

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES CHAPTER 6 – ANIMALS PERTAINING TO THE MANAGEMENT OF ANIMALS AND PROCEDURES FOR OPERATIONS OF THE ANIMAL CARE SERVICES, PROVIDING ASSESSMENT OF PENALTIES FOR VIOLATIONS OF ANY SECTION FOR ANY PERSON WHO SHALL VIOLATE ANY TERMS OF THIS ORDINANCE; AND SUPERSEDING OTHER ORDINANCES IN CONFLICT**

**Chapter 6 ANIMALS<sup>1</sup>**

**ARTICLE I. IN GENERAL PROVISION**

**ARTICLE I. DEFINITIONS**

**Sec. 6~1 Definitions**

As used in this chapter, the following words have the meanings ascribed to them in this section:

*Abandoned animal* means an animal left without care by the owner and or keeper without making reasonable arrangements for assumption of custody by another person.

*Animal* means any living vertebrate creature, domestic or wild, other than Homo sapiens.

*Animal Control Officer* (“ACO”) means and includes but not limited to Animal Services Director, employees, or authorized agents of the facility as allowed by law.

*Animal Care Facility* (“ACF”) means a department of the City of Converse responsible for enforcing state and local laws, ordinances, rules, and regulations regarding the care and keeping of animals, including the provisions of this chapter.

*Animal Services Director* means the director of the Animal Care Facility.

---

<sup>1</sup>Ord. No. 717-2019, adopted Aug. 6, 2019, applied a comprehensive update to the city's animal regulations in effect repealing Ch. 6, Arts. I—VI, and reenacting said chapter, Arts. I—VII, as set out herein. Formerly Ch. 6 pertained to similar subject matter and derived from Ord. No. 716, §§ I—VII, adopted June 20, 2006; Ord. No. 717, §§ I—IV, V(A), V(B), (C), V(D), V(E), V, VI, VII, VIII, IX, X(A), X(B)–(E), X(F), X(G), XI, XII, XIII(A)–(C), XIII(D)—(F), XIII(G)—(N), XIV, XV, XVI, XVII, adopted June 20, 2006; Ord. No. 736-2015, adopted Jan. 20, 2015. State law reference(s)—Livestock, V.T.C.A., Agriculture Code § 142.001 et seq.; care and control of animals,

V.T.C.A., Health and Safety Code § 821.001 et seq.; regulation of animals, V.T.C.A., Health and Safety Code § 822.001 et seq.; animals shelters, V.T.C.A., Health and Safety Code § 823.001 et seq.; rabies control, V.T.C.A., Health and Safety Code § 826.001 et seq.; *animal control officers*, V.T.C.A., Health and Safety Code § 829.001 et seq.; driving livestock, V.T.C.A., Local Government Code § 215.025; animals at large, V.T.C.A., Local Government Code § 215.026; breeding animals, V.T.C.A., Local Government Code § 215.027.

*At large* or *running at large* means any animal within the City not kept under restraint.

*Attack* means to set upon with violent force.

*Auction* means any place or facility within the City where animals are regularly bought, sold, offered for sale, or traded, except for those facilities otherwise defined in this chapter.

*Cat* means a domesticated member of the Felidae (feline) family, other than a bobcat, cougar, jaguar, leopard, lion, panther, tiger, or other prohibited animal.

*Food service establishment* means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service. The term does not include private homes where food is prepared or served for *individual family consumption*, the location of vending machines, and supply vehicles.

*Fowl* means any live bird.

*Grooming shop* means a commercial enterprise where two (2) or more dogs or cats over four (4) months of age are groomed, upon agreement with the dog or cat owner, on a service-for-fee basis. The premises must be located within an appropriately zoned area and a certificate of occupancy must have been obtained for the intended use, if required by the City's zoning and construction ordinances.

*Hatchery* means a commercial enterprise regularly engaged in supplying, selling, or offering for sale any fowl to commercial or agricultural customers.

*Impound* means any of the following:

- (1) the placing of an animal in the City's Animal Care Facility.
- (2) the taking of an animal into custody for purposes of transporting the animal to the City's Animal Care Facility.
- (3) an officer in pursuit of an animal, and in lieu of taking custody of the animal, elects to return the animal to its owner with proper written notices, warnings and admonishments.

*Keeper* means any person, firm, corporation, organization, or department holding, caring for, having an interest in, or having control or custody of an animal. If the keeper of an *animal* is a minor, the parent or guardian of that minor shall be responsible for compliance with animal care related ordinances.

*Kennel* means a commercial enterprise, excluding a veterinary hospital, where four (4) or more dogs or cats over four (4) months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed on a daily, weekly, or monthly basis. The premises must be located within an appropriately zoned area and a certificate of occupancy must have been obtained for kennel use, if required by the City's zoning and construction ordinances.

*Licensed veterinarian* means a veterinarian licensed by the Texas State Board of Veterinary Medical Examiners.

*Livestock* means *farm animals*, such as horses, ponies, mules, donkeys, cattle, goats, sheep, and swine.

*Microchip* means an identification chip implanted under the skin of an animal for the purpose of identifying its owner or keeper which has been registered with a microchip registration company with current ownership information to include the current owner or keeper's name, address and telephone number, and the description of the animal.

*Owner* means any person owning, keeping, or harboring one (1) or more animals. An animal is deemed to be harbored if it is fed or provided water. An animal is deemed to be kept if it is fed or provided water and sheltered or restrained except upon the authorization of the Animal Care Facility director. If the owner of an animal is a minor, the parent or guardian of that minor shall be responsible for compliance with animal care related ordinances and shall be identified as the legal owner of said animal.

*Performing animal exhibit* means any spectacle, act, or event, excluding a circus or rodeo, in which animals display stunts, tricks, skills, or natural characteristics and which spectacle, act, or event does not exceed two (2) calendar days in duration.

*Performing animal exhibition* means any spectacle, act, or event, excluding a circus or rodeo, in which animals display stunts, tricks, skills, or natural characteristics and which spectacle, act, or event exceeds two (2) calendar days in duration.

*Pet* means any animal not otherwise prohibited under this chapter that is kept for pleasure rather than utility.

*Pet shop* means a commercial enterprise regularly engaged in the buying and selling of animals and animal-related products. The premises must be located within an appropriately zoned area and a certificate of occupancy must have been obtained for the intended use, If required by the City's zoning and construction ordinances.

*Poultry* means any species of domesticated fowl commonly kept for eggs or meat, such as chickens, turkeys, ducks, or geese.

*Prohibited animal* means any animal, other than a common household pet, such as a canary, finch, cockatiel, hamster, guinea pig, gerbil, rabbit, ferret, fish, or small nonpoisonous reptiles, that poses a potential physical or disease threat to the public or that is protected by international, federal or state laws or regulations, and includes, but is not limited to, the following:

- (1) Within the class Reptilia: family Helodermatidea (venomous lizards); family Varanidae (monitors); Order Ophidia, family Hydrophiidae (marine snakes); family Viperidae (rattlesnakes, copperheads, cottonmouths, pit vipers and true vipers); family Elapidae (coral snakes, cobras, and mambas); family Colubridae, Dispholidus Typus (boomslang), Cyclagras gigas (water cobra), Boiga dendrophila (mangrove snake) and Kirtlandii (twig snake) only; order Crocodilia (crocodiles, alligators, caimans and gavials);
- (2) Within the class Aves: order Falconiforms (hawks, eagles and vultures) and subdivision Rapitae (ostriches, rheas, cassowaries and emus);
- (3) Within the class Mammalia: order Carnivora, family Felidae, (such as cougars, tigers, lions, bobcats and ocelots) except domesticated cats, family Canidae (such as wolves, dingos, coyotes and jackals) except domesticated dogs, family Mustelidae (such as weasels, skunks, martins, mink and badgers), family Procyonidae (such as raccoons), and family Ursidae (such as bears); order Marsupialia (such as kangaroos and opossums); order *Chiroptera* (bats); 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 order Ungulata (such as antelope, deer, bison and camels); and
- (4) Within the class Amphibia: Poisonous frogs, toads and salamanders.

*Provocation* means any purposeful act that causes an animal to scratch, bite, or attack in protection of itself, the owner, or the owner's premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with this chapter is considered provocation, irrespective of the reason for the entrance.

*Public nuisance* means any animal that:

- (1) Is a dangerous dog within the meaning of V.T.C.A., Health and Safety Code ch. 822, as it

- may be amended.
- (2) Trespasses on school grounds.
  - (3) Is repeatedly at large.
  - (4) Damages private or public property.
  - (5) Barks, whines, howls or makes other annoying noises in an excessive, continuous or unreasonable fashion, or at unreasonable hours.
  - (6) Bites, attacks or injures a domestic animal.
  - (7) Bites, attacks, or injures a person.
  - (8) Creates a danger to the public or destroys public/private property.

*Pursuit* means The act of attempting to capture and/or impound an animal.

*Rat-proof* means a state of being constructed so as to effectively prevent the entrance of rats.

*Reclaim* means to retrieve or recover an animal from the City Animal Shelter after quarantine or impound.

*Registration* means a privilege granted, upon compliance with the terms of this chapter, to lawfully own, keep, harbor, or have custody or control of a dog or cat within the City.

*Restraint* means any animal that is securely caged; secured by a leash or lead attached to a collar or harness and under the effective control of a responsible person and obedient to that person's commands, within the confines of its owner's home or yard which is fully enclosed by a secure and substantial fence; or properly tethered. Livestock must be kept in species appropriate enclosures; i.e. stalls, pens, or in pastures or paddocks with secure and substantial fencing. In addition, a dog is deemed under restraint in the following circumstances:

- (1) When the dog is entered in a bona fide dog show, field trial, or exhibition held within the City, while the dog is actually engaged in the show, trial or exhibition.
- (2) When the dog is used by a person with disabilities who utilizes the dog as a service animal to aid the person in going from place to place within the City.
- (3) When the dog is utilized by a licensed peace officer for law enforcement purposes.

*Sanitary* means any condition of good order and cleanliness, free from the elements of filth or bacteria that endanger health.

*Secure enclosure* with respect to Dangerous Dogs means a fenced area or structure separate from the owners residence in respect to their house if contact is possible with guests, invitees, or licensees, and meets the following requirements:

- (1) At least six (6) feet in height with secure sides and a secure top; if the enclosure does not have a floor that is secured to its sides, the sides shall be embedded at least two  
(2) feet into the ground;
- (2) Of sufficient size to allow the dog to move freely;
- (3) Locked;
- (4) Capable of preventing the entry of the general public, including children;
- (5) Capable of preventing the escape or release of a dangerous dog by any means, including digging, climbing, jumping, or chewing out of the enclosure;
- (6) Clearly marked as containing a dangerous dog; and
- (7) Located no less than five (5) feet from another property line or fence adjoining the premises on which the enclosure is located.

*Secure Enclosure* with respect to animals that are not Dangerous Dogs means an enclosure that is species appropriate and prevents the animal from leaving said enclosure on its own volition, preventing it from being at large.

*Shelter* means a structure that has three sides, a roof, and a floor; reference 6-161 for additional requirements

*Stable* means any place that provides:

- (1) Any horse, pony, donkey, or mule for hire.
- (2) Boarding or grazing for any horse, pony, donkey or mule.
- (3) Riding instruction on any horse, pony, donkey or mule.

*Tether* means to restrain an animal by rope, chain, or a similar material attached to a collar or harness so that an animal is fastened to a running line, pulley system, or trolley.

*Tied* means to improperly restrain an animal by means of securing the animal to a fixed point.

*Trap, neuter, and return (TNR) program* shall mean a nonlethal, humane alternative to deal with the stray cats which are captured, altered, ear tipped and returned back to their location in order to encourage the stabilization of the free-roaming cat population in the City.

#### **Sec. 6-2 Penalties.**

- (a) No person may violate any provisions of this chapter. A violation of any of the provisions of this chapter constitutes a violation of a public health law. A violation is punishable by a fine of not less than fifty dollars (\$50.00) plus court costs nor more than five hundred dollars (\$500.00) plus court costs.
- (b) Violations of this chapter are treated as strict liability offenses. There is no need to prove that the person had an intent to violate the provision with which the person is charged under this chapter.
- (c) Each day a violation continues constitutes a separate offense.

#### **Sec. 6-3. Interference with animal control officer.**

No person may interfere with an Animal Control Officer while an officer is engaged in the performance of the officer's duties.

#### **Sec. 6-4. Compliance with chapter required for keeping animals.**

No person may do any act forbidden or fail to do any act required in this chapter.

#### **Sec. 6-5. Regulations.**

Regulations providing for the interpretation and enforcement of this chapter may be adopted by the Animal Care Facility and its staff. The regulations are effective after review at a public meeting held by the animal control advisory committee. A copy of the regulations will be kept on file in the City secretary's office.

#### **Sec. 6-6. Compliance with sanitation standards required for keeping animals.**

The owner of any animal within the City and the holder of any commercial permit issued under this chapter must comply with the standards of sanitation established by this chapter.

**Sec. 6-7. Compliance with chapter not relief from compliance with federal, state, and City laws, rules, and regulations.**

The keeping of any animal in accordance with the provisions of this chapter may not be construed to authorize the keeping of the animal in violation of any federal, state, or City laws, rules, and regulations, including the zoning ordinances or any other ordinance of the City.

**Sec. 6-8. Inspection of animals and premises.**

Animals and premises where animals are kept or maintained are subject to inspection by an animal control officer, or any police officer at any reasonable hour, or at any hour in cases of emergency.

**Sec. 6-9. Abatement of conditions not complying with chapter.**

Whenever any premises where animals are kept out of compliance with the provisions of this chapter, any regulations established by the Animal Services Director, or any ordinance or law pertaining to the care or keeping of an animal, the Animal Services Director or designee, by written notice to the person responsible for the premises or the *keeping* of the animals or to the *person* owning or in control of the premises, may order the abatement of the conditions preventing compliance. Failure to comply with the written notice constitutes grounds for the City to obtain relief by injunction. Additionally, failure to comply with the written notice may subject the violator to administrative proceedings and criminal charges.

**Sec. 6-10. Application omissions or falsifications.**

If an applicant has withheld or falsified any information on an application submitted under this chapter, the Animal Services Director may refuse to issue a registration or permit or may revoke any registration or permit issued in connection with the application.

**Sec. 6-11. Effect of prior convictions; subsequent bite incident.**

- (a) No person who has been convicted within the preceding sixty (60) months of cruelty to animals under this chapter or any other animal cruelty law of this state or any other jurisdiction in the United States may be issued a registration or permit.
- (b) No person may be issued a registration if the person has been convicted within the preceding twenty-four (24) months of two (2) or more violations, resulting from separate incidents, for failure to restrain an animal under this chapter and who owns an animal that was involved in a documented biting incident, which incident occurred without provocation, resulted in injury to another person or domestic animal, and occurred subsequent to the convictions.
  - (1) Any person denied issuance of a registration under this subsection (b) may challenge the denial by filing a written protest for review by the City Manager, or the City Manager's designee. Any protest must be submitted to the City Manager's office within ten (10) days of denial of issuance.
  - (2) Upon review by the City Manager, or designee, of a written protest, the City Manager's decision is final.
- (c) For purposes of this section, a prior court order of deferred adjudication or deferred disposition is considered a conviction,

**Sec. 6-12. Reapplication upon denial of registration.**

- (a) Any person having been denied a registration for any reason other than section 6-12 of this chapter may not reapply for a period of thirty (30) days after such denial.
- (b) Any person having been denied a registration under subsection 6-12(b) of this chapter may not reapply for a period of twenty-four (24) months after such denial.

- (c) Each reapplication for registration must be accompanied by a nonrefundable ten-dollar (\$10.00) fee.

**Sec. 6-13. Fee schedule.**

Fees shall be charged pursuant to the Animal Care Facility service fee schedule as approved by City Council. The fee schedule will be submitted to City Council annually for review. Any adjustment to the fees requires City Council approval.

**Sec. 6-14. Waiver or reduction of fees.**

The animal services director is authorized to reduce or waive fees for adoption events or where necessary to advance the goals of animal services facility.

**Sec. 6-15. Local rabies control authority.**

- (a) The City Manager shall appoint or cause to be appointed an Animal Services Director.



- (b) The Animal Services Director is designated as the local rabies control authority to enforce the provisions of the Rabies Control Act of 1981 (V.T.C.A., Health and Safety Code § 826.001 et seq.).
- (c) The duties of the local rabies control authority shall include, but are not limited to the enforcement of:
  - (1) The provisions of the Rabies Control Act of 1981, and the rules of the state board of health which comprises the minimum standards for rabies control; fee
  - (2) The ordinances and/or rules of the City of Converse; and/or
  - (3) The rules adopted by the state board of health under the area quarantine provisions of V.T.C.A., Health and Safety Code § 826.045 of said Act.
- (d) The Animal Services Director may designate, in writing, any other Animal Control Officer to fulfill the duties and obligations of serving as the Local Rabies Control Authority due to unavailability or emergency.

**Secs. 6-16—6-17. Reserved.**

## **ARTICLE II. ADMINISTRATION**

### **DIVISION 1. GENERALLY**

**Secs. 6-18—6-40. Reserved.**

### **DIVISION 2. ANIMAL CONTROL OFFICER<sup>2</sup>**

#### **Sec. 6-41. Responsibilities**

- (a) In addition to the Converse Police Department, an Animal Control Officer, shall be responsible for the enforcement of this chapter and no person shall interfere with, hinder, molest or abuse any Animal Control Officer.

#### **Sec. 6-42. Spaying/neutering required of cats.**

- (a) All free-roaming cats are required to be spayed or neutered. For the purposes of this section, "free-roaming" means not securely caged, not under restraint by a leash or lead attached to a collar or harness, or not within the confines of the cat owner's residence or business structure.
- (b) Any free-roaming cat that is not spayed or neutered is subject to impoundment under this chapter. Nothing contained in this chapter prevents the free-roaming of cats that have been spayed or neutered.

#### **Sec. 6-43 Striking animal with vehicle.**

Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and render such assistance as may be possible and shall immediately report such injury or

death to the owner. In no event will this subsection be construed as requiring a person to physically touch or approach an injured animal that is capable of biting the individual. In the event the owner cannot be contacted, such operator shall at once report the accident to the appropriate law enforcement agency. Failure to do so shall be a violation of this chapter.

#### **Sec. 6-44. Traps with holding mechanisms prohibited; exceptions.**

No person shall set up or allow to be set up on his property steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, snares, or any type of trap with a holding mechanism designed

---

<sup>2</sup>State law reference(s)—Animal control officer, V.T.C.A., Health and Safety Code § 829.001 et seq.

in such a fashion as to reasonably ensure the cutting, slicing, tearing or otherwise traumatizing of the entrapped prey, for the purpose of ensnaring domestic or wild animals within the City limits. This section is not to be construed to include those traps designed to kill common rodents, i.e., rats, mice, gophers and groundhogs; except that the owner is responsible for taking care that any of the above said "rodent" traps are not placed or used on or about his property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal, or of a human.

### ***DIVISION 3. ADMINISTRATIVE PROCEEDURES***

#### **Sec. 6-45. Administrative Hearing**

- (a) The *Animal Services Director or designee* may hold an administrative hearing to determine whether any registration issued under article IE of this chapter should be revoked or to otherwise regulate the keeping of an animal within the City, if:
  - 1. A registration holder fails or refuses to comply with any provision of this chapter, the regulations promulgated by the director or any law governing the protection and keeping of animals in this state;
  - 2. The owner of an unregistered animal or the owner of an unvaccinated animal under this chapter fails or refuses to comply with any provision of this chapter, the regulations promulgated by the director, or any law governing the protection and keeping of animals in this state;
  - 3. An animal has been involved in an unprovoked biting offense and the incident involved bodily injury to a person;
  - 4. An animal has been determined by an animal care officer to be a public nuisance; or
  - 5. An animal has been the subject of two (2) criminal charges and/or violations brought against the animal's owner under this chapter, of two (2) impoundments, or a combination of one such violation and one (1) impoundment, resulting from separate incidents, within the twenty-four-month period immediately preceding the date of the last violation or impoundment. Impoundments which occurred as a result of provoked scratching, biting, or attacking incidents may not be considered for purposes of this subsection.
- (b) *Written notice required.*
  - 1. An administrative hearing may not be held without giving the *registration* holder or owner of an unregistered animal prior written notice of the date, time and place of the hearing
  - 2. Written notice is deemed made when the notice letter is delivered by an employee or representative of the Animal Services Director to the address.

(c) *Disposition.* At the conclusion of the administrative hearing, the Animal Services Director or designee shall determine if the owner holding the registration, or the owner of an unregistered animal has violated any provision of this chapter, the regulations promulgated by the animal services director, or any law governing the protection and keeping of the animal that is the subject of the administrative hearing. If any violation has been found to have occurred, the animal services director or designee, at their discretion, may order that any of the following actions be taken within ten calendar days from the date of hearing:

1. That the owner divest himself/herself of the animal that is the subject of the administrative hearing by revocation of the animal's registration and removal from the City; failure to do so will result in the animal being deemed prohibited and said animal will be subject to seizure.
2. That the owner comply with specified conditions deemed to be consistent with the protection of the public health, safety and welfare, so as to be permitted to continue to keep the animal within the City; or
3. Any other disposition deemed to be consistent with the protection of the public's health, safety and welfare.

**Secs. 6-46—6-75. Reserved.**

### **ARTICLE III. LIVESTOCK<sup>3</sup>**

**Sec. 6-76. Special use permit.**

- (a) The City has no land zoned for agriculture. All land is planned for use in one of three categories: residential; business; or industrial. However, it is recognized that some of the undeveloped land could be productive in an agricultural role while waiting for its ultimate platting and development. The challenge is to protect health and welfare of the developed areas from the odors and potential health problems of nearby agricultural activity. In due consideration of the growth of the City, it is impossible to predict the areas that will remain compatible with agricultural operations and the areas that will develop use conflicts. Therefore, each and every use of land for raising livestock or fowl within the City limits shall require a special use permit, properly considered by the Planning and Zoning commission and approved by the City Council unless the livestock or fowl are part of a Future Farmers of America or 4H project.
- (b) The special use permit will be approved for a specific type of livestock and shall automatically expire if use is voluntarily discontinued for a period of 90 days. Agricultural uses existing at the time of adoption of the ordinance from which this article is derived may continue upon the lot of record upon which it is located without a special use permit. However, this grandfather authorization terminates if use is voluntarily discontinued for a period of 90 days. Any special use permit for agricultural use within the City may be terminated without cause by a majority vote of the City Council and 90 days' notice.
- (c) All applications for agricultural special use permits shall be submitted with site plans showing the general arrangement of the project together with essential requirements such as:
  - (1) Size and location of land intended to be used for agriculture.
  - (2) Location of buildings intended for use as food storage or shelters.
  - (3) Means of ingress and egress of the livestock and caretakers.
  - (4) The type and condition of visual screening and security such as waifs, plantings and fences.
  - (5) Location of adjacent property residences, other buildings, and public easements and thoroughfares.
- (d) Applications shall be submitted to staff to review and make a report to the zoning commission. All

---

<sup>3</sup>State law reference(s)—Livestock, V.T.C.A., Agriculture Code § 142.001 et seq.; breeding animals, V.T.C.A., Local Government Code § 215.027.

applications shall be kept on file in City Hall.

- (e) The City Council shall conduct a public hearing regarding the application for an agriculture special use permit. The purpose of such hearing shall be to determine that the granting of the special permit will be in the spirit and intent of this article and:
  - (1) Will not unduly affect the character and authorized uses of the area or neighborhood on which it is proposed to locate.
  - (2) Is harmonious and compatible with the site and with uses in the surrounding neighborhood.
  - (3) Ensures protection of the health, safety and welfare of the general public.
  - (4) Ensures protection from undue noise, and noxious odors.
- (f) The granting of a special use permit shall be subject to all conditions and safeguards in this article and as may be further prescribed by the City Council, with the granting of a special use permit, there shall be assurance by the grantee of protection for surrounding properties from environmental concerns such as undue noise, and noxious odors, no special use permit shall be granted unless the applicant, owner or grantee of the permit shall accept and agree to be bound by and comply with the terms of the special use permit.

**Sec. 6-77. Limitations; prohibitions; the animal control director, animal control officers, or his/her designated assistant duties.**

- (a) This article does not apply to dogs and cats kept as pets.
- (b) It shall be unlawful for any person to attach or permit to be attached to any animal belonging to him, or in his possession, any cowbell or loud-sounding, noisy, or disturbing implement or instrument within the City limits.
- (c) It shall be unlawful for any person to stake any livestock for grazing upon or within reach of any public street, alley, sidewalk, or park within the limits of the City.
- (d) The animal control director, animal control officers, or his/her designated assistant has the duty of registering all livestock and assisting the police chief in enforcing this article.

**Sec. 6-78. Registration.**

- (a) Within ten days of moving livestock into the City limits, it will be mandatory, for the protection of the public health, for every person who keeps livestock to register the livestock that are to be kept in the City for a period of more than 72 hours.
- (b) Registration will be with the Animal Control Facility and will provide the following information:
  - (1) Type and breed of livestock;
  - (2) Quantity of livestock; and
  - (3) Place where livestock are to be kept.
- (c) If any person keeps livestock without registration, they will be subject to the penalties prescribed in section 6-2 and each day of violation shall constitute a separate offense.

**Sec. 6-79. Inspection.**

- (a) Any premises where livestock are being kept may be inspected by the animal control director, animal control officers, or his/her designated assistant.
- (b) If, at the time of the inspection, the premises do not meet the size or sanitary requirements set out in this article, a written notice will be given to the person owning and/or occupying said premises and to the person owning the livestock, if different from the *owner/occupier of land*, that such person is in violation of this article and requiring such person to correct the deficiency set out in the written inspection report.
- (c) After 72 hours, a reinspection of premises where *a deficiency exists will be made*, and if the failure to comply with this article still exists, the authorization to keep livestock will be revoked.

## **Sec. 6-80. Space and separation requirements.**

- (a) No person shall keep livestock within the limits of the City unless the following space and separation requirements are met for each animal:
  - (1) *Horse, mule, burro, jack, jenny, cow, cattle.* Such livestock or similar animal will be kept in a lot, pen, corral, or other enclosure, enclosed with a chainlink, or other suitable and secure fence and not permitted to run at large within the City limits. All of the sides of such enclosure shall be 200 feet from any building or structure used for sleeping, dining, or living by humans. Each such enclosure will be of a size that provides a minimum of 1,250 square feet of space per animal of this type in the enclosure. A shed or stable used for protection against the elements, if one is used, will be located within this enclosure.
  - (2) *Hog, sheep, goat.* Such livestock or similar animal will be kept in a lot, pen, corral, or other enclosure, enclosed within a chainlink, or other suitable and secure fence and not permitted to run at large within the City limits. All of the sides of such enclosure shall be at least 200 feet from any building or structure used for living, sleeping or dining by humans. Each such enclosure will be of a size that provides a minimum of 375 square feet of space per animal of this type in the enclosure. A shed or stable used for protection against the elements, if one is used, will be located within this enclosure.
- (b) This section shall not apply to veterinary hospitals where domestic animals are treated.

## **ARTICLE IV. FOWL AND OTHER SMALL ANIMALS**

### **Sec 6-81. Fowl limits, restrictions, space and separation requirements, sanitation.**

- (a) A maximum number of eight domestic fowl is allowed at a residence.
  - (1) No roosters, guineas, ducks, geese, peacocks or other fowl that emit loud noises that may become a nuisance will be permitted.
  - (2) All domestic fowl must be kept in pens, coops, or enclosures which shall be a distance of at least 50 feet from every building structure other than the owner of such fowl and 20 feet from the owner's own building structures used for sleeping, dining, or living, and shall be kept in a sanitary condition and shall also be kept in such a manner as will be reasonably calculated not to become offensive to neighbors or to the public.
  - (3) Pens, coops, and enclosures for fowl must be large enough to properly accommodate the number of fowl while being properly cleaned and sanitized to keep away odors and the presence of *rodents*.
  - (4) An excess of eight domestic fowl may be granted by the animal control director, animal control officers, or his/her designated assistant. An inspection is required by the City on a yearly basis and a written letter of approval with the allowed number or a denial and reasoning will be mailed or delivered to the applicant in a timely manner.

### **Sec 6-82. Other small animals.**

It shall be the duty of every person raising or keeping rabbits, guinea pigs, white rats, white mice, hamsters, and other small animals to keep such animals in pens, coops, or enclosures and such pens, coops, or enclosures a distance of at least 25 feet from every building structure other than the owner of such small animals used for sleeping, dining or living and shall be kept in a sanitary condition and shall be kept in such a manner as will be reasonably calculated not to become offensive to neighbors or to the public.

## **Sec. 6-83. Penalties, enforcement.**

- (a) A violation of any of the provisions of this section affect the health, safety and welfare of the citizens of this City and any person, group, or organization found guilty of violating any provision within this section will be guilty of a Class C misdemeanor and shall be fined an amount not to exceed \$500.00 per violation. Each violation of a particular section of this article shall constitute a separate offense, and each day an offense is committed and/or allowed to continue shall be considered a new violation for the purpose of enforcing this section.
- (b) The City shall be entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of other ordinances or state law up to and included the ordered removal of all fowl and small animals described in this article found in violation.
- (c) The provisions of this section shall be enforceable by any enforcement officer, and such person shall have the authority to issue citations to persons violating the provisions of this section.

## **Secs. 6-84—6-103. Reserved.**

# **ARTICLE V. DOGS AND CATS<sup>4</sup>**

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

### **Sec. 6-104 Humane animal care and keeping**

No person may violate the following provisions for humane animal care and keeping:

- (1) No owner or keeper may fail to provide the owner's animal with sufficient and wholesome food, water, and necessary shelter and protection from the weather, all within reach of the animal.
  - (2) No owner or keeper may fail to provide an animal in said person's possession with humane care and treatment and with veterinary care when needed to prevent or alleviate suffering.
  - (3) No person may beat, cruelly treat, torment, overload, seriously overwork, or otherwise abuse an animal, or cause, instigate, or permit one animal to fight with another animal or person.
  - (4) No person may abandon or neglect an animal.
  - (5) No person, other than a licensed veterinarian, may crop a dog's ears, dock a dog's tail, or remove a dog's or dew claws or claws of a cat.
  - (6) No person may sell an animal to, buy an animal from, or barter or exchange for an animal with, any commercial animal establishment that does not have a valid commercial permit nor may a person sell, buy, donate, or barter or exchange for, an animal upon commercial property without possessing a valid commercial permit.
  - (7) No person may sell, offer for sale, or donate any animal to another person, or barter or exchange with any other person for an animal, upon any public property within the City. Public property includes, but is not limited to, streets, alleys, sidewalks, parking lots, and rights-of-way and easements.
  - (8) No person may sell or deliver live chickens, ducklings, goslings, or rabbits to any other person within the period of thirty (30) days prior to Easter Sunday and on Easter Sunday. Hatcheries and commercial animal establishments that buy and sell animals intended for agricultural use or to be raised for commercial purposes are excluded from the prohibitions contained in this subsection.
  - (9) No person may give away or offer to give away any live animal, except for goldfish, as a prize for or as an inducement to enter any contest, game, or other competition, or as an inducement to enter a place of amusement, or offer any animal as an incentive to enter into any business agreement, whereby the offer was for the purpose of attracting trade.
- <sup>4</sup>State law reference(s) — Dogs and cats care and control, V.T.C.A., Health and Safety Code § 821.001 et seq., regulation of animals, V.T.C.A., Health and Safety Code § 822.001 et seq., animals shelters, V.T.C.A., Health and Safety Code § 823.001 et seq., fables control, V.T.C.A., Health and Safety Code § 826.001 et seq., animal control officers, V.T.C.A., Health and Safety Code § 829.001 et seq.

artificial color.

- (11) No person may expose any poisonous substance, whether mixed with food or not, so that the same is likely to be eaten by any animal; provided, that, it is not a violation of this chapter for a person to expose on a person's own property common rat poison having a blood-thinning agent or other agent approved by the department of public health, mixed only with vegetable substances and intended for consumption by rats or mice only.
- (12) No person may allow an enclosure used to confine animals to be maintained in an unsanitary condition at times any time.
- (13) No person may sell, *offer for sale, barter*, donate, or display turtles with a carapace length of less than four (4) inches or viable turtle eggs. An educational or research institution is exempt from the display prohibition contained in this subsection if the turtles or turtle eggs are displayed for educational or research purposes.
- (14) No person shall surrender or bring to the Animal Care Facility any animal that lives or was found outside of the City limits.

**Sec. 6-105. Limit on dogs and/or cats to a household.**

- (a) No person shall keep or allow more than four adult dogs and/or cats in their household. This may consist of four adult dogs or cats or any combination.
- (b) In addition to the adult animals, one litter of each may be kept up to three months of age, when they must be removed from such premises and the number of pets allowed must be reduced to four in number.
- (c) Anyone desiring to keep, harbor, or maintain more than four dogs or cats or any combination of the two, must receive explicit approval from the animal control director, animal control officers, or his/her designated assistant and issued an excessive animal permit. The excessive animal permit is \$100.00 in total and good for one year from issuance. The following conditions must be met to obtain an excess permit:
  - (1) Current rabies vaccination certificate *for each* dog or cat.
  - (2) All dogs and cats for which a permit is required must be sterilized, unless the dog(s) or cat(s) qualifies for a certified medical exception by a licensed veterinarian or is under four months old.
  - (3) A photo of each dog or cat.
  - (4) Individual licensed microchip current for each dog or cat.
  - (5) An inspection of the property that can be completed yearly or as often as the animal care director, animal control officer, or his/her designee see necessary.

**Sec. 6-106. Animal waste.**

- (a) The owner of each animal is required to remove any feces deposited by the owner's animal on public or private property.
- (b) Feces deposited by an animal on public property or upon the private property of any person other than the animal's owner must be collected and removed at once by the animal's owner. Animal feces deposited upon any other property must be collected and removed daily.
- (c) Collection and removal of animal feces must be in a container of a type that, when closed, is rat-proof and airtight. The container must be kept closed after each collection and, at least once a week, all collected feces must be disposed of in a manner that does not to permit fly breeding or other unhealthy conditions.

**Sec. 6-107. Storage and condition of food; control of rats and pests.**

- (a) All food provided for animals and kept outdoors must be stored and kept in a rat-proof and airtight building, box, container, or receptacle.
- (b) Stables must carry out an active, on-going rat and pest control program.
- (c) All food provided for animals must be free of pests, debris, and mold, or any other foreign objects or

corruption that could cause harm or illness to the animal it is intended for.

**Sec. 6-108 Feeding of Animals**

- (a) A person commits an offense if the person intentionally feeds any animal or makes food available for animal consumption in a manner that:
  - (1) *Creates a danger to* public health or safety, or
  - (2) Destroys public or private property, or
  - (3) Causes more than 10 adult animals to congregate.



- (b) A person shall be deemed to have fed an *animal* if the person places food in any form as defined in this section within reach of animals.
- (c) A person who violates any provision of this ordinance commits an offense subjected to citations as authorized by Section VI.
- (d) An exception to this section is any animal is being fed by an owner or keeper as defined in this chapter's definitions.

#### **Sec. 6-109 Cat Colony's and TNR Programs.**

- (a) Each cat colony shall be registered by the caregiver with the Department. Cat colonies with six (6) or fewer cats are not required to be registered as a cat colony
- (b) Any community cat picked up by the Department which has an appropriate ear tip will be returned to that colony unless veterinary care is required or the criteria listed in subsection (f) apply.
- (c) Community cat caregivers shall implement proper management and sterilization practices as required by the department and Chapter.
- (d) Community cat caregivers shall be responsible for the costs (if any) associated with trap- neuter-return that they choose or cause to be performed.
- (e) Any person or caregiver determined to be in violation of proper management and sterilization practices required by the department shall be issued a written warning and be allowed a period of time to come into compliance, or provide satisfactory evidence of working to achieve compliance. That period of time shall not exceed ninety (90) days from issuance of the initial warning notice. Failure to comply shall result in a violation of this chapter, which may result in the issuance of a citation.
- (f) The Department has the right to immediately seize and remove all, or parts of any colony for the following reasons:
  - 1) Public health and safety concerns including rabies, other epizootic and certain zoonoses identified by the department, local rabies control authority or the Department of State Health Services regional Veterinarian.
  - 2) Animals creating a nuisance as defined in this chapter.
- (g) Registered TNR programs and Cat Colony's qualify for exemptions to Sec 6 108(a)(1)(3) and shall take all steps necessary to prevent a wildlife or pest feeding nuisance. The owner or keeper of an outdoor cat or caretaker of a cat colony shall be responsible for the having outdoor cat(s) under his *or her care*, possession, control or custody:
  - 1) Fed species-specific food in a feeding dish that is non-disposable and facilitates the removal of uneaten food;
  - 2) Not provided food that is left outside in a "free feed" environment;
  - 3) Not fed in excess.
  - 4) Not create a feeding environment that promotes or attracts wildlife.
- (h) Violations of (g) shall also be considered violations of Sec 6-108 (a)(1)(2)(3).

#### **Sec. 6-110 Adequate sheltering of Canines.**

- (a) It shall be unlawful for any person owning a canine to allow said canine to *remain* outdoors without direct physical supervision for any period of time without providing direct access to adequate shelter. Direct physical supervision shall mean physically in the presence of the animal without barrier.
- (b) Adequate shelter shall be defined as an enclosure that:
  - 1. is structurally sound
  - 2. is impervious to moisture;
  - 3. is in good repair so as to protect the animal from injury;
  - 4. is ventilated so as to allow any trapped air, heat or gasses to escape;

5. is maintained in a sanitary condition;
  6. enables the animal to remain dry and clean; and
  7. provides sufficient space allowing each animal within the enclosure to easily enter and exit, sit, stand, lie down, and turnabout freely inside without touching the ceiling or walls.
- (c) The enclosure shall be located in an area where it sits under direct shade for the most part of the day. If no natural shade is available in form of trees and nearby structures, shade shall be supplemented by introducing a tarp to the area extending over the shelter.
  - (d) The area around the enclosure shall be maintained in a clean and sanitary condition, free from any trash or debris in which the animals may consume, become entangled upon, or otherwise cause injury upon itself/themselves.
  - (e) On days when the ambient temperature falls at or below 50 degrees Fahrenheit, bedding shall be placed inside of the enclosure.
  - (f) It shall be unlawful for any person owning a canine to allow said canine to remain outdoors for any period of time without direct supervision as defined above in subsection
    - (a) , in the case of extreme weather conditions, including conditions in which:
      1. The actual or effective outdoor temperature is below 32 degrees Fahrenheit.
      2. A heat advisory has been issued by a local or state authority or jurisdiction.

**Secs. 6-111—6-127. Reserved.**

## ***DIVISION 2. LICENSE AND REGISTRATION***

### **Sec. 6-128. Application Requirements.**

- (a) *Required.* No person may own, keep, harbor, or have custody or control of any dog or cat over four (4) months of age within the City without having said dog or cat implanted with a microchip that is to be registered with both Animal Care Facility and the issuing microchip company, except as permitted by section 6-28(b) of this Code
- (b) No person may own, keep, harbor or have custody or control of a dog or cat over four (4) months of age within the City, unless the dog or cat has been immunized against rabies in accordance with this chapter and state law
- (c) Every owner or keeper of a dog or cat immunized against rabies as required in this chapter must procure a rabies vaccination certificate from the veterinarian administering the vaccine.
  - a. A veterinarian who vaccinates a dog or cat as required by this chapter must furnish the owner or keeper of the dog or cat with a metal tag bearing a number corresponding to the number placed on the vaccination certificate, and with lettering showing immunization and the year thereof. This tag must be attached to the collar or harness of the dog or cat for which it was issued and must be worn at all times in a conspicuous place on the collar or harness. (1 )It is presumed, in a prosecution for a violation of this subsection, that the dog or cat owned, kept, or harbored by, or under the custody or control of the person so charged was over four (4) months of age on the date of the violation.

- b. If agency does not provide metal tag owner must upon request be able to provide rabies certification with appropriate information and Vet signature as to verify animal is currently vaccinated against rabies.
- c. It is presumed, in a prosecution for a violation of this subsection, that the person charged with owning, keeping, harboring, or having custody or control of a dog or cat required to be registered under this subsection did not register the subject animal in accordance with this chapter unless, upon the request of an Animal Care Facility officer or licensed peace officer at the time of the violation, valid proof of registration was produced by the person so charged.
- (d) When to apply. An owner must make application for registration within ten (10) days after obtaining a dog *or cat over four* (4) months of age, except that this requirement will not apply to a nonresident individual keeping a dog or cat within the City for no longer than sixty (60) days.
  - a. It is presumed, in a prosecution of a violation of the exception contained in this section, that the person charged with the violation is a resident of the City and that the person has kept the dog or cat within the City for a period exceeding sixty (60) days.

#### **Sec. 6-129. Fees**

- (a) The animal's owner will be responsible for any applicable fees incurred by the implant of the microchip, through ACF or other delegates, including a license veterinarian. Fees for microchipping performed by ACF will be established in the fee schedule pursuant to section 6-13 of this chapter.
- (b) No fee may be charged for a registration issued for any dog actually used by a person with disabilities who utilizes the dog as a service animal to aid the person in going from place to place within the City.
- (c) No fee may be charged for a registration issued for any dog that is owned and used by any law enforcement agency for drug awareness, drug or bomb detection, or any other law enforcement purpose.

#### **Sec. 6-130. Microchip Required.**

- (a) A microchip registered with Animal Care Facility will act in place of a City license, indefinitely, and may be revoked by an administrative proceeding pursuant to section 6- 45 Administrative Hearing.
- (b) A dog or cat is exempt from this requirement if the dog or cat is deemed ineligible by the Animal Care Facility Director or determined to be medically unsuitable for a microchip by a licensed veterinarian, in writing. Proof of medical unsuitability for microchip must be provided to Animal Care Facility within thirty (30) days.

#### **Sec. 6.-131 Maintaining Current Registration**

- (a) The owner of a dog or cat shall maintain current registration with both the microchip registration company and Animal Care Facility.
- (b) If there is a change in contact information for the owner of a dog or cat with a registered microchip the owner shall update contact information, including new address or telephone number, with both Animal Care Facility as well as the microchip registration company, if applicable, within thirty (30) days of the date of the change in contact information.
- (c) If there is a change in contact information for the owner of a dog or cat with a registered microchip the owner shall *update* contact information, *including new address or* telephone number, with both Animal Care Facility as well as the microchip registration company, if applicable, within thirty (30) days of the date of the change in contact information.
- (d) No person may use a microchip registration for any other animal than the one it has been issued to.

## **Sec. 6-132 Registration Records**

The Animal Care Facility Director shall maintain a current record of the microchip numbers of dog and cat registrations, and the names and addresses of persons to whom the microchip is issued/updated.

## **Sec. 6-133. Vaccination.**

- (a) All dogs and cats within the City are hereby required to have a current vaccination against rabies by a licensed veterinarian at the owner's expense in compliance with V.T.C.A., Health and Safety Code § 826.001 et seq., and the Texas Department of State Health Services rules. Before any dog and/or cat license shall be issued, the owner must present a licensed veterinarian's certificate to the effect that the dog and/or cat has a current rabies vaccination.
- (b) Dogs or cats four months old or older shall be vaccinated for rabies. Owners and keepers shall vaccinate any dog or cat four months old or older for rabies, within ten days or less of arriving within the City limits.
- (c) For an animal to be considered currently vaccinated against rabies, at least 30 days must have elapsed since the initial vaccination and not more than 12 or 36 months (depending on the vaccine used)\* can have elapsed since the last vaccination. All dogs and cats must receive a second rabies vaccination within one year of receiving their first vaccination, regardless of the type of vaccine used or the age at which the animal was initially vaccinated.

## **Secs. 6-137—6-167. Reserved.**

### ***DIVISION 3. DANGEROUS AND AGGRESSIVE DOGS<sup>5</sup>***

## **Sec. 6-168. Definition; reporting; designation.**

(a) 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; or
- (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.

## **Sec. 6-169. Investigation, seizure, and confinement of alleged dangerous dog and determination of dangerous dog.**

(a) Upon receipt of a sworn affidavit of complaint, signed by one (1) or more individuals before an individual authorized by law to make sworn statements, the department shall investigate the complaint. The complaint shall contain a description of the incident involving an alleged dangerous dog, as defined above, the date and location of the incident, the name of the owner of the dog, the address of the owner, and a description of the dog(s) involved in the incident. Said investigation may include discussing the incident with the owner/keeper of the dog. The owner/keeper of the dog shall have the right to provide an affidavit or statement concerning his own dog.

(b) After receiving a sworn affidavit of complaint and upon making a decision that seizure is a reasonable precaution to ensure the health and safety of people nearby, the Animal Services Director may order the immediate seizure and impound of the dog. An administrative search warrant shall be obtained from any Municipal Court magistrate to enter onto private property to search for a dog which is allegedly dangerous or has been previously determined to be dangerous, if permission to enter the subject premises is denied by a person in lawful possession. If the dog cannot be safely approached, a tranquilizer projector may be used by department personnel. The cost of securing said dog(s) shall be borne by the owner. If a

<sup>5</sup>State law reference(s)—Dangerous dogs, V.T.C.A., Health and Safety Code § 822.041 et seq.

dog is determined to be dangerous, it will remain in confinement as directed by the Animal Services Director. A dog that has been determined to be dangerous cannot be released back to the owner until the owner is able to demonstrate his ability to comply with all the requirements for dangerous dogs as outlined in this chapter.

(c) An Animal Control Officer may impound an alleged dangerous dog if the officer has cause to believe that a dog is dangerous as defined above.

(d) The Department shall determine whether a dog is dangerous. Within five (5) working days after the dog is deemed dangerous, the department will notify the owner of the dog, of the dangerous dog determination and appeal rights by written notice. The notice shall include the reason for the allegation, and all requirements for owners of a dog determined to be dangerous as set out in this chapter.

## **Sec. 6-170 Requirements of Dangerous Dog Owners**

(a) An owner of a dog determined *to be dangerous*, must comply with all of the following nine (9) requirements before the subject dog can be released to the owner by the department. The Department must, however, release the dog to the owner if a state licensed veterinarian with a facility located within the City verifies, upon being contacted by a City veterinarian or department, that the owner has arranged for the required surgery of the dangerous dog to comply with this article, and if necessary, a City veterinarian has implanted the required registered microchip in the dog, has inspected the residence where the dog is to be kept, and is satisfied that the following requirements which could have already been complied with have been complied with by the owner:

1. The dog must be registered with the department and shall annually obtain a dangerous dog permit; Payment of an annual registration fee of \$200.00.

2. The dangerous dog shall at all times wear a collar approved by the Department visible at fifty (50) feet so that the dog can be identified as a dangerous dog. The Department is authorized to charge the dog owner a fee to cover the cost of this collar;

3. The dangerous dog must be kept in a Dangerous Dog enclosure as defined this chapter;

4. The owner must present to the Department a certificate of public liability insurance in the amount of one hundred thousand dollars (\$100,000.00) to cover any injuries caused by the dangerous dog. The insurance shall be kept in effect continuously and shall not be cancelled unless the dog is no longer kept by the insured owner;

5. The dangerous dog, when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the dog nor interfere with its vision or respiration, but shall prevent it from biting any person or animal; and the dangerous dog must be restrained by a sturdy leash six (6) feet in length. The Department is authorized to charge the dog owner a fee to cover the cost of this leash;

6. The owner shall post a sign on his premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public street or highway. In addition, the Department shall design and produce a uniform dangerous dog symbol or decal, understandable by small children which shall be made available at cost to the public. Such symbol or decal must be displayed on or about the sign;

7. If the dog does not have a registered microchip, the owner shall authorize the Department to implant a registered microchip beneath the skin of the dangerous dog for positive identification of the animal;

8. At the owner's expense, the dangerous dog must be spayed or neutered either by the department or, at the discretion of the Department, by a veterinarian approved by the Department prior to being released back to its owner;

9. The owner must allow an annual inspection of the residence where the dog is kept ensuring continued compliance with all requirements of this section. More frequent inspections may be conducted in response to specific complaints regarding non-compliance with this section.

## **Sec. 6-171 Hearing to determine compliance with dangerous dog requirements**

- (a) V.T.C.A., Health and Safety Code § 822.0423 provides that a Municipal Court may conduct a hearing to determine whether the owner of a dangerous dog has complied with the requirements for the owner of a dangerous dog.
- (b) Upon an application from any person, the Municipal Court shall conduct a hearing to determine compliance with dangerous dog requirements
- (c) A Municipal Court Judge shall conduct a hearing to determine whether the preponderance of the evidence supports the allegation that the owner has failed to comply with dangerous dog requirements.
- (d) The Municipal Court Judge shall be the finder of fact.
- (e) At the conclusion of the hearing, if the Municipal Court Judge finds that the owner has failed to comply with the dangerous dog requirements, the Judge shall order the seizure of the dog in accordance with V.T.C.A., Health and Safety Code § 822.042.
- (f) An owner or the person who filed the application for the hearing may appeal the decision of the Municipal Court in the manner provided for the appeal of cases from Municipal Court.
- (g) The Municipal Court Judge may compel the attendance of the applicant, any known witnesses, the dog owner against whom the application was filed, and the Animal Care Facility director or his representative who investigated. Any interested party, including the City Attorney or an Assistant City Attorney, may present evidence at the *hearing*.

## **Sec. 6-172 Appeal of Dangerous dog determination.**

Appeal of a dangerous dog determination shall be in accordance with V.T.C.A., Health and Safety Code §822.0421.

## **Sec. 6-173 Notification of change of status; disposition of dangerous dog.**

The owner/keeper of a dangerous dog shall notify the Department within twenty-four (24) hours if their dangerous dog is loose, unconfined, has attacked another animal, has attacked a person, or has died. A dog determined to be dangerous under this chapter shall not be offered for adoption, rescue or sale or be given away. If the owner wishes to dispose of the dangerous dog, the owner shall return the dog to the department.

## **Sec. 6-174 Dangerous dog violations**

- (a) A person commits an offense under state law, pursuant to the Texas Health and Safety Code, if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.
- (b) It shall be a violation of this chapter for an owner or keeper to intentionally, knowingly, or recklessly fail to prevent a dangerous dog, from killing or wounding, or assisting in the killing or wounding of any domestic animal belonging to or in the possession of another person, or for an owner or keeper to fail to prevent a dangerous dog from attacking, assaulting, biting or otherwise injuring any person or assisting in the attack, assault, biting, or other injury of any person whether out of or within the enclosure of the owner or keeper, and whether or not such dangerous dog was on a leash or securely muzzled or whether or not the dangerous dog escaped without the knowledge or consent of the owner or keeper. If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed in an expeditious and humane manner.
- (c) It shall be a violation of this chapter for the owner or keeper of a dangerous dog to:
  - 1. Fail to comply with any of the requirements of this chapter as required;
  - 2. Fail to notify the department of a change of status as set out in this chapter; or

3. Fail to keep the dog confined at no cost to the City during the hearing process.

(d) The provisions under this section shall not apply to any law enforcement agency where a dog is being used for law enforcement.

(e) A rebuttable presumption shall exist that the owner or keeper knowingly allowed a dangerous dog to be kept in inadequate confinement in any criminal complaint filed under subsection (b).

(a) The Animal Services Director may require a dangerous dog to be removed from the City limits

### **Sec. 6-175. Aggressive dogs**

Classification of a dog as aggressive shall be based upon specific behaviors exhibited by the dog. For purposes of this chapter, behaviors establishing various levels of aggressive dogs are the following:

(1) Level 1 behavior is established if a dog, while unrestrained, causes physical injury to any domestic animal or livestock.

(2) Level 2 behavior is established if:

a. A dog, while unrestrained, kills or causes the death of any domestic animal or livestock, or

b. A dog classified as a level 1 aggressive dog that repeats the behavior in subsection (1) after the owner or keeper receives notice of the level 1 classification.

(3) Notwithstanding subsections (1) and (2), the director shall have discretionary authority to refrain from classifying a dog as aggressive, even if the dog has engaged in the behaviors specified in subsections (1) and (2) if the director determines that the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other similar mitigating or extenuating circumstances.

### **Sec. 6-176. Investigation, seizure, confinement and designation of aggressive dogs.**

(a) The Department shall have authority to determine whether any dog has engaged in the behaviors specified in section 6-175. This determination may be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog's upbringing and the owner's or keeper's control of the dog, and other relevant evidence as determined by the Department. These observations and testimony can be provided by Animal Control Officers or by other witnesses who personally observed the behavior. They shall sign an affidavit attesting to the observed behavior and agree to provide testimony regarding the dog's behavior if necessary.

(b) After receiving a sworn affidavit of complaint and upon making a decision that seizure is a reasonable precaution to ensure the health and safety of people nearby, the Department may order the immediate seizure and impound of the dog. An administrative search warrant shall be obtained from any Municipal Court magistrate to enter onto private property to search for a dog which is allegedly aggressive or has been previously determined to be aggressive, if permission to enter the subject premises is denied by a person in lawful possession. If the dog cannot be safely approached, a tranquilizer projector may be used by Department personnel. The cost of securing said dog(s) shall be borne by the owner. If a dog is determined to be aggressive, it will remain in confinement as *directed by the Department*. A dog that has been determined to be aggressive may not be released back to the owner until the owner is able to demonstrate his ability to comply with all the requirements for aggressive dogs as outlined in section 6-178

(c) The Director shall have the discretion to increase or decrease a classified dog's restrictions based upon relevant circumstances.

(d) The Department shall give the dog's owner or keeper written notice of the dog's specified behavior, of the dog's classification as aggressive, and of the restrictions applicable to that dog by reason of its classification.

(e) Upon receipt of notice of the dog's classification as a level 1 or 2 aggressive dog pursuant to subsection (c), the owner or keeper shall comply with the restrictions specified in the notice unless reversed

on appeal. Upon final determination and after appeals are exhausted, the owner will have thirty (30) days to comply with the requirements or else the animal will be *considered* abandoned and may be disposed of per section 6-44(g). Failure to comply with the specified restrictions shall be a violation of this chapter for which a fine can be imposed. Additionally, the Department shall have authority to impound the dog pending completion of all appeals.



(f) If the Department's decision finds that a dog has engaged in aggressive behavior, the dog may be impounded pending the completion of any appeals

- (9) Any dog classified as a level 2, that is found to have repeated level 2 behavior as defined under this code, shall be impounded if not already impounded. The dog shall not be released to the owner or be made available for adoption until either potential recipient of the dog has established arrangements for accommodating the animal consistent with all the security and safety requirements ordered by the Department.

#### **Sec. 6-177. Appeal of aggressive dog determination to the Municipal Court.**

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

i. Filing a written notice of appeal of the department's aggressive dog determination to Municipal Court.

ii. Attaching a copy of the determination from the department; and

iii. Serving a copy of the notice of appeal to the department by certified mail.

(b) A Municipal Court Judge shall conduct a hearing to determine whether the preponderance of the evidence supports the aggressive dog determination.

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

(d) At the conclusion of the hearing, the Municipal Court may affirm or reverse the aggressive dog determination.

(e) The result of the administrative appeal hearing is final.

#### **Sec. 6-179. Regulation of aggressive dogs.**

In addition to the other requirements of this chapter, the owner or keeper of an aggressive dog shall comply with the following conditions:

(1) Dogs classified as level 1 dogs shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's or keeper's premises. In addition, the Department may require the owner or keeper to obtain and maintain proof of public liability insurance in the amount of one hundred thousand dollars (\$100,000.00).

(2) Dogs classified as level 2 dogs meet all the requirements of level 1 in addition it shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's or keeper's premises, and the owner or keeper shall post warning signs, which are provided by the Department, on the premises where the dog is kept, in conformance with rules to be adopted by the Department. The owner or keeper shall not permit the dog to be off the owner's or keeper's premises unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person.

(3) To ensure correct identification, all dogs that have been classified as aggressive shall be microchipped and photographed and may be fitted with a special tag or collar determined by the Department at the owner's expense.

(4) The animal must have a registered microchip and obtain an annual aggressive dog permit from the Department.

(5) The owner or keeper of a level 2 aggressive dog shall not permit the warning sign to be removed from the secure enclosure. The owner or keeper of any aggressive dog shall not permit the special tag or collar to be removed from the dog. The owner or keeper of an aggressive dog shall not permit the dog to be moved to a new address or change owners or keepers without providing the director with ten (10) days' prior written notification.

(6) At the owner's expense, the aggressive dog must be spayed or neutered by a veterinarian approved by the Department prior to being released back to its owner.

#### **Sec. 6-180. Declassification of aggressive dogs.**

Declassification will be automatic pursuant to this section.

(a) If the following conditions are met:

1. Level 1 dogs have been classified for one (1) year without further incident, and two (2) years for level 2 dogs; and

2. There have been no violations of the specified regulations.

(b) When the owner or keeper of an aggressive dog meets all of the conditions in this chapter, the restrictions for level 1 classified dogs may be removed. Restrictions for level 2 may be removed, with the exception of the secure enclosure.

#### **Secs. 6-181—6-193. Reserved.**

### ***DIVISION 4. PERMITS***

#### **Sec. 6-194. Definition; permit; operations requirements.**

(a) *Kennel* means a commercial enterprise, excluding a veterinary hospital, where four (4) or more dogs or cats over four (4) months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed on a daily, weekly, or monthly basis. The premises must be located within an appropriately zoned area and a certificate of occupancy must have been obtained for kennel use, if required by the City's zoning and construction ordinances.

(b) A kennel shall require a kennel permit specifically approved by the *City Council for the owner* and the location.

(c) If a kennel permit is approved by City Council, the owner shall pay annual fee of \$100.00 and agree to comply with the following requirements: The dogs and cats shall be kept in an enclosure from which they cannot escape and the enclosure shall meet the following space, separation and feces disposal requirements.

(1) *Space and separation.* The sides of the enclosure for keeping more than two dogs or one cat or one dog and two cats shall be:

a. At least 50 feet from the property line of the premises on which it is located.

b. At least 100 feet from a building or structure in which any human lives, sleeps, or dines.

c. Large enough to provide at least 25 square feet of area per dog or cat in the enclosure.

(2) *Feces disposal.* Before more than three animals can be licensed to be kept on any one premises in the City limits, the premises must have a facility for the storage of all feces from the dogs or cats. Such facility will be impervious (concrete) bins with an impenetrable, tightly fitting, cover of at least 30 cubic feet.

a. Kennels must make a daily collection of all feces before 10:00 a.m. and place the collection in the storage bin and treat such collected feces so as to mitigate odor.

b. Disposal of *collected* feces must be done as *frequently* as is *necessary to prevent* fly breeding and odors, and at least twice per week.

#### **Sec. 6-195. Intact Permit.**

(a) Offenses.

1. A person commits an offense if the person owns, keeps, harbors or has custody of any dog or cat over six months of age that is intact unless such dog or cat is subject to a valid intact pet permit issued in accordance with this section.

2. A person commits an offense if the person advertises for sale within the City an intact dog or cat over six months of age and fails to include in such advertisement the identification number of the dog or cat's City-issued intact pet permit.

3. A person commits an offense if the person adopts out or transfers for a fee, an intact dog or cat.

(b) Application

1. An application for an intact pet permit must be made on the form prescribed by the Program Manager and shall include the following information:

1. The name, telephone number and physical address of the applicant;

2. The description of the animal sought to be included under the permit and the species, breed, gender and age of the animal;

3. A statement affirming that the applicant is familiar with the provisions of this chapter and agrees to maintain all animals in accordance with applicable legal requirements.

4. An application must be accompanied by payment of an application fee in the amount adopted by the City Council; or

5. This application fee shall be in addition to al) other applicable permits and registration fees required under this chapter. An application fee is not refundable.

6. The animal services director may require additional information and documentation as deemed necessary to determine whether a permit should be issued.

2. Consideration of application

1. An application for permit may be denied if the applicant:

a) Fails or refuses to submit a complete application;

b) Fails or refuses to submit any information or supporting documentation required under this section or pursuant to a request of the animal care and control authority;

c) Fails or refuses to submit the fee or documentation required under subsection (b)(5) above;

d) Provides false *information on or in connection* with the application;

e) Has, within the preceding 24 months, been convicted of, received deferred adjudication or pleaded guilty or no contest to one or more violations of this chapter, of any state law relating to the care and humane treatment of animals, or both;

f) Has, within the preceding 24 months failed to appear in court to respond to a citation relating to an alleged violation of any provision

of this chapter or of any state law relating to the care and humane treatment of animals;

g) Has, within the preceding 60 months, been convicted of, received deferred adjudication or pleaded guilty or no contest to one or more violations of any provision of this chapter or of any state law relating to animal cruelty;

h) Has previously had a permit revoked pursuant to subsection (e) below; or

i) Resides at the same physical address as another individual whose permit has been revoked pursuant to subsection (e) below.

2. Notwithstanding subsection (c)(1) above, an application for permit may also be denied if specific circumstances exist indicating that the issuance of the permit would not be in the best interest of the animals involved or of the health and safety of the public. If a permit is denied pursuant to this subsection (c), the Animal Care Facility Director shall issue a written statement citing the specific reason or reasons for the denial.

3. If an application for permit is denied, the applicant may appeal to the Program Manager. Such appeal must be made in writing and received within 14 days of the date the application was originally rejected. The decision of the Program Manager may be appealed to the Department Director. Such appeal must be made within 7 days of the *Program Managers* decision. The decision of the Department Director shall be final and non-appealable.

3. Issuance and maintenance of permit

1. A permit is issued for an individual animal to an individual person. A permit is not transferable to another animal or to another person.
2. A permit is valid for 1 year unless and until it is revoked.
3. To maintain an intact pet permit, the permit holder must keep Animal Care Facility apprised of current contact information for holder and identifying and registration information for each animal subject to an intact pet permit. In particular, a permit holder must notify Animal Care Facility of any change of address or telephone number no later 90 days after the new address or phone number is effective. In addition, within 90 days of obtaining an intact animal not subject to an intact pet permit, the permit holder must provide the Animal Care Facility with the species, breed, gender, *and age of such animal*.
4. Revocation of permit.
  1. The Department may revoke a permit if the owner of the animal issued an intact pet permit:
    - a) Is convicted, receives deferred adjudication or pleads guilty or no contest with respect to one or more violations of this chapter, of any state law relating to the care and humane treatment of animals, or both;
    - b) Fails to appear in court to respond to a citation relating to an alleged violation of any provision of this chapter or of any state law relating to the care and humane treatment of animals;
    - c) Is convicted, receives deferred adjudication or pleads guilty or no contest with respect to any violation of any provision of this chapter or of any state law relating to animal cruelty;
    - d) Is discovered to have provided false or inaccurate information on or in connection with an application for an intact pet permit;
    - e) Fails to vaccinate any animal in accordance with the requirements of state law or this chapter;
    - f) Fails to comply with the requirements of subsection (3)(3) above; or
    - g) Fails to provide a current statement described in (b)(1)c. above within 30 days of when requested by the animal care and control authority
    - h) Fails to keep an owned intact animal under restraint.
  2. If a permit is revoked by animal care facility, the applicant may appeal to the Department Director. Such appeal must be made in writing and received within 14 days of the date the application was originally revoked.
    - a) The Department Director may:
      1. Reinstate the permit pursuant to its original terms;
      2. Reinstate the permit subject to the holder meeting additional specified conditions; or
      3. Affirm the revocation of the permit.
    - b) Revocation of a permit will not result in the refund of any permit or application fee.
  3. Affirmative Defenses.
    - a) It is an affirmative defense to a prosecution under subsection (a)(1) above if an owner produces a signed, written opinion from a licensed veterinarian that the animal in question should not be spayed or neutered due to health concerns.
    - b) It is an affirmative defense to prosecution under subsection (a)(1) above that the person who owned the animal was not a permanent resident of the City and was keeping the animal within the City for less than 60 days.
    - c) It is an affirmative defense to prosecution under subsection (a)(3) above that an adoption was made by ACF or under a current Memorandum of Understanding with ACF.

**Secs. 6-196—6-211. Reserved.**

## ***DIVISION 5. FACILITIES REQUIREMENTS***

#### **Sec. 6-212., License, operations requirements.**

- (a) Each permit for a kennel must specify the maximum number of animals that may be kept at the kennel the Department shall determine this number based on available space and number of employees, and can re-evaluate the maximum number of animals allowed at anytime.
- (b) Owners and operators of kennels where animals are boarded must maintain a register identifying all animals boarded, the name, address, and telephone number of the owners of each animal including an alternative emergency telephone number.
- (c) The kennel owner must also provide an emergency telephone number where the kennel owner, operator, and any caretaker of the kennel can be reached if the owner, operator, or caretaker do not reside on the premises.
- (d) Runs shall be constructed to effectively enclose the animals housed therein. Runs and exercise areas shall be sanitized a minimum of once in each 24-hour period and more frequently as may be necessary by removal of soiled materials and application of suitable disinfectants.
- (e) All animals shall be supplied with sufficient species-specific food a minimum of once during each 24-hour period and more often if the physiological needs of the animal require it. Each animal shall have access to fresh potable water at all times.

#### **Sec. 6-213 Stables**

- (a) Each permit for a stable must specify the maximum number of animals that may be kept at the kennel or stable, the Department shall determine this number based on available space, and can re-evaluate the maximum number of animals allowed at any time
- (b) Owners and operators of stables where animals are boarded must maintain a register identifying all animals boarded, the name, address, and telephone number of the owners of each animal including an alternative emergency telephone number.
- (c) The stable owner must also provide an emergency telephone number where the stable owner, operator, and any caretaker of the stable can be reached.
- (d) Stalls shall be constructed to effectively enclose the animals housed therein. Animal waste must be removed if it begins to inhibit the animal's ability to move around its stall comfortably.
- (e) All animals shall be supplied with sufficient species-specific food a minimum of once during each 24-hour period and more often if the physiological needs of the animal require it. Each animal shall have access to fresh potable water at all times.

#### **Sec. 6-214 Circus, Rodeos, Animal Exhibits, Petting Zoos and Recreational Animal Rides.**

- (a) The permit application shall be submitted at least twenty (20) days prior to the event, and shall contain information as to the kind and number of animals involved, records showing animals are up to date on required vaccinations and are considered by a certified veterinarian as healthy, required state or federal licensing documentation, name and address of the person *or business that will* keep, feed, and *confine* the animal(s) during their stay in the City and any other information requested by the Department
- (b) Petting zoo permits shall be valid for the duration of the event outlined in the application.
- (c) Permits shall not be required for any animal so long as it is owned by a governmentally owned and operated facility, publicly operated facility, a public zoological park, or bona fide medical institution or research institution.
- (d) Animals used within the City for entertainment purposes such as rodeos and circuses must be provided with all the necessities of life including air, food, water, veterinary care, exercise, and protection from the sun and other elements of nature. A licensed veterinarian must be able to be contacted and come to site in case of emergencies, such as but not limited to injuries and illnesses. Once determined to be injured or ill by a licensed veterinarian, an animal may be returned to use only after certification as healthy by a licensed veterinarian.

## **Sec. 6-215 PetShop Requirements and Prohibition**

---

- (a) No person shall operate a pet shop within the City without first obtaining a permit from the department.
- (b) All animals shall be able to stand, stretch, and turn without touching any of the four (4) sides or top of their primary enclosure.
- (c) Animal enclosures shall be *cleaned of debris and fecal matter* at least once every twenty- four (24) hours. Sanitizing of dog and cat enclosures shall be done once every day by washing the surfaces with proper disinfectants that are not harmful to the animal's health.
- (d) All pet shops and stores selling any and all species of animals shall:
1. Provide appropriate medical services, care, and housing according to individual species' needs.
  2. Keep accurate records of breed, description, approximate age and sex of animal sold if applicable.
  3. Medications and immunizations administered if applicable.
  4. A guarantee of good health for a period of not less than two (2) weeks with recommendation to have the animal examined by a licensed veterinarian if applicable. The permit holder shall retain a copy of the written statement for twelve (12) months from date of sale.
- (e) Records shall be maintained and surrendered to the department upon request and without reservation or purpose of evasion. Failure to produce such records upon demand by the department shall be cause for the revocation of an existing permit and the refusal to issue a new permit for a period of two (2) years.
- (f) It shall be a violation of this chapter for a pet shop to sell or offer for sale a dog or cat.
- (g) A pet shop may provide space for the display of dogs or cats available for adoption only if such animals are displayed and made available for adoption through the Department, or an animal rescue organization that has a current and approved memorandum of understanding with Department, and provided that:
1. No part of any fees associated with the display or adoption of the animals, including but not limited to adoption fees or fees for the provision of space, shall be paid to the host pet shop or to any entity affiliated with or under common ownership with the host pet shop; and
  2. The host pet shop shall not have any ownership interest in any of the animals displayed for adoption.

**Secs. 6-216—6-232. Reserved.**

## **ARTICLE VI. RABIES CONTROL**

### **Sec. 6-233 Rabies Impoundment and Quarantine**

- (a) Any veterinarian or person having knowledge of an animal having bitten, scratched or injured a person, within the City shall report the incident to Animal Care Facility who is also the local rabies control authority immediately,
- (b) Any veterinarian or other person having knowledge of an *animal diagnosed as* having any reportable zoonotic disease shall report same to the Animal Care Facility Director within five (5) days.
- (c) The owner of such diseased or biting or scratching animal who learns of such incident shall immediately give his name and address together with the animal's registered microchip information and date of last rabies vaccination to the person bitten or injured or to a parent or guardian of such person who is under the age of eighteen (18) years. The owner or keeper shall notify the Department within twenty-four (24) hours of his name; the animal's registered microchip information; the name of the injured person; and other information requested by the department related to the animal and injured party.
- The owner or keeper of the diseased or biting or scratching animal shall contact Animal Care Facility within twenty-four (24) hours upon receipt or notification from Animal Care Facility, The ACF Director or any appointed animal care officer shall seize and impound any animal for rabies observation upon the sworn affidavit of any person with knowledge that the animal has bitten or scratched a person. A search and seizure warrant shall be obtained from any Municipal Court Judge or other magistrate to

---

Created: 2025-02-06 14:05:53 [EST]

enter onto private property to search for the biting or scratching animal if permission to enter is not given.

1. The owner or keeper of any animal within the City which has bitten or scratched a person so as to have caused a break of the skin shall, on demand of the ACF Director or any Animal Control Officer, immediately *surrender such animal* to the Animal Care Facility, or other approved rabies quarantine facility for observation for a period lasting not more than ten (10) days after the date of the incident, subject to the provisions of subsection (b).
2. The owner of any animal that has bitten or scratched any person shall be allowed to assume personal responsibility for confining the animal for the observation period often (10) days, only under the following circumstances
  - a. Secure facilities must be available at the home of the animal's owner, and must be approved by the ACF Director;
  - b. The animal was currently vaccinated against rabies when the exposure incident occurred;
  - c. The animal was not in violation of any laws or ordinances at the time of the bite; and
  - d. The Department Director, their designee, City veterinarian or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the ACF Director must be notified by the person having possession of the animal. At the end of the observation period, if conducted away from ACF, the release from quarantine must be accomplished in writing by the veterinarian who will attest to the health of the animal. If the animal is quarantined at ACF, the City veterinarian, local rabies control authority or designee may issue the release in writing, attesting to the health of the animal.
3. If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies, such animal shall be quarantined for observation by a veterinarian for the appropriate period as required by state law.
4. Violation of the observation confinement of the biting animal as provided in subsection (b) shall be just cause for seizure and confinement of the animal in the animal services facility of the City.
5. All wild animals involved in exposure incidents including biting, scratching or any other direct exposure by physical contact will be humanely euthanized in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of State Health Services certified laboratory for rabies diagnosis.
  - (d) *Investigation of cases.* The Animal Care Facility Director or designee shall investigate and record all cases of rabies and suspected rabies.
  - (e) *Disposition of bodies of quarantined animals.* The body of any animal that has died of rabies or that dies or is destroyed while in quarantine may not be disposed of except as directed by the Animal Care Facility Director.
  - (f) *Payment of costs.* The owner of an animal quarantined under this section shall pay to the animal services division the reasonable costs of the quarantine and disposition of the animal, including charges for preparation, processing, and shipment of the animal's head or brain, if required, to the nearest Texas Department of State Health Services Laboratory for testing. The fee for preparation, processing, and shipment, by the Animal Care Facility division, of the animal's head or brain is established in the fee schedule pursuant to section 6-14 of this chapter.

**Secs. 6-234—6-254. Reserved.**

## **ARTICLE VII. IMPOUNDMENT**

### **Sec. 6-255 Restraint**

It is unlawful for an owner to fail to keep an owner's animals under restraint as follows:

- (1) Except for cats, all animals must be kept under restraint as defined in this chapter. Cats may be free roaming if otherwise in compliance with the provisions of this chapter.
- (2) It is a violation of this chapter for any animal to be a public nuisance. An owner and/or keeper

Created: 2025-02-06 14:05:53 [EST]

violates this provision if the owner's animal is a public nuisance, regardless of any "fault" of the owner and/or keeper.

---

#### **Sec. 6-256. Pursuit of animals.**

For purposes of discharging the duties imposed by the provisions of this chapter, or other *applicable laws, and to enforce* the same, an Animal Control Officer or police officer may enter upon private property to the fullest extent permitted by law, except dwellings located on the property, when in pursuit of any animal which the officer has reason to believe is subject to impoundment under the provisions of this chapter or other applicable laws.

#### **Sec. 6-257. Impoundment.**

(a) *Grounds for impoundment.* Animals may be impounded by the Department in any of the following circumstances:

- (1) Any animal not kept under restraint as required by this chapter.
- (2) Any dog or cat for which a valid City registration has not been issued.
- (3) Any animal that constitutes a public nuisance.
- (4) Any animal that has rabies or exhibits symptoms of rabies, or that a person could reasonably suspect as having rabies.
- (5) Any animal that bites, scratches, or otherwise attacks another animal or person within the City.
- (6) Any animal not kept by the owner or permit holder in conformity with this chapter, regulations promulgated by the ACF Director, disposition made in accordance with article IV of this chapter, or state law.
- (7) Any animal upon the written request of the animal's owner and to which the animal services director or the animal services director's designee agrees that the animal be humanely euthanized for the protection of the public's health, safety and welfare.
- (8) Any dog that is the subject of a cause of action filed pursuant to V.T.C.A., Health and Safety Code ch. 822, as it may be amended, must be impounded until further order of a court of proper jurisdiction.

(b) *Length of impoundment.* Except for dogs impounded as subjects or probable subjects of a proceeding pursuant to V.T.C.A., Health and Safety Code ch. 822, for observation of rabies under section 6-233, or other administrative procedures, impounded animals not claimed must be kept for not less than three (3) working days from date of impoundment. In calculating the length of this time period, the first working day after impoundment is considered day one. In cases deemed necessary by the Department Director and/or the On- Site Veterinarian, or the Senior ACO, an impounded animal without microchip or registration may be immediately transferred to the care of an Animal Rescue Organization when space, adequate medical care, or other resources are unavailable.

(c) *Notification of owner.* If, by registration or other means, the owner of an impounded animal can be identified, the Department shall, as soon as practicable after impoundment, notify the owner in person or by telephone, if reasonably possible, advising that, if the impounded animal is not redeemed within five (5) working days, disposition will be made in accordance with this chapter.

(d) *Redemption.* Impounded animals, excluding those impounded as prohibited animals, or an animal held for observation of rabies under section 6-233 or other administrative procedures, are subject to redemption, at the discretion of the Department Director. Impounded animals may be redeemed by anyone entitled to possession of the animals, at the discretion of the Department Director while the animals are with ACF after paying the appropriate fees as follows:

(1) *Impoundment fees.* Impoundment fees are established in the fee schedule pursuant to section 6-14 of this chapter. A waiver or partial waiver of an impoundment fee may be granted by the Department Director in cases involving exigent circumstances as determined by the Department Director.

(2) *Boarding charge.* A boarding charge established in the fee schedule pursuant to section 6-14 of this chapter is not to exceed the reasonable cost of boarding, feeding and caring for the animal for the period of impoundment. Boarding charges apply to redemption of impounded animals and are not applicable to adoption



of animals.

(3) *Rabies vaccination charge.* All charges for rabies vaccination if required.

(4) *Registration charge.* City registration charge, if applicable.

(e) *Redemption-Special circumstances.*

(1) In case any animal that is impounded is sought to be redeemed and is suffering from any disease or ailment, it may not be released until the Department Director is satisfied that arrangements looking to its proper treatment are assured.

(2) Animals impounded for rabies observation are subject to redemption if the animal has satisfied the required length of observation and is determined to be free from rabies as verified by the Department Director or designee.

(f) *Mandatory spay/neuter of dogs following impoundment.*

(1) The owner or keeper shall keep the animal restrained at all times (except cats as described by sec 6-42) and ensure that the animal is not at large. Dogs found to be at large shall be subject to mandatory sterilization at the owner's expense within thirty (30) days of notification of the violation.

(2) *Exemption made by animal services director.* The Department Director is authorized to exempt an owner from the requirements of this section if the owner proves to the satisfaction of the Department Director that the animal:

(1) was a member of a national breed club, local breed club, local all-breed club, sporting or hunting club, or was regularly shown during the six-month period immediately preceding impoundment,

(2) was at large due to a natural disaster,

(3) was at large due to the criminal or negligent acts of a third party, or

The denial of a requested exemption pursuant to this subsection (2) by the Department Director may be appealed to by the owner of the animal by giving signed, written notice of such appeal and the grounds therefor to the City Manager within 10 calendar days after issuance of the denial. The determination by the City Manager of said appeal shall be final.

(3) *Certification of spay/neuter procedure.* The owner is required by this section to spay or neuter their animal shall submit certification signed by a licensed veterinarian that the procedure was performed no later than the fortieth day following the notification of violation to Animal Care Facility.

(4) *Offenses.* A person commits an offense if the person is required by this section to spay or neuter their animal and fails to provide certification to Animal Care Facility of the procedure.

(5) *Affirmative defense.* In a prosecution for a violation of subsection (4), it is an affirmative defense that at the time of the animal's impoundment:

The owner of the dog was a member of a national breed club, local breed club, local all-breed club, sporting or hunting club, or was regularly shown during the six-month period immediately preceding impoundment.

b. The animal was at large due to a vis major.

c. The animal was at large at the time of its impoundment due to the criminal or negligent acts of a third party who was not residing at the dog owner's residence. At trial, evidence of a fire or the criminal or negligent acts of a third party may be presented in one (1) or more of the following manners:

1. A certified copy of a police or fire report verifying the incident;

2. The affidavit of police or fire personnel with direct knowledge of the incident; or

3. The testimony of police or fire personnel with direct knowledge of the incident.

(6) Nothing in this subsection may be construed so as to permit a spayed or neutered dog to run at large.

(g) *Disposition of animals.*

(1) Immediately upon impoundment, the City is the designated caretaker of impounded animals. Except as provided in subsections (c) and (j) of this section, and certain livestock as provided for in this paragraph, impounded animals not redeemed by their owner within three (3) working days following impoundment become the property of the City and may be placed for adoption in a suitable home or with any nonprofit association organized for the protection and welfare of animals, sold under section 142.013 of the Agriculture Code or humanely euthanized. Prior to the disposition of any livestock excluding goats and sheep, notice must be posted for a ten-day period at the county courthouse, City Hall, and the City animal facility upon the expiration

of three (3) working days from the date of impoundment of the livestock. Upon the expiration of the ten-day notice period, the City may dispose of the livestock in the same manner as other unclaimed animals.

(2) The expiration of the three (3) working days period upon impoundment and the notice of and expiration of the ten-day period with respect to livestock does not apply to the disposition of any animal placed in impoundment by the written consent of the animal's owner and the acceptance of the animal by the Animal Care Facility Director. Any animal received by the consent of its owner may be disposed of immediately upon its impoundment in the same manner as unclaimed animals.

(3) In the case of a dog impounded under authority of V.T.C.A., Health and Safety Code ch. 822, as it may be amended, or other state law, the dog may be redeemed upon the court's finding and rendering a judgment that the dog did not engage in dangerous conduct and upon the conclusion of any proceeding provided for in this chapter; or upon the court's finding that the dog did engage in dangerous conduct, that the claimant of the dog shows proof of having fully complied with all insurance and restraint requirements provided by state law, and meets all requirements of this chapter that pertain to the keeping of a dangerous dog.

(4) Due to their immature immune system, any impounded animal under four (4) months of age shall immediately become the property of the City, for humane disposition, and may be offered for adoption, rescue, foster care or humanely euthanized at the discretion of the animal care service director, veterinarian, or their designee.

(h) *Adoption of unclaimed animal.* A person may adopt an unclaimed animal after the expiration of the redemption period and after paying any applicable rabies vaccination fees, registration fees, *spay/neuter fees, and adoption fees* established in the fee schedule pursuant to section 6-15 of this chapter. A person adopting an unclaimed animal must sign an agreement to have the animal sterilized within thirty (30) days of adoption, in compliance with V.T.C.A., Health and Safety Code ch. 828, if the animal is unsterilized at the time of adoption. All adoptions and approval of applications for adoption are at the discretion of the Animal Care Facility Director.

(i) *Compliance required for release.* No impounded dog or cat may be released until the person to whom the dog or cat is to be released agrees and meets all regulations promulgated by the Animal Care Facility Director.

(j) *Euthanasia.* The Animal Care Facility Director, a licensed veterinarian, or the Animal Care Facility Director's designee may direct the immediate euthanization of any animal determined to be seriously injured or diseased under the rules, guidelines, or procedures established by the Animal Care Facility Director. Impounded animals not redeemed or adopted as provided for in this section can be humanely euthanized at the City animal shelter under the direction of a person trained and certified in human euthanasia as outlined in the Texas Health and Safety Code. The carcasses must be disposed of as directed by the Animal Care Facility Director.

(k) *Records.* The Animal Care Facility Director shall cause to be maintained a record describing each identifiable animal impounded within the preceding two (2) years. In the case of registered dogs and cats, the registration number and the name of the person to whom it was issued must be noted. In the case of each identifiable animal, it must be noted how the impounded animal was disposed of, giving the names and addresses of persons to whom the animal was delivered, and the fees and charges received from the persons.

(l) *Citation.* In addition to, or in lieu of, impounding an animal under this section, an Animal Control Officer or any police officer may issue to the owner of the animal a citation for a violation of this chapter.

## **Sec. 6-258 Impounding abandoned or unrestrained animals**

(a) The department may order the seizure and impoundment of any abandoned animal as defined in this chapter. Disposition of said seized and impounded abandoned animals shall be in accordance with impounded animals of this chapter. Any trap, neuter, and return (TNR) program that has been identified and approved with the department shall not constitute a violation of this section.

(b) Animal Control Officer or other law enforcement officers shall have the power to impound

unrestrained animals for the purpose of abating the nuisance as follows:

1. On public property, in all cases:
2. On private property, if the consent of the resident or property owner is obtained:
3. On private property, in all cases except fenced rear yards or residences, if the officer reasonably believes that the animal will run at large if not impounded,

#### **Sec. 6-259 Process for Impounding Abandoned Animals**

- a) Allegedly abandoned animals shall be reported to the Department which will investigate the validity.
- b) The Department shall determine if there is any reasonable custody, control or care being provided, based on the animals access to food, water, shelter and the information gathered by investigating Animal Control Officer.

1. Owners do not need to reside on the same property as their animals, provided they retain legal rights to the property such as ownership, a lease or written and confirmable permission from the property owner and are providing adequate and humane care as defined by the Chapter.

- c) The Department shall make reasonable efforts to contact the owner of the reported abandoned animals, which may include leaving notices, researching property ownership or lease records, contacting neighbors, and using other investigative methods as deemed *appropriate*.

- d) If the Department has been unable to contact the owner or has not received a response after reasonable attempts, the Department Director may sign an affidavit declaring the animal to be abandoned and may order the impoundment of the animal to protect its health and safety.

#### **Sec. 6-230 Failure to reclaim impounded animal.**

No person may knowingly fail to reclaim an animal impounded by ACF. This section shall apply to any person who:

- (a) Fails to reclaim their animal after the bite quarantine observation period has been completed.
- (b) After written notice of impoundment at the City Animal Shelter, fails to reclaim their animal
- (c) Leaves a City Animal Shelter without making prior arrangements with ACF to have the animal owner surrendered, then fails to return and reclaim the animal within twenty four (24) hours of the drop off.

Any person failing to reclaim their animal from a City Animal Shelter as listed above shall be subject to penalties as allowed by law and this Chapter and shall be required to reimburse ACF for any fees accumulated while providing care for animals left at the shelter.

live

**PASSED AND ADOPTED** by the City Council of the City of Converse, Texas on this \_\_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
Al Suarez, Mayor

ATTEST:

\_\_\_\_\_  
Samantha Lee, City Secretary