

**ORDINANCE NO. 2013-3488**

**AN ORDINANCE AMENDING CHAPTER 2, “ANIMAL CONTROL”, OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY DELETING SAID CHAPTER AND SUBSTITUTING A NEW ONE RELATING TO RULES AND REGULATIONS OF ANIMALS IN THE CITY; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:**

**PART 1:** That **Chapter 2, “Animal Control”**, of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A”**, attached hereto and made a part of this ordinance for all purposes.

**PART 2:** That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

**PART 3:** That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

**PASSED, ADOPTED and APPROVED this 28th day of March, 2013.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Secretary**

**APPROVED:**

\_\_\_\_\_  
**City Attorney**

**EXHIBIT "A"**

**That Chapter 2, of the Code of Ordinances, City of College Station, Texas, is hereby amended, by deleting said chapter in its entirety and substituting therefore a new one as set out hereafter, to read as follows:**

**"CHAPTER 2: ANIMAL CONTROL**

**SECTION 1: GENERAL**

**A. Definitions.**

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

- (1) Animal shall mean any member of the group of living beings, included but not limited to birds, fish, mammals and reptiles but specifically excluding human beings. Animals shall include both domesticated and wild, male and female, warm and cold blooded.
- (2) Animal Control Authority shall mean the person, persons or entity designated by the City to enforce this chapter.
- (3) Animal Shelter shall mean a facility designated or recognized by the City for the purpose of impounding and caring for animals.
- (4) At Large shall mean to be free of physical restraint beyond the boundaries of the premises of the owner.
- (5) Collar shall mean a collar or harness constructed of nylon, leather, or similar material specifically designed to be used for a dog, cat or pot-bellied pig.
- (6) Domestic Livestock shall mean domestic animals generally used or raised on a farm for profit, work, or pleasure, including, but not limited to; horses, mules, asses, cattle, swine, sheep and goats. The term excludes pot-bellied pigs and poultry.
- (7) Exotic Animal shall mean any non-domesticated animal and any hybrid thereof, other than exotic livestock, which is native to a foreign country or of foreign

origin or character, is not native to the United States, or was introduced from abroad.

- (8) Exotic Livestock shall have the meaning as set forth in Section 142.001, Texas Agriculture Code which typically will include grass-eating or plant-eating single hoofed or cloven-hoofed ungulates; including animals from the horse, swine, cattle, deer, and antelope families, and any hybrid thereof, non-domesticated and that are non-indigenous, i.e., native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad.
- (9) Fowl or Poultry shall mean chickens, turkeys, geese, ducks, pigeons, quail, pheasant, and peacocks or similarly feathered domesticated members of the aves class but excluding exotic birds, falcons and hawks.
- (10) Guard Dog shall mean a dog maintained within secured designated premises for the purposes of protecting life or property.
- (11) Hybrid shall mean a cross of two different animal species.
- (12) Licensing Authority shall mean the City or any designated entity charged with administering the issuance and revocation of permits and licenses within the City.
- (13) Owner shall mean any person who has a right of property or temporary or permanent custody of an animal, or who controls, cares for or permits an animal to remain on or about any premise for more than seventy-two (72) hours or who otherwise chooses to become responsible for an animal except that those caring for feral cats that are part of a properly permitted managed feral cat colony shall not be considered owners for purposes of this chapter.
- (14) Person shall mean any individual, agent, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.
- (15) Pot-Bellied Pig shall mean any of the domesticated forms of the species *Suidae Sus scrofa* (miniature pigs under 100 pounds) originating in Southeastern Asia, and having a straight tail, potbelly, swayback, and black, white, or black and white coat.
- (16) Secured Enclosure shall mean a fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a dangerous animal in conjunction with other measures which may be taken by the owner. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal(s) from escaping from the enclosure. The enclosure shall be posted with signs on all sides in four-inch letters warning of the presence of a dangerous animal and shall include a symbol of a dangerous animal understandable by young children.

## **B. Interference.**

It is unlawful to remove an animal from or inflict damage upon a humane live trap set by the animal control authority.

### C. Prohibited Animals.

- (1) Any animal not normally born and raised in captivity, including but not limited to the following:
  - (a) *Class Reptilia*: Family Helodermatidae (venomous lizards) and Family Hydrophiidae (venomous marine snakes); Family Viperidae (rattlesnakes, pit vipers and true vipers); Family Elapidae (coral snakes, cobras, and mambas); Family Columbridae-Dispholidus Typus (boomslang); Bioga Dendrophilia (mangrove snake) and Kirklandii (twig snake only); Order Crocodilia (such as crocodiles and alligators);
  - (b) *Class Mammalia*: Order Carnivores,
    - (1) Family Felidea (such as lions, tigers, bobcats, jaguars, leopards and cougars), except commonly domesticated cats;
    - (2) Family Canidae (such as wolves, dingos, coyotes, foxes and jackals), and any hybrid of an animal listed in his section except commonly domesticated dogs;
    - (3) Family Mustelida (such as weasels, skunks, martins, minks, badgers and otters) except ferrets;
    - (4) Family Procyonidae (such as raccoons and coati);
    - (5) Family Ursidae (such as bears);
    - (6) Marsupialia (such as kangaroos, opossums, koala bears, wallabys, bandicoots, and wombats);
    - (7) Chiroptera (bats);
    - (8) Edentata (such as sloths, anteaters, and armadillo);
    - (9) Probosidea (elephants);
    - (10) Primata (such as monkeys, chimpanzees, orangutans, baboons, and gorillas);
    - (11) Rodentia (such as beavers and porcupines);
  - (c) *Class Amphibi*: Poisonous frogs. Does not include non poisonous reptiles or non poisonous snakes.
- (2) Does not include livestock, fowl or normal household pets, such as but not limited to dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish or small, nonpoisonous reptiles, or nonpoisonous snakes.

### D. Problem Animals.

It is unlawful to be an owner or manager of an animal which engages in behavior constituting problem animal behavior. Each of the following is a problem behavior of animals:

- (1) Waste Removal. An animal which soils, defiles or defecates on private property other than the owner's or on public areas, unless such waste is immediately removed and disposed of;

- (2) Excessive Noise. An animal which creates a disturbance by excessive barking, howling, crowing, screeching or other noise which would offend a person of ordinary sensibilities under the same or similar circumstances;
- (3) Chasing, Biting, and Scratching. An animal which chases, bites, scratches, molests, attacks or interferes with persons or other domestic animals on public property or on the private property of others;
- (4) Contagion for Disease. An animal that carries or poses an unreasonable threat of carrying or transmitting a disease to other animals or to people.
- (5) Staked Animal. An animal which is staked or tied upon any open or unfenced lot or land within the City so that the animal so tied or staked could get on, across or within eight (8) feet of any public street, park or other public land, including within eight (8) feet of any public sidewalk, right of way, or public building;
- (6) Horses/Mules on Right-of-Way. Riding a horse or mule or any other animal on a public sidewalk or within the public street right-of-way except on the paved shoulder or curb lane of the street right-of-way, unless a permit is required from the City pursuant to other applicable law; or
- (7) Estrus. Allowing any female animal while in heat to attract other animals and not being confined in a building or enclosure in such a manner that she shall not be in contact with another of its species. This section shall not be construed to prohibit the intentional breeding of animals within an enclosed area with the consent of the animal owner(s) and on the premise of the owner in accordance with the requirements as may be set forth in this Chapter
- (8) No Odor or Fly Attraction. No person may harbor, own, maintain or permit an animal on a property so as to offend a person of ordinary sensibilities living nearby or on near or adjacent property because of an offensive odor or unreasonable attraction of flies and other insects.

#### **E. Impoundment.**

- (1) Animal Shelter. The City maintains or ensures the availability of an animal shelter to impound animals which shelter shall be open to the public during normal business hours.
- (2) Animals Subject to Impoundment. Any animal found at large, found to be in violation of this Chapter or which poses an immediate danger to the general public may be impounded by the animal control authority and taken to the animal shelter.
- (3) Notification. Upon impounding an animal, the animal control authority shall make a reasonable effort to notify the registered owner and inform that person of the conditions whereby custody of the animal may be regained.
- (4) Unclaimed Animals. Animals not claimed by the registered owners within a period of three (3) days in which the animal shelter is open to the public during normal business hours shall be subject to disposal by adoption, transfer or humane

euthanasia. Notwithstanding the foregoing, the City may deviate from this timeframe consistent with this ordinance when dealing with a sick, injured, diseased, dangerous, and/or feral animal and when acting pursuant to the mutual agreement of the City and Owner of an impounded animal, in a manner consistent with this ordinance.

- (5) Sick Animals Impounded. If at any time during impoundment, the animal control authority determines an animal is in a state of disease, malnutrition, pain, suffering, or the like, the animal control authority may choose to euthanize such animal or have such animal assessed by a licensed veterinarian. When having the animal assessed by a licensed veterinarian, the animal control authority may make a determination as to the disposition of the animal after consideration of the cost of medical treatment, whether the owner of the animal can be located, whether the owner is willing or able to pay for such treatment, and whether euthanasia is recommended to prevent further suffering.
- (6) Impounded Registered Animals. If an animal which has been delivered to the City is currently registered and has an identification tag, a microchip or other identification the City shall notify the owner or person responsible for the animal by posting written notice at the address of the registered location of the animal, by telephone, by email, by regular mail or by whatever reasonable method determined appropriate by the Animal Control Authority that such animal has been impounded. Notice shall be deemed sufficient if it is given pursuant to the information provided to the City for such registration or as indicated on the identifying tag, microchip or other identifying marker.
- (7) Responsibility. Nothing in this section or in this Chapter generally shall relieve the registered owner or registered person responsible for such animal of liability for violations and any accrued charges or citations.

#### **F. Redemption.**

- (1) Any animal impounded may be redeemed by the registered owner thereof within three (3) days in which the shelter is open to the public during normal business hours upon payment of all applicable fees and signing of any citations which are to be issued. Payment of outstanding fees is not considered to be in lieu of a fine, penalty, or license fee.
- (2) Any animal confined for rabies quarantine, evidence, or other purposes, once such purposes no longer exist, may be redeemed by the owner thereof upon payment of any fees and signing of any citations, as applicable.
- (3) No animal may be redeemed until such animal is properly licensed and vaccinated when required.

### **G. Liability of Animal Owner or Owner's Agent.**

Disposal or redemption of an animal by any method specified herein does not relieve the animal owner or owner's agent of liability for violations and/or accrued charges.

### **H. Transporting Animals in Open Bed Trucks or Trailers.**

It shall be unlawful for a person to transport in an open bed pickup or an open flatbed truck or to tow in an open flatbed trailer on a public street or highway while a dog or other animal occupies the bed of the truck or trailer unless the animal is secured in a kennel or other secure vented enclosure, restrained by a harness manufactured for the purpose of restraining animals, or restrained using a chain, rope, or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.

### **I. Animal in Hot Vehicle or Trailer.**

- (1) It shall be unlawful for a person to confine an animal in a parked or standing vehicle or enclosed trailer in such a way as to endanger the animal's health, safety, or welfare. It is presumed that an animal's health, safety, or welfare is endangered when the animal is confined in a parked or standing vehicle or enclosed trailer for a period of five (5) or more minutes when the ambient outside air temperature measures at or above eighty-five (85) degrees Fahrenheit or below thirty-five (35) degrees Fahrenheit.
- (2) The Animal Control Officer, City police officer or City firefighter may take reasonable measures under the circumstances to remove an animal from a vehicle or trailer if said City official reasonably believes that an emergency exists to preserve the animal's health, safety or welfare.

### **J. Tethering of Animals.**

In addition to any state laws regarding restraining an animal by a chain, rope, tether, leash, cable, or other device to a stationary object or trolley system including those set forth in Chapter 821 of the Texas Health and Safety Code, the following requirements apply:

- (1) Only one animal may be restrained to each cable run;
- (2) There must be a swivel on at least one end of the restraint device to minimize tangling; and
- (3) When a restraint system is used to keep an animal from running at large, the tether system must be of appropriate configuration to confine the animal to the subject property.
- (4) Except as otherwise provided in this paragraph, it shall be unlawful for a person to confine an animal for a substantial portion of the day in an outdoor enclosure that provides less than forty-eight (48) square feet of space for each animal that it contains that is at least six (6) months old. It is presumed that an animal is being

confined for a substantial portion of the day if a police officer, animal control officer, code enforcement officer, or the person charged with enforcing this ordinance witnesses the animal in said enclosure at least twice on the same day at two (2) separate times that are at least five (5) hours apart.

**K. Sale of Animals.**

Except as may be allowed pursuant to other applicable law, the outdoor sale of animals is prohibited.

**L. Trapping of Animals.**

It shall be unlawful for a person to use steel jaw or leg-hold traps except in the case of mouse and rat control.

**SECTION 2: DOGS AND CATS**

**A. Rabies Vaccination And License Required.**

- (1) Licensing. Except for those dogs and cats excepted from being licensed as set forth in this section, no person shall be an owner, keeper, or harbinger of any dog or cat, over four (4) months of age within the city unless such animal is vaccinated and licensed as set forth herein.
- (2) Requirements. The following requirements apply to licensing dogs and cats:
  - (a) The animal is over four (4) months of age;
  - (b) The animal is vaccinated against rabies by a licensed veterinarian in accordance with Chapter 826 Texas Health & Safety Code;
  - (c) The following information is provided:
    - i. Name and address of pet owner;
    - ii. Description of the pet;
    - iii. Date of vaccination;
    - iv. License number;
    - v. Permanent identification, if applicable (i.e. micro chip, tattoo); and
    - vi. Other appropriate information;
  - (d) Application for a license must be made to the Licensing Authority within thirty (30) days after obtaining a dog or cat over four (4) months of age;
  - (e) Except as otherwise provided, the licensing period will be for one (1) year. Each applicant shall pay the appropriate fee annually and shall

supply all information reasonably requested on forms supplied by the City;

- (f) Licenses issued shall be of durable material and must be attached to the collar of the animal and must be worn at all times. A microchip may act as a secondary form of identification for duly licensed animals;
- (g) Licenses are not transferable to other animals; and
- (h) A license shall be issued after payment of the required fee. Persons who fail to obtain a license as required within the time period specified in this section may be subjected to a delinquent fee. License fees shall be waived for registered service dogs or government-owned dogs used by law enforcement.

(3) Exceptions. The following are excepted from the licensing provisions of this section:

- (a) licensed research facilities or animal shelters;
- (b) An animal within the city for no longer than sixty (60) days. New residents must apply for a license within thirty (30) days of establishing residency within the city;
- (c) A feral cat living in a managed feral cat colony as may be allowed pursuant to the provisions of this Chapter and where registration of the Managed Colony is substituted; or
- (d) An animal being housed in this jurisdiction temporarily following a natural or man-made disaster occurring in the animal's permanent home. This exemption is in effect for up to six (6) months, at which time the animal becomes a permanent resident of the City and becomes subject to the licensing provisions of this Chapter.

(4) Licensing by Veterinarians. When so designated and when practicable, licensed veterinarians may be authorized to license a dog or cat in accordance with the terms and conditions of this Chapter. In such instances, the veterinarians so authorized shall be responsible for determining eligibility for licensing, collection of the required information and fee, and dispensing of the license itself. In such instances, the veterinarian shall maintain records relating to such licensing and shall remit same along with the collected fees to the Licensing Authority on a regular basis.

## **B. Number of Dogs and Cats.**

(1) More than 4 Dogs and Cats Prohibited. It is unlawful to harbor more than 4 dogs and cats over the age of six months in a dwelling unit unless permitted as set forth in this section and provided such use is in accordance with the City's applicable land use regulations. In this section, Dwelling Unit has the meaning given it in the City's Unified Development Ordinance.

(2) Permit. In addition to meeting all other requirements of this chapter, a person who wants to harbor more dogs and cats than allowed above must make application and be granted a Multiple Pet Permit annually as set forth herein.

- a. Application. The application for a Multiple Pet Permit must be made on a form prescribed by the City and shall include the following information:
  - i. The name, telephone number, and physical address of the applicant;
  - ii. The total number of animals sought to be included under the permit and the species, breed, gender, and age of each animal;
  - iii. The current, valid city license number for each animal listed in the application;
  - iv. A statement affirming that the applicant is familiar with the provisions of this chapter and a promise to maintain all animals in accordance with applicable legal requirements;
  - and
  - v. Any other information the City reasonably determines is necessary to issue a permit.
- b. Fee. The City may require payment of a fee when submitting an application hereunder.
- c. Consideration of Permit. A permit shall be granted upon meeting the following criteria:
  - i. Submittal of a complete, accurate application, including payment of a fee, if any, and submittal of all required documentation;
  - ii. Applicant has not been convicted of one or more violations of this chapter or of any law relating to the care and humane treatment of animals nor has failed to appear in court in response to such a charge within the past 12 months from date of application;
  - iii. Applicant has not had a permit under this section previously revoked within the past 12 months from date of application; and
  - iv. The address to which the permit relates is not the same as one for which a permit has been revoked within the past 12 months.
- d. Revocation of Permit. A permit may be revoked in the event one or more of the following occur:
  - i. The application is incomplete, false or inaccurate;
  - ii. The permit holder is convicted, receives deferred adjudication, or pleads guilty or no contest with respect to one or more sections of this chapter or any law relating the care and humane treatment of animals or fails to appear in court to respond to such a charge; or
  - iii. The Animal Control Authority determines that specific circumstances exist indicating that it is in the best interests of the health and safety of the public to revoke the permit.
- e. Revocation Process. The process for revoking a permit granted under this section is as follows:
  - i. The Animal Control Authority shall send written notice by certified mail to the current mailing address provided by the permit holder in its application identifying the reason for revocation; and

- ii. The permit holder shall have thirty (30) days to appeal such determination in writing to the municipal court judge. A hearing shall be held before the judge. If the judge determines that the permit holder meets the criteria for revocation such judge shall order the revocation of the permit. The decision by the municipal court judge shall be in writing and shall be final.

**C. Dogs and Cats at Large.**

- (1) Except as set forth herein, it shall be unlawful for any person to allow any dog or cat to be “at large” within the City.
- (2) Colonies of feral cats may be allowed if in accordance with a registered Trap, Neuter and Release Program approved by the City.

**D. Rabies Control Authority.**

The City Council of the City shall designate an officer or contract with a public or private entity to carry out the activities required or authorized under Chapter 826 Texas Health and Safety Code and regulations relating thereto in acting as the City’s local rabies control authority. This includes following the proper procedures for quarantine, testing and vaccination protocols as may be required or authorized.

**E. Reports of Rabies.**

It is unlawful for a person to fail to notify the local rabies control authority when the person reasonably suspects an animal is rabid or capable of transmitting rabies as set forth in §826.041 Texas Health and Safety Code.

**F. Guard Dogs.**

The following requirements apply for guard dogs located in the City:

- (1) Posting sign. It shall be unlawful for any person to leave a guard dog unattended in any place in or out of a building unless a clearly visible warning sign is placed advising others of same before entering the place to which the dog has access.
- (2) Unattended guard dog. No guard dog shall be left unattended in any place except inside a building or other structure that will not allow the dog to exit such building on its own volition.
- (3) Required Fencing. No guard dog shall be let out of doors unless it is in a fenced yard with a fence adequate to prevent the dog from leaving the premises.

**G. Unlawful Release of Dog or Cat.**

It shall be unlawful to release a dog or cat that is lawfully tethered, leashed or stabled within a lot, pen or similar type of enclosure or confinement without the consent of the owner of such animal.

**SECTION 3: DANGEROUS DOGS**

- A. Dangerous Dogs.** The determination and processing of dangerous dogs in the City shall commence with an investigation conducted by the animal control authority in accordance with Chapter 822 Texas Health and Safety Code.
- B. Alternative Process.** Alternatively, the City herein elects to make available an alternative determination and processing of a dangerous dog pursuant to Section 822.0422 Texas Health and Safety Code commencing with making a report of an incident meeting the definition of dangerous dog to a city municipal court and following the procedure set forth therein.
- C. Violation Declared.**
- (1) It is a violation of this ordinance if an owner or other person harbors, keeps, or maintains a dangerous dog in the city unless the owner complies with the requirements of this ordinance and state statutes regulating dangerous dogs.
  - (2) It is a violation of this ordinance if an owner or other person harbors, keeps, maintains in the city, or brings to the city, a dog that has been declared dangerous outside of the city under one (1) or more of the following:
    - (a) Chapter 822 of the Texas Health and Safety Code;
    - (b) a local law or ordinance adopted in accordance with Chapter 822; or
    - (c) a statute or ordinance that is substantially similar to Chapter 822 and that was adopted by a political subdivision outside of the State of Texas.
- D. Dangerous Dog Incident.** A dangerous dog incident means an incident in which the dog:
- (1) Makes an unprovoked attack on a person or other animal that causes bodily injury and occurs in a place other than an enclosure in which the dog is 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.

- E. Dangerous Dog Investigation.** The animal control authority or his or her designee may investigate all reports of dangerous dog incidents. The animal control authority may accept sworn statements from all victims and witnesses to the attack.
- F. Reporting of Incident.** Dangerous dog incidents may be reported in the following ways:
- (1) A person may report an incident described in Section 3(D) (Dangerous Dog Incident) of the Code to the animal control authority.
  - (2) The animal control authority shall provide a sworn report describing the dangerous dog incident to the city attorney's office.
  - (3) The city attorney's office shall evaluate the case and determine whether to initiate a dangerous dog proceeding with the municipal court (court). If such a proceeding is initiated, the court shall order the animal control authority or his designee to seize the dog and the court shall issue a warrant authorizing the seizure. The animal control authority shall seize the dog and shall provide for the impoundment of the dog in secure and humane conditions until the court determines one (1) of the following:
    - (a) That the dog is not a dangerous dog pursuant to Section 3(G) (Hearing for Dangerous Dog Determination);
    - (b) That the dog is a dangerous dog and the court or animal control authority finds the owner has complied with the ownership of a dangerous dog pursuant to Section 3(J) (Requirements for Owner of a Dangerous Dog); or
    - (c) That the dog should be humanely destroyed or is deceased.
  - (4) The animal control authority shall furnish written notice to the owner of the dog identified in the report to inform the owner that a dangerous dog report has been filed with the court. Notice shall be by hand delivery to the owner of the dog. If the owner cannot be located, notice shall be delivered to any adult at the dog owner's last known physical address or to any adult at the residence where the dog is believed to be kept, if at a location different than the owner's physical address. The notice shall also include a statement that the owner will be notified by the court of the date and time for a hearing pursuant to Section 3(G) if this time has not yet been set by the court.
  - (5) If the court determines the dog to be a dangerous dog, the owner shall pay all costs and or fees assessed by the municipality related to the seizure and impoundment of the dog, including, but not limited to,

boarding fees, microchip procedure, city license and rabies vaccination, and the cost of euthanasia of the dog if ordered by the court.

**G. Hearing for Dangerous Dog Determination.**

- (1) The court, on receiving a report of an incident under Section 3(F) (Reporting of Incident) shall set a time for a hearing to determine whether the dog is a dangerous dog. The hearing must be held not later than the tenth (10<sup>TH</sup>) day after the date on which the dog is seized or delivered.
- (2) The court shall give written notice of the time and place of the hearing to:
  - (a) The owner of the dog or the person from whom the dog was seized;
  - (b) The person who made the complaint; and
  - (c) Any witnesses.
- (3) Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- (4) Appeals from convictions under this statute shall be handled like other appeals from convictions in municipal court.

**H. Failure to Surrender Dog.** It shall be a separate violation of this code for any person to refuse or fail to surrender a dog subject to this chapter or section, or harbor, hide or secret, transport or secure the transport of a dog subject to this section, for the purpose of preventing its impoundment.

**I. Judicial Determination that Dog is a Dangerous Dog.**

- (1) The court, after determining that the dog is a dangerous dog, shall order the animal control authority to continue to impound the dangerous dog in secure and humane conditions until such time as:
  - (a) The court orders disposition of the dog and the dog is returned to the owner,
  - (b) The court orders disposition of the dog and the dog is thereby humanely destroyed, or
  - (c) The dog is deceased.
- (2) The court shall order the animal control authority to humanely destroy the dog if the court determines after notice and hearing that the owner has not complied with the dangerous dog requirements in Section 3(J) (Requirements for Owner of a Dangerous Dog). The court shall order the authority to return the dog to the owner if the owner has fully complied with Section 3(J) either after a hearing or without a hearing based on the recommendation of the animal control authority that the owner has complied with Section 3(J).

- (3) The owner may appeal the decision of the court by following the appropriate procedures for appeal of a decision of municipal court.
  - (a) During the appeal period, the dog shall remain in the custody, care and control of the animal control authority.
  - (b) If the appeal is ultimately unsuccessful, the owner of the dog shall be responsible for the dog's impoundment fees during the period the case was being appealed.
- (4) Animal control may, at their option, request the owner of a dangerous dog to show proof, on a quarterly basis, of compliance with this division. If animal control determines that the owner of a dangerous dog has failed to comply with any requirement listed in Section 3(J) (Requirements for Owner of a Dangerous Dog), the animal control authority shall issue notice of non-compliance to the owner of the dangerous dog and said owner shall deliver the dog immediately to the animal control authority.
- (5) If the animal control authority is not in receipt of the dog within forty-eight (48) hours after delivery of the notice, then the court shall order the animal control authority or his designee to seize the dog and the court shall issue a warrant authorizing the seizure. The animal control authority shall seize the dog and shall provide for the impoundment of the dog in secure and humane conditions. After the expiration of three (3) days, if the owner of the dangerous dog has not sufficiently presented proof to the animal control authority that he or she is in compliance with Section 3(J), the animal control authority shall refer the case to the municipal court for notice and hearing as provided in Section 3(G).
- (6) Upon proof to the court of the dangerous dog owner's non-compliance, the court shall enter a final order for the humane destruction of the dog by the animal control authority or its authorized agent or a licensed veterinarian.

**J. Requirements for Owner of a Dangerous Dog.** Once a dog has been determined to be a dangerous dog, the following requirements shall apply in addition to those set forth in Chapter 822 of the Texas Health and Safety Code. The owner of a dangerous dog shall pay all costs and or fees assessed by the municipality related to the seizure and impoundment of the dog, including, but not limited to, boarding fees, microchip procedure, city license and rabies vaccination, and the cost of euthanasia of the dog if ordered by the court. Not later than the thirtieth (30<sup>TH</sup>) day after a person learns that the person is the owner of a dangerous dog, the person shall:

- (1) Registration. Register the dangerous dog with the animal control authority and pay an annual registration fee of five hundred dollars (\$500.00) for the first year and a two hundred fifty dollars (\$250.00) re-registration fee thereafter unless such dog has violated one or more provisions of this chapter during the previous year, in which case an annual renewal registration fee of five hundred dollars (\$500.00) shall be assessed;
- (2) Liability Insurance. Obtain and maintain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority;
- (3) Microchip Implant. Implant and maintain a microchip on the dangerous dog. The dog's microchip shall be registered with a national registry. The cost of the national registry service shall be at the owner's expense;
- (4) Required Leash and Collar. Restrain the dangerous dog on a leash and collar issued or approved by the City to ensure, among other things, the visibility of the dangerous dog when out in public, the security of the leash, the length of the leash, and the overall safety of the general public. Collars shall be worn by dangerous dogs at all times and collars shall remain visible at distances of at least fifty (50) feet in normal day light so that the dog can be readily identified as dangerous;
- (5) Physical Control. Be in physical control of the dangerous dog when restrained on a leash and the person in physical control of the leash must be at least 17 years of age;
- (6) Required Muzzle. Secure the dangerous dog with a muzzle 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 when the dangerous dog is taken off the property of the owner for any reason;
- (7) Secure Enclosure. Restrain the dangerous dog at all times in a secure enclosure, as defined in Section 1(A) (Definitions; Secured Enclosure), when the dangerous dog is not restrained on a leash. The enclosure shall be posted with signs on all sides in four-inch letters warning of the presence of a dangerous dog and shall include a symbol of dangerous dogs understandable by young children;
- (8) Spay or Neuter. Surgically spay or neuter the dangerous dog and show proof of such to the animal control authority;

- (9) Rabies Vaccinations and Licenses. Maintain current rabies vaccinations and proper licenses on the dangerous dog;
- (10) Change of Address. Notify the animal control authority within fourteen (14) days of a change of ownership or change of address of the dangerous dog;
- (11) Notifications to 3<sup>rd</sup> Parties. Notify any boarding facility, caretaker, veterinary clinic or animal trainer that the dog is dangerous prior to going to such location or person and shall notify the animal control authority of the same;
- (12) Notification to Animal Control. Notify the animal control authority when the dangerous dog is no longer owned by the registrant or is deceased.

## **SECTION 4: LIVESTOCK, BIRDS, EXOTIC ANIMALS AND WILD ANIMALS.**

### **A. Keeping of Domestic Livestock.**

Keeping of domestic livestock is allowed in accordance with the zoning land use regulations of the City set forth for an AO-Agricultural Open zone and an A-OR/ Rural Residential Subdivision zone as same may from time to time be amended and by meeting the regulations in this chapter. When allowed pursuant to the zoning land use regulations of the City, the following additional requirements apply for domestic livestock:

- (1) Not allowed to be at large. Domestic livestock shall be kept within structures or enclosures or lawfully tethered and not permitted to run at large;
- (2) Avoid creation of health hazard. An owner of domestic livestock shall be responsible for the proper pickup and disposal of all animal feces. Feces must be removed often enough so that there is no odor or fly attraction which would disturb a person of normal sensibilities or otherwise constitute a health hazard;
- (3) Distance requirements. The structure or enclosure within which the livestock may be confined shall be not less than one hundred feet (100') from any structure used for human occupancy, except the dwelling occupied by the owner of the domestic livestock. A deviation from this distance may be considered upon the owner making proper application before the Zoning Board of Adjustment.
- (4) Contact information. The owner of the livestock shall post their contact information at all entrances to the livestock enclosure, including their name, address, and telephone numbers.

- (5) Proof of vaccinations. The owner of the domestic livestock shall make available to the animal control authority proof of current vaccinations as may be required pursuant to applicable law, including Brucellosis for all cattle 18 months of age and over except steers and spayed heifers per Texas Administrative Code Title 4, Part 2, Chapter 35, as amended, and a negative test for Equine Infectious Anemia for horses, mules, and donkeys as required under Texas Administrative Code Title 4, Part 2, Chapter 49, as amended, for horses at an event or gathering, horses in stables or breeding farms, or any horse that has had a change of ownership.

## **B. Fowl.**

- (1) Keeping allowed without permit. Keeping of fowl is allowed in accordance with the zoning land use regulations of the City set forth for an AO-Agricultural Open zone and an A-OR/ Rural Residential Subdivision zone as same may from time to time be amended and by meeting the regulations in this chapter.
- (2) Keeping allowed with permit. Keeping of fowl is allowed in all single-family residential zones consistent with the land use regulations therein for such zone as same may from time to time be amended, and upon issuance of a permit and by meeting other applicable regulations as set forth herein.
- (a) Permit requirements. The following is required to be issued a permit for keeping of fowl in a single-family residential zone:
- (i) An application must be completely and accurately filled out and submitted to the City identifying the location, contact information for the owner of the property and the owner of the fowl, type and number of fowl, type of enclosure, distance from adjacent residences other than applicant's, and other pertinent information; and
  - (ii) Payment of a fee as may be imposed by the City Council.
- (b) Additional requirements. A person with a lawfully issued permit may keep, harbor, own, or maintain up to 10 chicken or turkey hens except more may be allowed if the person is lawfully involved in an Agricultural Youth Project under the supervision of a county extension agent, interest group leader or agriculture teacher employed by the independent school district and:
- (i) Chickens are kept no longer than 75 days and turkeys are kept no longer than 190 days; and
  - (ii) Chickens and turkeys are housed in a sanitary manner so that they are not a nuisance to others.
- (3) Keeping fowl in enclosures. It shall be the duty of the owner of fowl to keep same enclosed in such manner that the fowl cannot go upon public streets, highways, alleys, rights of ways or parkways of the City, or upon the private

property of others. Any enclosure that houses fowl must be at least one hundred (100) feet from any dwelling other than the dwelling occupied by the owner of the fowl. A deviation from this distance may be considered upon the owner making proper application before the Zoning Board of Adjustment.

- (4) Roosters prohibited. It is unlawful to own, keep, harbor, or to maintain or to possess a rooster within the City limits.

### **C. Birds.**

It shall be the duty of the person owning, or having within his management or control, any birds including fowl, including but not limited to fowl, pheasants, quail, peacocks, doves, parrots, tropical birds, falcons, hawks and similarly feathered animals, to keep same enclosed upon his own premises in such manner that such birds cannot go upon the public streets, highways, alleys, rights of ways, parks or parkways of the City, or upon the private property of others unless first obtaining written permission from the property owner.

### **D. Hogs and Pigs Prohibited.**

- (1) Prohibited. It shall be unlawful for any person to maintain and keep any hog, or pig within the City except as may be allowed pursuant to the City's zoning ordinance and except for pot-bellied pigs as set forth below.
- (2) Pot-bellied pigs. Pot-bellied pigs are permitted to be in the City in accordance with the provisions set forth herein:
- (a) No more than two pot-bellied pigs may be kept on any one parcel or tract of land in a residentially zoned district and in accordance with applicable land use regulations;
  - (b) Pot-bellied pigs are permitted in only residentially or agriculturally zoned districts;
  - (c) The premises where any such pigs are kept shall be kept clean and free of all offensive odors, flies, rodents or other pests. Droppings shall be placed in the suitable container and disposed of on a regular basis;
  - (d) No such pigs may be bred within a residentially zoned district;
  - (e) All male pot-bellied pigs in the City in a residentially zoned district must be neutered;
  - (f) All pot-bellied pigs must have their tusks either surgically removed or trimmed so as to be blunted at all times;
  - (g) All pot-bellied pigs must be vaccinated against communicable diseases and in accordance with general guidelines from the American Veterinary Medical Association;
  - (h) All such pigs must be licensed by the City upon making proper application as set forth herein and upon the payment of an annual license fee as may

be set by the city council. In order to obtain a license, the owner of the pig must present the following:

- i. Proof that the pig, if male, is neutered if located in a residentially zoned district and that the tusks are either trimmed as required above or have been surgically removed;
  - ii. The address and property description where the pig will be kept;
  - iii. The name and contact information of the owner;
  - iv. The approximate weight, height, gender, general health and age of the animal; and
  - v. Immunization records as required.
- (i) All such pigs shall display the City license affixed to a collar at all times.

## **E. Rabbits.**

(1) Keeping allowed without permit. Keeping of rabbits is allowed in accordance with the zoning land use regulations of the City set forth for an AO-Agricultural Open zone and an A-OR/ Rural Residential Subdivision zone as same may from time to time be amended and by meeting the regulations in this chapter.

(2) Keeping allowed with permit. Keeping of rabbits is allowed in all single-family residential zones consistent with applicable land use regulations, and upon issuance of a permit and by meeting other regulations as set forth herein.

(a) Permit requirements. The following is required to be issued a permit for keeping of rabbits in a single-family residential zone:

- (i) An application must be completely and accurately filled out and submitted to the City identifying the location, contact information for the owner of the property and the owner of the rabbits, type and number of rabbits, type of enclosure, distance from adjacent residences other than applicant's, and other pertinent information;
- (ii) Payment of a fee as may be imposed by the City Council.

(b) Additional requirements. A person with a lawfully issued permit may keep, harbor, own, or maintain on his or her premises up to 10 rabbits except more may be allowed if the person is lawfully involved in an Agricultural Youth Project under the supervision of a county extension agent, interest group leader or agriculture teacher employed by the independent school district and the rabbits are kept no longer than 180 days.

(3) Keeping rabbits in enclosures. It shall be the duty of the owner of rabbits to keep same enclosed upon his own premises in such manner that the rabbits cannot go upon public streets, highways, alleys, rights of ways or parkways of the City, or upon the private property of others. Any enclosure that houses rabbits must be at least one hundred (100) feet from any dwelling other than the dwelling occupied by the owner of the rabbits unless the person is lawfully involved in an

Agricultural Youth Project under the supervision of a county extension agent, interest group leader or agriculture teacher employed by the independent school district in which case there shall be no distance requirement. In other instances, a deviation from the distance requirement may be considered upon the owner making proper application before the Zoning Board of Adjustment.

#### **F. Ferrets.**

- (1) General. It is unlawful to harbor more than two ferrets over the age of six months in a dwelling unit. Such ferrets must be permitted as set forth in this section and be in accordance with the City's applicable land use regulations. In this section, Dwelling Unit has the meaning given it in the City's Unified Development Ordinance.
- (2) Vaccination requirements. Ferrets must be currently vaccinated against rabies at all times.
- (3) Permit requirements. The following is required to be issued a permit for ferrets:
  - (a) An application must be completely and accurately filled out and submitted to the City identifying the location, contact information of the owner and occupant of the dwelling unit, type and number of ferrets at such dwelling unit, type of enclosure, proof of vaccination, and other pertinent information; and
  - (b) Payment of a fee as may be imposed by the City Council.

#### **G. Ostriches, Emus, and Rheas Prohibited.**

Notwithstanding any provision to the contrary, it shall be unlawful for any person to maintain and keep any ostrich, emu or rhea within the city limits.

#### **H. Keeping of Certain Animals Prohibited.**

It shall be unlawful for a person to sell, offer for sale, barter, trade, keep, own, maintain, use or have in a person's possession or on premises under such person's control any of the following:

- (1) Any dangerous animal except as provided in Section 3(J), pursuant to a final determination that the animal is dangerous; or
- (2) Any prohibited animal as defined under Section 1(C), unless that person is a person as exempted by Section 822.102, Subchapter E, Dangerous Wild Animals, of the Texas Health and Safety Code, as amended.
  - (a) A prohibited animal is exempt from this section if:
    - I. The animal(s) belongs to a bona fide zoological park, circus, educational institution, museum, licensed laboratory, publicly owned nature center, or animals kept by bona fide members of

an educational or scientific association or society approved by the animal control authority, or persons holding permits from an agency of the State of Texas or the United States for the care and keeping of animals for rehabilitation purposes. If a person holds a permit from the Texas State Department of Parks and Wildlife to operate a wildcare center in the city, the permit holder must also comply with the city comprehensive zoning ordinance, as amended, and must keep any and all animals or reptiles in cages of sufficient size, construction and strength to restrain the animal or reptile at all times; or

- II. The animal is an assistance or service animal as defined herein, that has been registered with the city and has provided to the animal control authority:
  1. Records of vaccination appropriate for the species of animal;
  2. Documentation from a veterinarian that the animal is healthy;
  3. Proof of proper restraint for the animal; and
  4. Proof that the animal has been or is being trained to perform tasks of an assistance or service animal.

#### **I. Harboring Exotic Animals, Including Exotic Livestock.**

Unless expressly prohibited elsewhere in this Chapter, exotic animals, including exotic livestock, shall be allowed in accordance with applicable laws, including zoning regulations; provided they are vaccinated against communicable diseases and in accordance with general guidelines from the American Veterinary Medical Association.”