this chapter, voice control, shock collars, e-collars, and collar-mounted electronic training devices, regardless of the animal's proximity or training status, shall not be considered direct physical control.

*Dog* means a domesticated member of the canine family (*Canis familiaris*), other than a wolf, jackal, fox, dingo, coyote, or other prohibited canine, or any hybrid thereof.

*Euthanasia* means the termination of an animal by a person using methods authorized by state and federal laws.

*Feral* when used in describing an animal means any unowned, untamed animal living in the wild that will not voluntarily accept handling by human beings despite usually being considered a domestic animal.

*Humane trap* means any trap designed to capture an animal without injuring the animal.

*Impound* means to take an animal into custody by the City; impoundment shall begin at the time any City enforcement agent seizes, takes, collects, confines or captures an animal.

*Kennel* means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs and cats.

*Livestock* means a horse, stallion, mare, gelding, filly, colt, mule, jenny, jack, jennet, hog, sheep, goat or a head of any species of cattle. Pot-bellied pigs, as defined by this article, are not considered livestock.

*Local rabies control authority (LRCA)* means the person designated by the governing body of a municipality to enforce the Texas Health and Safety Code, as amended.

*Local rabies control incident (LRCI)* means any bite, scratch, or other injury to a person caused by a warm-blooded animal that breaks the victim's skin and/or causes him or her to bleed and potentially come into contact with the injuring animal's saliva and could therefore allow the rabies virus to be transmitted from the animal to the person.

*Owner* means any person or persons, firm, partnership, corporation, association or entity that harbors, shelters, keeps, controls, manages, possesses or has whole or part interest in any animal. The occupant, owner or head of household of any premises where an animal remains for seventy-two (72) hours or more shall be presumed to be the owner of the animal. The presumption may be rebutted with proof that the animal has been reported to the department. A property owner, occupant, or head of household of any premises on which a dog or cat remains or customarily returns to is an owner for purposes of this chapter. If a person under the age of seventeen (17) years owns an animal, the parent, legal guardian, or the head of the household shall be the owner for purposes of this chapter. There may be more than one (1) person who is the owner or responsible for an animal. This term shall include persons who are in temporary possession of the animal, including but not limited to, pet sitters, groomers, boarders, walkers, and trainers. This term is to exclude the Animal services facility and veterinary facilities.

*Performing animal exhibition* means any spectacle, display, act or event, other than circuses, in which performing animals are used.

*Pet* means any animal kept for pleasure rather than utility.

*Pet shop* means any person, partnership or corporation, whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells, boards or grooms any species of animal.

*Police service animal* means an animal owned by the City, or other governmental law enforcement agency, specifically trained or equipped to assist personnel in a law enforcement capacity.

*Pot-bellied pig* means a variety of swine that is no more than eighteen (18) inches in height at shoulder level when fully grown, has short erect ears and a straight tail. No swine shall be considered a pot-bellied pig if its weight exceeds ninety-five (95) pounds, or unless registered with a licensed breeder.

*Releasing agency* means any public or private animal pound, shelter or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

*Restraint* means an animal in a secure enclosure and/or completely confined by a building, wall or fence of sufficient strength of construction to restrain the animal on the premises of the owner or an animal off the premises of the owner and under the control of the owner or another person authorized by the owner to care for the animal by leash, cord, chain or rope.

*Riding school or stable* means any place which has available for hire, boarding and/or riding instruction any horse, pony, donkey, mule or burro.

*Shelter* means a structure that is capable of adequately providing cover and protection from heat, cold, and other environmental conditions. At minimum, a shelter must have three (3) sides, a top, and a bottom and must be adequately ventilated. It must have bedding material. It must be large enough so that the animal can enter, stand, turn around, and lie down, but small enough to prevent the loss of body heat during cold weather.

*Tether* means any leash, chain, cord, rope, or other means of restraining an animal or the act of chaining, tying, fastening or otherwise securing an animal to a fixed point so that it can move or range only within certain limits.

*Vaccination* means the inoculation of an animal with an anti-rabies vaccine that is licensed by the United States Department of Agriculture for use in that species and which is administered in accordance with the label's directions and all state and federal laws for the purpose of immunizing the animal against rabies.

*Veterinary facility* means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

*Wild animal* means any animal that is customarily considered dangerous, undomesticated, not normally born and raised in captivity or any animal that is restricted from ownership by any international, federal, or state law, including, but not limited to the following classes and families of animals (specific animals are named as examples of the class or family, not as a complete list of the class or family):

(1) Class Reptilia:

- (a) Family Helodermatidae (venomous lizards) and Family Hydrophiidae (Venomous Marine snakes);
- (b) Family Viperidae (rattlesnakes, pit vipers and true vipers);
- (c) Family Elapidae (coral snakes, cobras, and mambas);
- (d) Family Columbridae-Dispholidus Typus (boomslang);
- (e) Bioga Dendrophilia (mangrove snake) and Kirklandii (twig snake only); and

- (f) Order Crocodilia (such as crocodiles and alligators);
- (2) Class Aves: Order Falconiformes (such as hawks, eagles, falcons and vultures);
- (3) Class Mammalia: Order Carnivores:
  - (a) Family Felidae (such as lions, tigers, bobcats, jaguars, leopards and cougars), except commonly domesticated cats;
  - (b) Family Canidae (such as wolves, dingoes, coyotes, foxes and jackals) and any hybrid of an animal listed in this section, except commonly domesticated dogs;
  - (c) Family Mustelidae (such as weasels, skunks, martins, minks, badgers and otters) except ferrets;
  - (d) Family Procyonidae (such as raccoons and coati);
  - (e) Family Ursidae (such as bears);
  - (f) Marsupialia (such as kangaroos, opossums, koala bears, wallabies, bandicoots, and wombats);
  - (g) Chiroptera (bats);
  - (h) Edentata and Xenarthra (such as sloths, anteaters, and armadillo);
  - (i) Proboscidea (elephants);
  - (j) Primata (such as monkeys, chimpanzees, orangutans, and gorillas);
  - (k) Rodentia (such as beavers and porcupines); and
  - (l) Ungulata (such as antelope, deer, bison and camels);
- (4) Class Amphibia: Poisonous frogs. Does not include non-poisonous reptiles or non-poisonous snakes.
- (5) Any species illegal to own under federal or state law, or any animal which is, or may be hereafter, listed as a “high risk” animal in the Texas Rabies Control Act;

Wild animal does not include livestock, fowl or household pets, such as but not limited to dogs, cats, cockatiels, hamsters, guinea pigs, gerbils, rabbits, fish or small, nonpoisonous reptiles, or nonpoisonous snakes. Wild animal includes any hybrid of an animal listed in this definition, unless certified for medical, biological, herpetological or other scientific research or study. This definition shall apply regardless of state or duration of captivity.

*Zoological park* means any facility other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals, operated by a person, partnership, corporation or

governmental agency.

**Sec. 18-2. - Enforcement of chapter.**

- (a) The provisions of this chapter shall be enforced by the animal services officers. The animal services officers have the authority to issue citations to persons violating the provisions of this chapter.
- (b) It shall be unlawful for any person to interfere with an animal services officer or his/her duly authorized representative in the performance of his/her duties as prescribed by this chapter.
- (c) Animal services officers have the right to pursue animals running at large onto private property while enforcing the provisions of this chapter.

**Sec. 18-3. - Inhumane treatment of animals.**

- (a) A person commits an offense if, either through his/her action or omission, he/she:
  - (1) Docks the tail or removes the dew claws of an animal over five (5) days of age, or crops the ears of an animal of any age, unless he is licensed to practice veterinary medicine in the state;
  - (2) Abandons any animal that he or she has possession or ownership of at the animal services facility, at any other place of business, on public property, or with any person that has not consented or has revoked consent to be responsible for the care of the animal;
  - (3) Fails to reclaim any animal that he owns from the animal services facility or any person who had temporary possession of the animal;
  - (4) Euthanizes, kills or attempts to euthanize or kill an animal in a manner other than allowed in this chapter;
  - (5) Places or confines an animal, or allows an animal to be placed or confined, in a motor vehicle, conveyance, or trailer without providing adequately for the necessities of life, including air, food, potable water, sanitary conditions, shelter or protection from the heat, cold or other environmental condition, or under other circumstances that may cause bodily injury, serious bodily injury or death of the animal;
  - (6) Causes or allows an animal to remain in its own filth;
  - (7) Owns or has care, custody, or control of an animal having an infestation of ticks, fleas, or other parasites, without having the animal treated by a veterinarian or following a proper commercially available treatment regimen for the infestation;

- (8) Owns or has care, custody or control of an animal having an obvious or diagnosed illness, injury, or communicable illness transmittable to animal or human, without having the animal treated by a veterinarian or following a proper treatment regimen for the injury or illness;
  - (9) Fails to provide basic grooming for an animal;
  - (10) Causes, allows or trains an animal to fight another animal or possesses animal fighting paraphernalia or training equipment;
  - (11) Fails to adequately provide an animal owned by him/her or under his/her care, custody or control with necessities of life, including food, potable water, sanitary conditions, shelter or protection from the heat, cold other environmental conditions, or other circumstances that may cause bodily injury, serious bodily injury or death of the animal;
  - (12) Mutilates or allows to mutilate any dead animal for reasons other than food preparation or taxidermy. Dissection in compliance with medical or veterinary research, medical or veterinary necropsy, and bona fide educational use of dead animals shall not be considered mutilation;
  - (13) Attaches or allows to be attached a collar or harness to an animal that is of an inadequate size so that it restricts the animal's growth or causes damage to the animal's skin;
  - (14) Attaches or allows to be attached a tether that is not appropriately sized for the animal or so heavy as to restrict or burden the animal's movements;
  - (15) Teases, taunts, or provokes an aggressive reaction from an animal.
  - (16) Gives away any animal as a prize for, or as an inducement to enter any contest, game or competition, or as an inducement to enter a place of amusement, or offer such an animal as an incentive to enter into any business establishment whereby the offer was for the purpose of attracting trade.
  - (17) Knowingly expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be eaten by any pet or domestic animal.
- (b) Animals seized pursuant to this section may be impounded and the City enforcement agent may petition the municipal court for a hearing to determine whether the animal was inhumanely treated and to determine the disposition of the animal. The petition shall be filed within forty-eight (48) hours of the seizure. If the court is not open during this 48-hour period, the petition shall be filed the next day the court is open for business. If a hearing is not requested, then the animal shall be returned to the owner upon request of the owner.



- (c) This section shall not be interpreted to restrict the lawful activities and legitimate operations of rodeos, 4H clubs or FFA clubs.

**Sec. 18-4. - Payment of fees generally.**

The department shall be responsible for collecting all fees established and levied in accordance with this chapter.

**Sec. 18-5. - Certain establishments exempt from license and permit requirements.**

Veterinary facilities and government-operated shelters and zoological parks are exempt from obtaining any permits that may be required by this chapter.

**Sec. 18-6. - Impoundment, redemption, and disposition of animals.**

- (a) Impoundment:
- (1) Rabies: The animal services officer shall impound and quarantine any animal that he/she has probable cause to believe was exposed to or infected with rabies. Any animal that exhibits symptoms of the rabies disease during quarantine shall be euthanized;
  - (2) Owner's absence: The animal services officer may impound an animal at the request of a peace officer or owner of the property where the animal is located when the owner of the animal has been arrested, hospitalized, is missing, has died, or when the owner is being lawfully evicted from his/her premises and there is no person present seventeen (17) years of age or older who will assume responsibility for the animal;
  - (3) Animal at large: The animal services officer may impound an animal found to be at large;
  - (4) Dangerous animal: The animal services officer shall follow the procedures for impoundment of dangerous dog set forth in this chapter;
  - (5) Unauthorized possession: The animal services officer may impound an animal if the animal services officer has probable cause to believe the animal is being possessed in violation of local, state or federal law;
  - (6) Inhumane treatment: The animal services officer may impound an animal if the animal services officer has probable cause to believe the animal has been inhumanely treated as defined by this chapter; or
  - (7) LRCI: The animal services officer may impound and quarantine an animal the officer has probable cause to believe has been involved in a LRCI.
- (b) The animal services facility shall be considered the designated caretaker of an impounded animal immediately upon impound. After the expiration of any required holding period,

the City shall become the full owner of the animal in question and may dispose of it in accordance with this chapter or other law.

- (c) Redemption: In order for a person to redeem an impounded animal, he must meet the following requirements:

(1) Conditions for redemption of animals:

- a. Rabies vaccination of the animal is required.
  - 1. For the purposes of this subsection, sufficient proof of an animal's current rabies vaccination shall be either a rabies vaccination certificate issued by a licensed veterinarian or verbal or written confirmation of a current rabies vaccination by the licensed veterinarian who administered the vaccination.
  - 2. If the owner cannot prove that the animal has a current rabies vaccination, the owner shall have seven (7) days to provide a current rabies vaccination to the department.
  - 3. If, in the opinion of a licensed veterinarian, the rabies vaccination should not be given within the seven (7) day period, the owner must provide a signed statement from the veterinarian stating why the vaccine should be temporarily delayed and when the vaccine may be given. The owner shall provide written proof of the administering of the vaccination to the department within forty-eight (48) hours.
- b. City license required.
  - 1. If the owner cannot prove that the animal has a current City license, the owner shall pay a fee to have the animal licensed as required by this chapter.
  - 2. If the owner cannot prove that the animal has a current rabies vaccination, the owner shall be given seven (7) days to provide proof of a current rabies vaccination to the department and obtain a City license.
- c. Payment of fees. The owner must pay all applicable fees before the animal is released.
- d. Wild animals. Impounded wild animals kept in violation of this chapter may not be redeemed and may be placed with a wildlife rehabilitator or wildlife educational center or euthanized at the animal services department's discretion.

- e. A person commits an offense if he fails to provide the proof of rabies vaccination required in subsections (c)(1) a.2. or (c)(1) a.3 of this section.
  - f. A person commits an offense if he fails to provide the proof of City license as required in subsection (c)(1) b.2 of this section.
- (2) This section shall not apply if the animal was impounded:
  - a. For being inhumanely treated as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal;
  - b. As a dangerous dog as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal;
  - c. For investigation of rabies and the quarantine period has not expired.
- (d) Disposition
  - (1) Time limits.
    - a. Impounded animals shall be kept for not less than seven (7) days, unless earlier reclaimed by the owner or the owner's agent or euthanized as allowed by this chapter.
    - b. An animal impounded at the request of a peace officer or property owner as required by subsection (a)(2) of this section shall be kept for not less than ten (10) business days unless earlier reclaimed by the owner or the owner's agent or euthanized as allowed by this chapter.
    - c. An impoundment period is not required for an animal voluntarily released to the department by its owner.
    - d. An impoundment period is not required for any wild animal.
    - e. An impoundment period is not required for household pets such as but not limited to cockatiels, hamsters, guinea pigs, gerbils, rabbits, fish, or small, nonpoisonous reptiles or nonpoisonous snakes, but excluding dogs and cats.
    - f. An impoundment period is not required for fowl for which no permit is required under this chapter.
  - (2) Injured or diseased animals.
    - a. Any impounded animal, registered or unregistered, which appears to be suffering from serious bodily injury or disease and which is in great pain or suffering and probably will not recover or which appears to have an

infectious disease which is a danger to humans or to other animals may be euthanized.

- b. Any animal that is not displaying any type of identification and which due to its violent or feral nature poses a substantial risk of bodily injury to the safety of department staff may be euthanized.

- (3) After the expiration of any required impoundment period or immediately after being voluntarily released by its owner, the animal shall become the property of the City, all ownership rights for the animal shall transfer to the City, and the department may dispose of the animal by any of the following methods, taking into consideration factors that may include, but not be limited to, the animal's behavior, aggressive tendencies, feral characteristics, health and housing space availability, within the sole discretion of the animal services manager or his/her designee:

- a. Adoption.

- 1. The department shall be authorized to place for adoption animals impounded by City under the following conditions:

- (a) The department shall evaluate all animals to determine if it is an adoption candidate, based on its health, temperament and appropriateness for vaccination. However, authorization to place an animal for adoption shall not constitute a warranty of the health, temperament or age of the animal.
- (b) There will be an adoption fee for all animals at an amount set by the City Council.
- (c) All animals adopted from the animal services facility shall be vaccinated against rabies according to state guidelines and sterilized.
- (d) If, in the opinion of a licensed veterinarian, there is a legitimate health risk justifying the delay of sterilization, the person adopting the animal must provide a signed statement from the veterinarian stating why the sterilization should be delayed and when the procedure may be performed. A legitimate health risk cannot be based solely on the age of the animal if the animal is at least eight (8) weeks old. The owner shall provide written proof to the department of the completed sterilization within forty-eight (48) hours of the procedure

2. If an adopted animal dies on or before the sterilization completion date, the adopting person must provide written documentation to the department that the animal has died.
  3. If an adopted animal is lost or stolen before the sterilization date, the adopting person must provide written documentation to the department stating that the animal is lost or stolen and a copy of the police report, if any, of the theft. In order to be sufficient, the letter shall be delivered to the department not later than the seventh (7th) day after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the date of disappearance.
- b. Transfer to releasing agency or foster care.
1. The department may transfer ownership of the animal to a releasing agency that has a signed transfer agreement for animals on file with the department provided that the group sterilizes and microchips the animal prior to placing it into an adoptive home.
  2. The department may temporarily place the animal in a foster home that has a signed foster agreement for animals on file with the department.
- c. Euthanasia. The department may euthanize the animal due to the animal's health or temperament, space limitations or as otherwise deemed necessary by the animal services manager or his/her designee.
- (4) All decisions related to the disposition of an animal pursuant to subsection (d) of this section shall be made at the sole discretion of the animal services manager or his/her designee unless otherwise mandated by law or a court order.
  - (5) A person commits an offense if he fails to provide the proof required in subsection (d)(3) a.1.(c). of this section.

#### **Sec. 18-7. - Kennels.**

Kennels are not allowed in residentially zoned areas.

#### **Sec. 18-8. - Wild animals.**

- (a) No owner shall keep or permit to be kept on his premises or premises under his control, any wild animal for sale, display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.
- (b) No person shall keep or permit to be kept any wild animal as a pet or source of food.

- (c) Felines caught in properly set humane traps which do not have current City license and rabies tags shall be considered feral and shall be disposed of in the normal fashion.

**Sec. 18-9. - Livestock and fowl.**

- (a) No person shall engage in keeping livestock within the corporate limits of the City, except as allowed by the Comprehensive Zoning Ordinance of the City.
- (b) A person may harbor or possess not more than eight (8) backyard chickens on residential property after first having obtained a fowl permit from the department. A fee shall be collected in accordance with Section 18-4 in an amount established from time to time by ordinance of the City Council. The permit is per property and is nontransferable and terminates in the event the permit holder no longer resides at the property for which the permit was issued or in the event the person ceases to harbor or keep backyard chickens on the property. This section does not prevail over or supersede any applicable homeowners association (HOA) policies or regulations.
- (c) The keeping of loud fowl such as roosters, ducks, turkeys, geese, peacocks or guineas, or other such loud fowl within the corporate limits of the City shall be prohibited, except in lakes, public parks or as allowed by the Comprehensive Zoning Ordinance of the City of Wylie.
- (d) Chickens shall be kept in an enclosure or fenced area with a minimum of ten (10) square feet per hen of run space, and be provided a shelter (coop) with a minimum of three (3) square feet per hen.
- (e) Such location and/or enclosure shall be no closer than twenty-five (25) feet to the nearest inhabited dwelling, other than that of the owner.
- (f) Any fowl kept within the City limits as authorized by this section shall be kept in a secure pen, coop or enclosure, and such structure shall be such construction and strength to keep such animal from running at large.
- (g) The chicken coop or other enclosure must be located within the rear yard no closer than five (5) feet from any property line and at a location which is not visible from a public street.
- (h) The City shall have the authority to revoke a permit at any time the owner does not comply with this section or any other requirements.
- (i) Should such chickens be kept on a lot in the City and such surrounding area is later developed to bring it closer to any inhabited building or dwelling closer than twenty-five (25) feet, excluding property owner who keeps chickens, such enclosure may be required to be moved to keep in compliance or if unable to keep in compliance, such animals shall be required to be removed from such premises within one (1) year of such non-compliance.

- (j) Enforcement of this section and any state or federal laws regulating animal services shall be the responsibility of the animal services officers.

**Sec. 18-10. - Restraint.**

- (a) All animals shall be kept under restraint.
- (b) No animal shall be permitted to run at large.

**Sec. 18-11. - Public Nuisances.**

- (a) A person commits an offense if the person is an owner of an animal and the person permits, or by insufficient control allows, any of the following to occur:
  - (1) Creation of any condition on the owner's property, or that carries over to an adjacent property, that renders the ground, the water, the air or food hazardous or injurious to human or animal life or health or that is offensive to any person of ordinary sensibilities or that is detrimental to the public health;
  - (2) The animal to be at large as defined by this chapter;
  - (3) Creation of a condition conducive to the breeding of flies, mosquitoes, ticks, fleas or other pests;
  - (4) Breeding or causing to be bred any animal within the public view.
  - (5) It shall be unlawful and considered a public nuisance to keep any animal which, by causing frequent or long continued barking or noise, shall disturb any person of ordinary sensibilities in the vicinity.
- (b) A person commits an offense if the person causes an animal not owned by the person to be at-large by intentionally, knowingly or recklessly releasing a confined animal.
- (c) A person commits an offense if the person is the owner of an animal and the person fails to immediately remove and dispose of any excreta the animal produces.
- (d) It is an affirmative defense to prosecution under subsection (c) of this section if the owner proves by preponderance of the evidence that:
  - (1) The property where the animal defecated was owned, leased or controlled by the owner of the animal at the time it defecated;
  - (2) The animal was an assistance animal, and at the time it defecated, the animal was in the presence of its disabled person or was present on the property of its disabled person;
  - (3) The owner of the property or person in control of the property had given prior consent for the animal to defecate on the property; or

- (4) The animal is a police service animal being used in official law enforcement activities.
- (e) It is an affirmative defense to prosecution under subsections (a)(2) and (a)(4) of this section if the owner proves by a preponderance of the evidence that the animal was at large due to forces of nature, fire or the criminal act of a third party who was not residing at the animal owner's residence.

#### **Sec. 18-12. - Slaughtering of animals.**

It shall be unlawful for any person to slaughter, skin or defeather an animal within the City, unless as part of a bona fide, licensed business. It shall further be unlawful for any person to butcher or display the carcass of an animal on residential property within the City whereby it is in the view, in whole or in part, of the public, except an animal carcass actually cooking over a barbecue pit or a dead animal being prepared by a licensed taxidermist for the purpose of display.

#### **Sec. 18-13 - Placement and baiting of animal traps and poison.**

- (a) Humane traps shall be used to trap animals within the City, whether on public or private property. The person who places the trap, or who requests its placement, shall be responsible for checking the trap, the care of the animal while it is in the trap, and the notification to the department of any captured animal. All traps shall be checked at least daily. No traps shall be placed upon public property without permission from the department. It shall be the responsibility of the person setting the trap to properly label the trap indicating the name and contact information for the owner and the date permission was obtained from the department.
- (b) Offenses. A person commits an offense if the person:
  - (1) Places, or places and baits, or allows the placing or placing and baiting, of an steel-jawed trap (commonly known as a "bear trap", "wolf trap", "leg hold trap" or "coyote trap"), a body hold trap (commonly known as "conibear trap"), any snare trap, any noose-type trap or any other trap designed, used or adapted to be lethal or cause serious bodily injury or death of an animal;
  - (2) Places or allows the placing of any substance, article, or bait that has in any manner been treated with any poisonous or toxic substance, including anti-freeze, or any drug in any place accessible to human beings, birds, dogs, cats or other animals with the intent to kill or harm animals;
  - (3) Fails to check a trap he has placed, placed and baited, or allowed to be placed or placed and baited at least once every twenty-four (24) hours;
  - (4) Places, or places and baits, or allows the placing or placing and baiting of any trap when the overnight low temperature is expected to be below forty (40) degrees Fahrenheit;



- (5) Places, or places and baits, or allows the placing or placing and baiting of any trap under conditions which may endanger the health of the animal due to exposure to rain, snow, extreme temperatures, lack of food or water or under other circumstances that may cause bodily injury, serious bodily injury or death of the animal, whether or not such injury occurs;
  - (6) Euthanizes, kills or attempts to euthanize or kill a trapped animal in a manner other than one specifically allowed in this chapter;
  - (7) Removes, alters, damages or otherwise tampers with a trap or equipment belonging to or placed at the request of the department;
  - (8) Places, or places and baits a trap, other than a commercially available trap solely designed to exterminate mice, rats or insects, for commercial profit, without identifying the trap with the name, telephone number and Texas Department of Agriculture Structural Pest Control Applicator license number of the applicator who placed or placed and baited the trap.
- (c) Any trap found to be set in violation of this chapter may be confiscated by a City enforcement agent and held as evidence in the case for the offense.
  - (d) This section shall not be interpreted to restrict the extermination of rats, mice, or insects, through the use of traps, poisons, or other commercially available means when used in that person's residence, property, accessory structure, or commercial establishment and in accordance with the manufacturer's directions as long as reasonable precautions are taken to ensure that no human, pet, or wild animal, other than the targeted species, comes into contact with the traps, poisons, or other means and that does not violate any other section of this chapter.

**Sec. 18-14. - Pot-bellied pigs.**

- (a) It shall be unlawful for anyone to keep swine within the City limits except for pot-bellied pigs which meet the requirements set forth in subsection (b) of this section.
- (b) Requirements for keeping pot-bellied pigs:
  - (1) It shall be unlawful for any person to keep, harbor, or raise more than two pot-bellied pigs in any one location within the City.
  - (2) All such pot-bellied pigs shall be kept indoors at all times other than for evacuation of waste material or during exercise periods. The animals may not be left in the backyard or front yard of the owner's or harborer's residence unattended. All waste material must be collected and disposed of in a manner that will not create a nuisance.
  - (3) Pot-bellied pigs are subject to all applicable laws and fees related to at large.

- (4) It shall be unlawful for any person to keep, harbor, or raise a pot-bellied pig which has not received annual vaccinations for erysipelas, parvo virus and leptospirosis (the first of which vaccination shall be obtained before the animal reaches the age of four months). It shall be the responsibility of the owner or caretaker of the pot-bellied pig to forward to animal services within fourteen (14) days of the vaccination a certificate from a licensed veterinarian which shall include the following information:
1. Name, address, and phone number of the owner;
  2. Name, address and phone number of the licensed veterinarian issuing the certificate;
  3. Name and description of the animal;
  4. Types and dates of the vaccinations;
  5. Tag number(s);
  6. Approximate weight, height and age of the animal; and
  7. The animal's general health.
  8. Proof of spay or neuter (all pot-bellied pigs must be spayed or neutered by twelve (12) weeks of age).
  9. Microchip number and manufacturer name (all pot-bellied pigs must be microchipped by twelve (12) weeks of age).
- (5) It shall be unlawful for any person to keep a pot-bellied pig at any location within the City unless such a person has first filed with animal services a completed application for a permit within fourteen (14) days of acquiring or relocation to keep a pot-bellied pig. The application must be accompanied by a fee of \$10.00 per animal and the required veterinary certificate. The permit must be renewed yearly by the thirtieth (30<sup>th</sup>) day of January regardless of initial issuance date. The permit is nontransferable to another owner or residence other than the initial permit holder.
- (6) Upon the owner's compliance with the above provisions of this section the department shall issue a metal permit tag. The permit tag is to be affixed to the animal via collar or harness at all times.
- (7) It shall be unlawful for any person to breed pot-bellied pigs within the City.
- (8) Should the pot-bellied pig die, be moved or acquire a new owner or caretaker, it shall be the owner's duty to inform animal services of this fact within fourteen (14) days of the event.

### **Sec. 18-15. - Tethering animals.**

- (a) A person commits an offense if he tethers an animal to a stationary object for any length of time except as allowed by subsections (b) and (c) of this section.
- (b) Restraint on the owner's property or for a lawful animal event, veterinary treatment, grooming, training, law enforcement activity, or when needed to protect the safety or welfare of a person or animal, shall be allowed provided that all of the following conditions are met:
  - (1) The animal's owner maintains continuous, direct physical control of the animal throughout the period of restraint;
  - (2) The tether is attached to a properly fitting collar or harness and is not wrapped around the animal's neck. Choke or prong-type collars are prohibited;
  - (3) The tether is designed and placed in a manner to prevent entanglement or injury; and
  - (4) The tether does not allow the animal to move outside the person's property or come within ten (10) feet of public property if tethered outside a fenced area.
- (c) A "skyline" type aerial trolley consisting of a line that is strung between two (2) fixed points that are at least twenty (20) feet apart with a down line that is at least five (5) feet in length is allowed as long as the requirements of subsection (b)(2) through (b)(4) of this section are met and the animal is enclosed behind a fence of adequate size and strength capable of preventing the general public, including children, and other animals from entering the area.

### **Secs. 18-16 – 18-40. - Reserved.**

## **ARTICLE II. - DOGS AND CATS**

### **DIVISION 1. - GENERALLY**

### **Sec. 18-41. - Sterilization.**

It shall be unlawful for any person to adopt a dog or cat without complying with the sterilization requirements set forth in Texas Health and Safety Code Chapter 828, as it exists or may be amended.

### **Secs. 18-42 – 18-60. - Reserved.**

### **DIVISION 2. - LICENSES; TAGS**

### **Sec. 18-61. - Requirements and restrictions.**

- (a) Dogs and cats that are required by the Texas State Rabies Control Act to have a rabies vaccination must also be licensed with the City. The City license tag must be affixed to a properly fitted collar or harness at all times. The owner shall retain proof of the animal's City license and make it available for inspection upon request by a City enforcement agent.
  - (1) Subsection (a) does not apply to animals temporarily within the City for a period not to exceed fourteen (14) days.
- (b) City license shall be on forms and tags furnished by the department or its designee and shall be issued subject to the provisions of this chapter.
- (c) For each dog and cat the annual license fee shall be as provided for in the fee schedule located in Appendix C to this Code. Proof of spaying or neutering shall rest with the owner of the animal.
- (d) Upon the owner's compliance with subsections (a) through (c) of this section, the department or its representative shall issue a license for the dog or cat.
- (e) Each license required by this section shall be renewed annually.
- (f) The department shall not issue a license tag to an animal that is not currently vaccinated against rabies.
- (g) If a license or tag issued under this section is lost or stolen, it may be replaced by payment of a fee as provided for in the fee schedule located in appendix C to this Code.
- (h) A person commits an offense if he is the owner of a dog or cat over the age of four (4) months within the City and does not have a current City license for the animal as required by this section.
- (i) A person commits an offense if he fails to display the license tag as required by this section.
- (j) A person commits an offense if he affixes a City license tag to any animal's collar or harness other than the animal for which it was issued.

**Sec. 18-62. - Transfer; use for other animal.**

- (a) It shall be unlawful for any person to use any permit, registration or license for any animal other than the animal for which it was issued.
- (b) Permits, registrations or licenses shall not be transferable among animals or their owners.

**Sec. 18-63. - Permit, license or registration revocation, denial, and appeal.**

- (a) An animal services officer may issue a notice of revocation of any permit, license or registration or deny an application for a permit, license or registration under this chapter without prior warning, notice, or hearing if the permittee or applicant fails to meet the standards required in this chapter, refuses to make the premises or animals in his possession

available for an inspection, seriously or repeatedly violates this chapter in ways that threaten the health or well-being of the permit, license or registration holder's or applicant's customers, employees, neighbors or animals in their care, or otherwise violates this chapter in any other way, if the notice:

- (1) States the reason(s) for the revocation or denial;
  - (2) States that the permit, license or registration holder may request an appeal hearing by submitting a timely request to animal services manager; and
  - (3) Provides the name and the address of the animal services manager to whom a request for appeal hearing may be made.
- (b) An appeal of a revocation or denial must be made in writing within ten (10) days of the issuance of the notice of revocation or denial of a permit, license or registration. If no appeal request is received within the 10-day period, the revocation or denial of the permit, license or registration becomes final.
- (c) Upon receiving an appeal, the animal services manager shall hold a hearing at a time and place of his designation within fifteen (15) days of the notice of appeal being received. Based upon the evidence of the hearing, the animal services manager shall make a final ruling.
- (d) The decision of the animal services manager shall be final.
- (e) The permittee or applicant may reapply for a new permit, license or registration under this chapter at any time.
- (f) The issuance of a suspension shall be a remedy in addition to, and not in lieu of, any penalty authorized by this chapter, and shall not limit any other rights of the department to pursue other enforcement actions or remedies to address any violation of the provisions of this chapter.

**Secs. 18-64 – 18-80. - Reserved.**

### **DIVISION 3. - DANGEROUS DOGS**

#### **Sec. 18-81. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal control authority* means the City of Wylie Animal Services as defined and appointed under Section 18-1.

*Secure enclosure* means a fenced area or structure that:

- (a) Is locked. All entrances to the secure enclosure in which the dog is being kept, such as gates, doors, or windows must be securely closed and locked at all times when the dangerous dog is present;
- (b) Prevents the escape or release of the dog by any means, including digging, climbing, jumping, or chewing out of the enclosure;
- (c) Prevents the entry of the general public, including children;
- (d) Is clearly marked as containing a dangerous dog, with signs obtained from City animal services unless otherwise specifically approved. Such signs shall be posted as specified by City animal services; and
- (e) Is in conformance with any other requirements for enclosures prescribed by City animal services policy, City zoning regulations, or City construction regulations.
- (f) Is not in any part of a house or other structure where a dangerous dog might have direct access to an opened window, an opened door, a screen window, a screen door, or other opening of similar material or construction which is the only obstacle preventing the dog from exiting the house or structure.
- (g) Is not located within five feet of any other property line adjoining the premises on which the enclosure is located.

**Sec. 18-82. - Requirements for owner.**

- (a) A person learns that the person is the owner of a dangerous dog when:
  - (1) The owner knows of an attack as described in subsection (1) of the definition for “dangerous dog” set forth in section 18-1 of this chapter; or
  - (2) The owner is informed by an animal control authority that the dog is a dangerous dog.
- (b) Requirements:
  - (1) Not later than the thirtieth (30th) day after the owner learns that he is the owner of a dangerous dog, the owner shall:
    - 1. Register the dangerous dog with the animal control authority for the City meeting all annual requirements. The current dangerous dog registration tag issued by an animal control authority shall be conspicuously displayed on the dangerous dog at all times by securely attaching it to a properly fitted collar, harness, or similar device which is being worn by the dog.
    - 2. At all times keep the dog in a secure enclosure, or physically restrained on a leash not longer than six feet in length, and of sufficient tensile strength so it will not break under any conditions or circumstances. One end of the leash

must be securely attached to a properly fitted collar or harness which is being worn by the dog; the other end of the leash must be securely held in the grasp of a person. In addition, if the dog is taken onto any public property, it shall be securely muzzled in a manner which will prevent it from biting any person or other animal, yet not cause injury to the dog nor interfere with its vision or respiration. A dangerous dog may not be left tied out anywhere outside of a secure enclosure.

3. Obtain and maintain liability insurance coverage in an amount of at least \$250,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide this proof to the animal control authority.
  4. All owners of dangerous dogs shall provide the City with two color photographs at the time of registration of the dog in two different poses, showing the color and approximate size of the animal.
  5. Present proof that the dog has been implanted with a microchip identification, which can be detected and read by the animal control officer's microchip reader. Proof shall consist of a signed letter from the veterinarian who implanted the microchip. The letter must describe the dog, state the microchip identification number assigned to the dog, state the microchip manufacturer name, register it for life with the department and a recognized national registry.
- (2) An owner of any registered dangerous dog shall be required to notify City animal services of any attacks the dog makes on people, regardless of where the attack occurs. Such notification of an attack shall be made not later than twenty-four (24) hours after the attack occurs.
  - (3) An owner of a dangerous dog commits an offense if the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the person. An offense under this section is a Class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a Class A misdemeanor. If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed at the owner's expense, as provided by law.

#### **Sec. 18-83. - Reporting and investigating a dangerous dog incident.**

- (a) A person may report an alleged dangerous dog incident to the animal services officer by submitting a sworn statement describing the event, not later than the thirtieth (30th) day after the date such incident occurs. A parent or guardian may submit the sworn statement on behalf of a minor or a person who is unable to prepare the statement. The statement shall contain as much of the following information as known:
  - (1) Name, address and telephone number of the person filing the sworn statement.

- (2) Name, address and telephone number of the alleged dangerous dog owner or keeper.
  - (3) A description of the alleged dangerous dog including breed, colors, size, sex, name, or any other distinguishing characteristics.
  - (4) Date, time and location where the incident occurred.
  - (5) A detailed account of what happened before, during, and after the incident.
  - (6) A description of any injuries caused by the dog during the incident. Attach a copy of available medical reports, photos, etc.
  - (7) Name, address and telephone number of any available witnesses to the incident.
- (b) After receiving a sworn statement describing an alleged dangerous dog incident, the animal services officer shall investigate the incident and determine whether or not to file a report with the municipal court and request a hearing to determine if the dog involved is a dangerous dog as defined within this chapter. Upon notification that such dangerous dog determination hearing is to be conducted, the owner shall deliver the dog to the City animal shelter where it shall be confined until the court orders disposition of the dog, unless confinement at another location has been specifically authorized by the animal services officer.
  - (c) If the owner fails to deliver the dog as specified in subsection (b) of this section, the court may order the animal services officer to seize the dog and issue a warrant authorizing the seizure. The animal services officer shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.
  - (d) The owner shall be responsible for payment of all costs incurred to seize and confine the dog.
  - (e) The court may order the humane destruction of an alleged dangerous dog if the owner of the dog has not been located before the thirtieth (30th) day after the dog is seized or impounded.

**Sec. 18-84. - Dangerous dog determination hearing.**

- (a) Upon receiving a report from the animal services officer describing an alleged dangerous dog incident, the court shall set a time for a hearing to determine if the dog is a dangerous dog as defined within this chapter. The hearing must be held not later than the tenth day after the date on which the dog is seized or delivered for confinement.
- (b) Written notice of the time and place of the hearing shall be delivered to:
  - (1) The owner of the dog or the person from whom the dog was seized; and
  - (2) The person who reported the incident to animal services.



- (c) Any interested party, including the City Attorney, is entitled to present evidence at the hearing.
- (d) If the court determines that a dog is a dangerous dog, such dog shall be confined at the animal services facility or other confinement location authorized by the animal services officer until the owner presents proof of required liability insurance coverage and the animal services officer has inspected and approved the secure enclosure where the dog will be kept. If the owner does not comply with such requirements on or before the 15th day after the date the dog is determined to be a dangerous dog, the court may order the humane destruction of the dog.
- (e) The owner of a dog that has been confined under section 18-83 shall be required to present proof to the animal services officer that such dog has been vaccinated against rabies as required by this chapter, before the dog may be released from confinement. If the owner cannot provide such proof, the owner shall make arrangements to have the dog vaccinated against rabies, at a veterinary clinic located within the City limits, during City animal services' regular business hours. The owner shall coordinate such arrangements with City animal services prior to the date the dog is to be vaccinated. An animal services officer shall:
  - (1) Transport the dog to the veterinary clinic and confirm that the dog is vaccinated against rabies; or
  - (2) Accompany the owner to or meet the owner at the veterinary clinic and confirm that the dog is vaccinated against rabies.
  - (3) If the owner does not comply with this requirement on or before the 15th day after the court has determined that the dog is a dangerous dog, the court may order the humane destruction of the dog. The owner shall be responsible for payment of all costs incurred to vaccinate or destroy the dog.
- (f) The owner may appeal the decision of the municipal court in the manner described by the Texas Health and Safety Code § 822.0424, as amended.

**Sec. 18-85. - Registration.**

- (a) The animal control authority for the City shall annually register a dangerous dog if the owner presents proof of:
  - (1) Liability insurance, as required by Section 18-82(b)(1)(3);
  - (2) Current rabies vaccination of the dangerous dog;
  - (3) The secure enclosure in which the dangerous dog will be kept; and
- (b) Pays an annual registration fee as provided in the fee schedule in appendix C to this Code.

- (1) The animal control authority shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

**Sec. 18-86. - Transferring ownership of registered dangerous dog.**

- (a) Prior to relocating, transferring ownership, offering to transfer ownership, or otherwise moving or offering to move in any way a registered dangerous animal, either inside or outside the City limits, the owner shall notify the animal services manager in writing of his intention. If ownership is to be transferred, the notification shall include the name and address of the proposed new owner of the animal. Owner shall pay the fee associated with the dangerous dog at a new address registration fee provided in the fee schedule in appendix C to this Code.
- (b) If ownership of the animal is being transferred to a person who resides within the City limits, the new owner will be required to provide proof to the animal services manager of complying with all provisions of this chapter before the animal can be moved from the previous owner's custody.
- (c) If the animal is being moved outside the City limits, the owner must provide, in writing to the animal services manager, proof that the new owner has alerted the agency responsible for animal services in that area.
- (d) A person commits an offense if the person fails to comply with the requirements of this section.

**Sec. 18-87. - Animals deemed dangerous by other jurisdictions.**

- (a) The owner of an animal that has been determined to be dangerous by another jurisdiction, under guidelines similar to those in this chapter, is prohibited from bringing the animal into the City. Any animal that is brought into the City in violation of this section shall immediately be turned over to animal services. On the fifteenth (15th) day, the impounded animal may be considered abandoned and disposed of as authorized in this chapter. The owner may elect to immediately remove the animal from the City and shall comply with the notice requirements of this chapter.
- (b) A person commits an offense if he is the owner of an animal that has been determined to be dangerous by another jurisdiction and brings such animal into the City limits.

**Sec. 18-88. - Defenses to prosecution.**

Defenses to prosecution prescribed by Texas Health and Safety Code Chapter 822, Subchapter D, "Dangerous Dogs" (as it is now enacted, or as hereinafter amended), are hereby incorporated under this section.

**Sec. 18-89. - Violation of Division.**

- (a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any provisions of this division.

- (b) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with any provisions of Texas Health and Safety Code Chapter 822, Subchapter D, “Dangerous Dogs” (as it is now enacted, or as hereinafter amended).

**Secs. 18-90 – 18-100. - Reserved.**

### **ARTICLE III. - RABIES CONTROL**

#### **Sec. 18-101. - State regulations adopted.**

The City hereby adopts by reference the Texas State Rabies Control Act, as amended, and the standards established by the appropriate state agency or rule-making board as minimum standards for rabies control and quarantine provisions within the City.

#### **Sec. 18-102. - Proof of current vaccination required.**

The owner of each dog or cat found in the City shall cause each such animal to be vaccinated against rabies as prescribed by Texas Administrative Code, Title 25, Part I, Chapter 169, as it is now enacted or hereafter amended. Furthermore, the owner of each ferret found in the City shall cause each such animal to be vaccinated against rabies in the same manner and interval as required for dogs and cats. It shall be a violation of this chapter for the owner of any dog, cat or ferret to fail or refuse to present proof to the animal control officer, upon request, that such animal has been vaccinated against rabies as required by this section.

#### **Sec. 18-103. - Reporting rabies cases.**

- (a) Any licensed veterinarian or technician working for a veterinarian who diagnoses, examines, or treats any animal diagnosed to have, or suspected to have, rabies shall immediately report their findings to the department.
- (b) Any physician or other medical or veterinary practitioner having knowledge of a local rabies control incident shall notify the department of the names, addresses and phone numbers of persons or animals treated.
- (c) Any person owning or possessing an animal which has been involved in a local rabies control incident, or any other person having knowledge of the local rabies control incident, shall notify the department.
- (d) A person commits an offense if he has knowledge of a local rabies control incident and fails to notify the department within forty-eight (48) hours.

#### **Sec. 18-104. - Area quarantine.**

It shall be a violation of this chapter for any person to fail or refuse to comply with any rules or regulations prescribed by the state department of health during a declared area rabies quarantine

**Sec. 18-105. - Treatment or disposition of animals exposed to rabies.**

- (a) Not currently vaccinated animals that have been bitten by, directly exposed by physical contact with, or directly exposed to the fresh tissues of a rabid animal shall be:
  - (1) euthanatized; or
  - (2) immediately vaccinated against rabies, placed in confinement for 90 days, and given booster vaccinations during the third and eighth weeks of confinement. For young animals, additional vaccinations may be necessary to ensure that the animal receives at least two vaccinations at or after the age prescribed by the United States Department of Agriculture (USDA) for the vaccine administered.
- (b) Currently vaccinated animals that have been bitten by, directly exposed by physical contact with or directly exposed to the fresh tissues of a rabid animal shall be:
  - (1) euthanatized; or
  - (2) immediately given a booster rabies vaccination and placed in confinement for 45 days.
- (c) These provisions apply only to domestic animals for which a USDA-licensed rabies vaccine is available.
- (d) In situations where none of the requirements of this section are applicable, the recommendations contained in the latest edition of the publication titled Compendium of Animal Rabies Prevention and Control, published by the National Association of State Public Health Veterinarians, should be followed. The administration of a rabies vaccine in a species for which no licensed vaccine is available is at the discretion of the veterinarian; however, an animal receiving a rabies vaccine under these conditions will not be considered to be vaccinated against rabies virus in potential rabies exposure situations.
- (e) No wild animal will be placed in quarantine. All wild animals will be humanely destroyed in such a manner that the brain is not mutilated. The brain will then be submitted to a laboratory certified for rabies diagnosis in order to be tested.

**Sec. 18-106. - Animal bites; quarantines.**

- (a) When a dog, cat or domestic ferret that has bitten a human has been identified, the custodian will place the animal (regardless of its vaccination status) in quarantine as defined in the Texas Health and Safety Code § 826.002, until the end of the ten (10)-day observation period. The animal must also be quarantined if there is probable cause to believe that it has otherwise exposed a human to rabies. The observation period will begin at the time of the exposure. The animal must be placed in a department-licensed quarantine facility specified by the local rabies control authority and observed at least twice daily. However, the local rabies control authority may allow the animal to be quarantined in a veterinary clinic. As an alternative to quarantine at a department-licensed facility or a veterinary clinic, the local

rabies control authority may allow home confinement. To allow home confinement, the following criteria must be met.

- (1) A secure enclosure approved by the local rabies control authority must be used to prevent escape.
  - (2) The animal has been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an unvaccinated animal is not over sixteen (16) weeks of age at the time of the potential exposure, it may be allowed home confinement.
  - (3) During the confinement period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted.
  - (4) The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the home confinement.
  - (5) The animal was not a stray as defined in the Texas Health and Safety Code § 826.002, at the time of the potential exposure or at large as defined in section 18-1.
- (b) If the potential rabies exposure described in subsection (a) of this section occurs in a City or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the City or county of the custodian's residence or allowed home confinement, if applicable, if there is mutual agreement to do so between the local rabies control authorities for the City or county where the exposure occurred and where the custodian resides.
- (c) The alternative to quarantining (to include home confining) a dog, cat, or domestic ferret that has bitten or otherwise potentially exposed a person to rabies as described in subsection (a) of this section is to have the animal euthanized in such a manner that the brain is not damaged and a suitable specimen submitted to a department-designated laboratory for rabies testing. A list of department-designated laboratories may be found on the department's website or may be obtained from any of the department's regional Zoonosis Control offices.
- (d) A domestic animal that has potentially exposed a human to rabies and has been designated by the local rabies control authority as unowned may be euthanized. If the animal is euthanized, a suitable specimen shall be submitted for rabies testing.
- (e) "Free-roaming animals" as used in this section includes animals that have been in captivity less than two hundred (200) days immediately prior to the potential exposure and those that are not in captivity. If the animal implicated in the potential exposure is a free-roaming high-risk animal, it shall be euthanized and a suitable specimen submitted for rabies testing. If the animal implicated in the potential exposure is a high-risk animal that has been in captivity without contact with free-roaming animals for two hundred (200) days or more

immediately prior to the potential exposure or is less than two hundred (200) days old, has always been in captivity without contact with free-roaming animals, and is the progeny of a dam that has been in captivity without contact with free-roaming animals for two hundred (200) days or more immediately prior to the potential exposure, the local rabies control authority shall conduct a risk assessment to gauge the probability that the animal could have been exposed to rabies and, therefore, poses a public health risk. If the probability that the animal implicated in the potential exposure could have had animal contact conducive to rabies transmission is low and the potential exposure poses a negligible public health risk, the local rabies control authority may require that the animal involved in the potential exposure be quarantined at a department-licensed quarantine facility or a veterinary clinic or confined elsewhere as deemed appropriate by the local rabies control authority for a thirty (30)-day observation period as an alternative to euthanizing and testing. The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the quarantine or confinement that was deemed appropriate by the local rabies control authority.

- (f) If the animal implicated in the potential exposure is a low-risk animal, neither quarantine nor rabies testing will be required unless the local rabies control authority has cause to believe the animal is rabid, in which case it shall be euthanized and a suitable specimen submitted for rabies testing.
- (g) The local rabies control authority may require an animal that has inflicted multiple bite wounds, punctures, or lacerations to a person to be euthanized. If the animal is euthanized, a suitable specimen shall be submitted for rabies testing.
- (h) If the animal implicated in the potential exposure is not included in subsection (a), (b), (c), (d), (f), or (g) of this section or the portion of subsection (e) of this section pertaining to a free-roaming high-risk animal, the animal either will be euthanized and a suitable specimen submitted for rabies testing or the local rabies control authority may require the animal to be quarantined at a department-licensed quarantine facility or a veterinary clinic or confined elsewhere as deemed appropriate by the local rabies control authority for the 30-day observation period as an alternative to euthanizing and testing. The local rabies control authority's decision on whether to quarantine or euthanize and test those other animals described in subsection (e) of this section will be determined by risk-assessment parameters as described in subsection (e) of this section. If the potential rabies exposure occurs in a City or county other than where the animal's custodian resides, the animal may be transferred to a department-licensed quarantine facility or a veterinary clinic in the City or county of the custodian's residence or allowed confinement deemed appropriate if there is mutual agreement to do so between the local rabies control authorities for the City or county where the exposure occurred and where the custodian resides. During the observation period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted. The local rabies control authority or a veterinarian must observe the animal at least on the first and last days of the quarantine or confinement that was deemed appropriate by the local rabies control authority.

- (i) Any animal required to be quarantined under this section that cannot be maintained in secure quarantine shall be euthanized and a suitable specimen submitted for rabies testing.
- (j) All laboratory specimens referred to in subsections (c) through (i) of this section shall be submitted in accordance with Section 169.33 of Title 25 of the Texas Administrative Code (relating to Submission of Specimens for Laboratory Examination).
- (k) At the discretion of the local rabies control authority, assistance animals as defined by Texas Administrative Code 169.22 may not be required to be placed in quarantine (to include confinement) during the observation period. During the applicable observation period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted. The local rabies control authority or a veterinarian must observe the animal at least at the beginning and on the last day of the applicable observation period.
- (l) Police service animals are exempted from quarantine per the Texas Health and Safety Code § 826.048, including confinement. During the applicable observation period, the animal's custodian must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted.
- (m) Animals should not be vaccinated against rabies or receive other vaccinations or non-essential medications that may complicate assessment of behavioral change or health status during the observation period; however, animals may be treated for medical problems that are diagnosed by a veterinarian and are not related to rabies. If the animal becomes ill during the observation period, the local rabies control authority must be notified by the person having possession of the animal.
- (n) Owner must pay a quarantine fee as provided in the fee schedule in appendix C to this Code
- (o) After the animal has been released from quarantine, the owner will have three days in which to have the animal licensed if applicable with the City by the purchase of a City license tag.
- (p) It shall be unlawful for any person to interfere with the enforcement of this section.

#### **Sec. 18-107. - Penalty.**

Any person, firm, corporation or business entity violating this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding \$2,000.00. Each continuing day's violation under this article shall constitute a separate offense. The penal provisions imposed under this article shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

#### **Secs. 18-108 – 18-120. - Reserved.**

## **ARTICLE IV. - ANIMAL SHELTER ADVISORY BOARD**

### **Sec. 18-121. - Definitions.**

For the purposes of this article, the following terms, phrases, words and their derivation shall have the meaning given herein:

*Animal Shelter* means the City Animal Services facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

*Board* means the animal shelter advisory board of the City of Wylie, Texas.

*Board member* means the members of the City animal shelter advisory board.

### **Sec. 18-122. - Establishment of City animal shelter advisory board.**

The City animal shelter advisory board is hereby established to act in an advisory capacity to the City Council and to assist the City in complying with the requirements of Chapter 823 of the Texas Health and Safety Code.

### **Sec. 18-123. - Number of members; qualified appointment; terms.**

The board shall consist of five members. The board shall consist of one licensed veterinarian, one (1) member of the City Council, the animal services manager of the City (whose duties include the daily operation of the Wylie animal shelter), one representative from an animal welfare organization and one resident of the City, with all board members to be appointed by the City Council for a term of two years, except for the animal services manager who shall be a permanent member of the board. Except for the animal services manager, no board member shall serve for more than three consecutive terms or six consecutive years (whichever is less); provided, however, that should a board member's replacement not be qualified upon the expiration of any term of a board member, then that board member shall holdover on the board until a qualified replacement board member has been appointed. In addition to board members, the City Manager may appoint a staff designee as an ex officio member of the board, who shall have no right to vote on any matter before the board. Each board member shall serve without compensation, but may be reimbursed for actual expenses approved in advance by the City Council

### **Sec. 18-124. - Meetings.**

The board shall meet at least three times per year and any additional meetings as may be called from time to time. Special meetings may be called by the chair or by written request sent to the chair or vice-chair by two members of the board.

### **Sec. 18-125. - Vacancies.**

When vacancies occur on the board, the City Council shall appoint, by majority vote, a replacement to serve the remainder of the term.



#### **Sec. 18-126. - Removal.**

Each board member serves at the pleasure of the City Council and may be removed at the discretion of the City Council. Board member absences shall be controlled by Article VIII of the Charter.

#### **Sec. 18-127. - Quorum; voting.**

Three board members shall constitute a quorum of the board for the purpose of conducting its business, exercising its powers and for all other purposes. No action of the board shall be valid or binding unless adopted by the affirmative vote of a majority of those board members present and voting.

#### **Sec. 18-128. - Powers and duties.**

- (a) The board shall act in an advisory capacity to the city staff and the City Council in any matter pertaining to compliance with the Texas Health and Safety Code § 823.001 *et seq.*
- (b) The board, through its chairperson, shall report to the City Council concerning its activities and proposals by submitting to the City Council the approved minutes of each meeting of the board and copies of all reports of inspections conducted by the department of state health services, veterinarians or other authorities and all statistical reports of shelter operations considered and approved by the board.
- (c) The board's authority shall not extend to the direction, supervision, employment or termination of the city employees. No supervisory power of the board is created.
- (d) The board will develop for City Council approval a set of by-laws governing rules of procedure for their meetings and operation.
- (e) The board shall not have the power to obligate the city for funds and/or expenditures or incur any debt on behalf of the city.
- (f) All powers and duties prescribed and delegated herein are delegated to the board, as a unit, and all action hereunder shall be of the board acting as a whole. No action of an individual board member is authorized, except through the approval of the board or City Council. The board shall have any other power and/or duty as prescribed and authorized by the City Council.

#### **Secs. 18-139 – 18-999. - Reserved.”**

**SECTION 3: Penalty.** Any person, firm, corporation or entity violating this Ordinance shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined a sum not exceeding two thousand dollars (\$2,000.00) if the violation relates to the public health and sanitation, otherwise the fine shall be a sum not exceeding five hundred dollars (\$500.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. Wylie retains all

legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 4: Savings/Repealing.** All provisions of the Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

**SECTION 6: Effective Date; Publication.** This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

*[The remainder of this page intentionally left blank.]*

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS**, on this 13th day of April, 2021.

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Matthew Porter, Mayor

**ATTESTED AND  
CORRECTLY RECORDED:**

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Stephanie Storm, City Secretary

*DATE OF PUBLICATION: April 21, 2021 in The Wylie News*