

**CITY OF LAKE DALLAS, TEXAS**  
**ORDINANCE NO: 2018-18**

**AN ORDINANCE OF THE CITY OF LAKE DALLAS, TEXAS AMENDING THE LAKE DALLAS MUNICIPAL CODE CHAPTER 18 "ANIMALS", SECTION 18-1 'DEFINITIONS' BY AMENDING THE DEFINITION OF PROHIBITED ANIMALS, ADDING SECTION 18-48 PROHIBITING THE KEEPING OF PROHIBITED ANIMALS; RETITLING AND AMENDING SECTION 18-121 PROVIDING A LIMIT ON THE NUMBER OF DOGS AND CATS PERMITTED TO BE KEPT ON A RESIDENTIAL PROPERTY; RETITLING AND AMENDING SECTION 8-122 TO PROVIDE FOR A PERMIT TO POSSESS DOGS AND CATS EXCEEDING THE MAXIMUM ALLOWED BY SECTION 8-121; REPEALING ARTICLE IX "PROHIBITED AND EXOTIC ANIMALS"; AMENDING THE MASTER FEE SCHEDULE TO REPEAL THE FEE RELATED PROHIBITED AND EXOTIC ANIMALS AND ESTABLISHING A FEE FOR AN ANIMAL IN EXCESS PERMIT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED \$2000 FOR EACH VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Lake Dallas, Texas, finds it is necessary for the protection of the public health, safety, and welfare to prohibit the keeping of certain prohibited or exotic animals within the City; and

**WHEREAS**, the City Council of the City of Lake Dallas, Texas, further finds it is necessary for the protection of the public health, safety, and welfare to limit the number of dogs and cats to be kept on certain residential properties without a permit to exceed such limit; and

**WHEREAS**, the City Council of the City of Lake Dallas, Texas, finds it to be in the public interest to amend the Lake Dallas Municipal Code to provide certain regulations consistent with the foregoing findings;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, THAT:**

**SECTION 1.** Lake Dallas Municipal Code Chapter 18 "Animals", Section 18-1 "Definitions" is amended by deleting the definition of "Exotic Animal" and amending the definition of "Prohibit Animal" to read as follows:

*Prohibited animal* means an animal, other than a common domestic species and regardless of state or duration of captivity, that poses a potential physical or disease threat to the public, or that is protected or prohibited by international, federal, or state regulations, and including, but not limited to the following:

- (1) Class reptilia: Family helodermatidea (venomous lizards); family viperidae (rattlesnakes, copperhead snakes, cottonmouth snakes, other pit vipers and true vipers); family colubridae--dispholidus typus

(boomslang), hydroynastes gigas (water cobra), boiga (mangrove snake), and thelotornis (African twig snake) only; order phidia, family boidae (racers, boas, water snakes, and pythons); and order crocodilia (crocodiles, alligators, caimans, and gavials);

(2) Class aves: Order falconiforms (such as hawks, eagles, vultures); subdivision ratiae (such as ostriches, rheas, cassowaries, and emus); and order strigiforms (such as owls);

(3) Class mammalias: Order carnivora, family felidae (such as ocelots, margays, tiger, jaguars, leopards, and cougars), except commonly accepted domesticated cats; family canidae (such as wolves, dingos, coyotes, jackals, and hybrids), except domesticated dogs; family mustelidae (such as weasels, skunks, black-footed ferrets, martins, mink, and badgers) except domesticated ferrets; family procyonidae (raccoon); family ursidae (such as bears); order marsupialia (such as kangaroos and common opossums); order edentata (such as sloths, anteaters, and armadillos); order proboscidea (elephants); order primata (such as monkeys, chimpanzees, and gorillas); order rodentia (such as porcupines and beavers); and order ungulata (such as antelope, deer, bison and camels).

(4) Animals not listed: The City Manager and Director of Animal Services are authorized to declare any species of animal not listed in this subsection as "prohibited" if the confinement of the animal within the City can be shown to constitute a threat to public health and safety.

**SECTION 2.** Lake Dallas Municipal Code, Chapter 18 "Animals," "Article II "Keeping Animals Generally," by adding Section 18-48 titled "Keeping of Prohibited Animals Unlawful" to read as follows:

**Sec. 18-48 Keeping of Prohibited Animals Unlawful**

It is unlawful to keep or harbor any prohibit animal on any property within the City.

**SECTION 3.** Lake Dallas Municipal Code Chapter 18 "Animals," Section 18-121 "Number of Dogs," and Section 18-122 "Number of Cats" are re-titled and amended to read as follows:

**Sec. 18-121 Numbers of Dogs and Cats Limited**

It shall be unlawful to keep or harbor more than three dogs or more than three cats, six months of age or older, on any premises zoned or used, either partially or totally, for residential purposes with an area of less than one (1) acre. It shall be a

defense to a violation of this section that a person has obtained an Animal in Excess Permit for the dog(s) and/or cat(s) in exceeding the number authorized by this section.

**Sec. 18-122 "Animals in Excess" Permit.**

**(a) Permit Required.**

(1) An "animals in excess" permit, issued in accordance with the provisions of this section, shall be required for any number of dogs and/or cats in excess of the number allowed in Section 18-121. An "animals in excess" permit must be renewed annually or before the anniversary of the date of issuance of the original "animals in excess" permit. The "animals in excess" permit application shall include the following:

- (A) The name and address of the applicant.
- (B) The number of dogs and/or cats to be kept at the premises.
- (C) The facilities used to house all dogs and/or cats.
- (D) A statement giving permission for an animal control officer to inspect the premises where the dogs and/or cats are kept.
- (E) Signature of the applicant.
- (F) Signature of the animal control officer approving the permit.

(2) Upon receipt of a completed application for an "animals in excess" permit, the Director of Animal Services, or an animal control officer, shall inspect the premises to determine the suitability of conditions for harboring the dogs and/or cats under the requested permit. The director or officer may consider the totality of health and safety factors including, but not limited to, the following:

- (A) Size of the premises and the area where the dogs and/or cats will be kept.
- (B) Cleanliness.
- (C) Safety of confinement.

- (D) Breed of the dogs and/or cats, including both those for which permits are not required and those for which the permit will be issued.
- (E) Age of all dogs and/or cats to be kept on the premises.
- (F) Whether the dogs and/or cats currently and to be kept on the premises have been spayed or neutered.
- (G) The existence of any complaint history relating to dogs and/or cats kept on the premises or the owner of the premises.

(3) A conditional "animals in excess" permit may be granted as is appropriate under the circumstances for the harboring of dogs and/or cats.

**(b) Revocation.**

The Director of Animal Services and/or an animal control officer may revoke or deny any "animals in excess" permit and impound any dog and/or cat under certain conditions including, but not limited to:

- (1) After determining, with the assistance of a veterinarian, that an dog or cat was abused or neglected.
- (2) A determination that violations of any applicable law or ordinance have occurred.
- (3) If it is found that dogs and/or cats in addition to those specified on the permit or otherwise authorized by Section 8.121 are being harbored on the property.

**(c) Permit Fee.**

The owner shall pay a fee for the initial issuance and every annual renewal of the "animals in excess" permit in an amount established by the City Council and published in the City's Master Fee Schedule

**(d) Permit Limits.**

No permit may be issued pursuant to this section that would authorize a person to keep on any premises zoned or used, either partially or totally, for residential purposes with an area of less than one (1) acre a total of more than six (6) dogs

and cats, in any combination of dogs and/or cats, inclusive of dogs and/or cats for which no permit is required and dogs and/or cats for which the permit is granted.

**SECTION 4.** Lake Dallas Municipal Code Chapter 18 "Animals" is amended by repealing Article IX "Prohibited and Exotic Animals."

**SECTION 5.** The City's Master Fee Schedule is amended as follows:

- A. The fee for a permit for keeping prohibited and exotic animals is repealed.
- B. The permit fee for issuance of the initial and each annual renewal of an "Animal in Excess" Permit issued pursuant to Lake Dallas Municipal Code Section 18-122 shall be \$20.00.

**SECTION 6.** All provisions of the Ordinances of the City of Lake Dallas, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

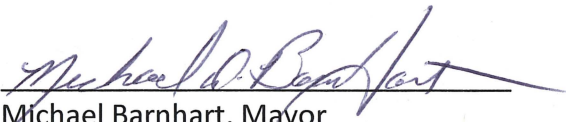
**SECTION 7.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 8.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

**SECTION 9.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense as set forth in Section 1-16 of the Code of Ordinances.

**SECTION 10.** This ordinance shall take effect on the first day of the calendar month following its passage and publication in accordance with the provisions of the state law and the Charter of the City of Lake Dallas.

PASSED AND APPROVED this the 26th day of April, 2018.

  
Michael Barnhart, Mayor

ATTEST:

Codi Delcambre

Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:

Julie Doshu for:

Kevin B. Laughlin, City Attorney  
(kbl/4/20/18:98470)

