

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS AMENDING SECTION 6-1 OF THE CODE OF ORDINANCES TO ADD A DEFINITION OF THE TERMS “DANGEROUS DOG” “COMMUNITY CAT”, COMMUNITY CAT CAREGIVER”, “EAR TIP”, SHELTER-NEUTER-RETURN”, AND “TRAP-NEUTER-RETURN”; AMENDING SECTION 6-89 RELATING TO COMMUNITY CAT MANAGEMENT; ADDING SECTION 6-90 RELATING TO OBLIGATIONS FOR OWNERS OF DANGEROUS DOGS; ADDING SECTION 6-91 DESIGNATING THE FAILURE TO COMPLY WITH SECTION 6-90(A) AS A CLASS C MISDEMEANOR; ADDING SECTION 6-92 CREATING CERTAIN DEFENSES TO THE PROSECUTION OF AN OFFENSE UNDER SECTION 6-90 OR SECTION 6-91

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS AS FOLLOWS:

Section 1. The following definitions of “Dangerous dog,” “Community Cat,” Community Cat Caregiver,” “Ear Tip”, “Shelter-Neuter-Return”, and Trap-Neuter-Return” are added to Section 6-1 of the Code of Ordinances:

- 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.
- B. *Community Cat* means a free-roaming cat, that may or may not be feral, who may be cared for by one or more residents of the immediate area who is/are known or unknown.
- C. *Community Cat Caregiver* means a person who, in accordance with and pursuant to a policy of Trap-Neuter-Return, provides care, including food, shelter, or medical care to a community cat, while not being considered the

owner, harborer, controller, or keeper of a community cat. To be classified as a Community Cat Caregiver, a person must be registered with the City of Gatesville.

- D. *Ear Tip* means the removal of the distal one-quarter of a community cat's left ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally small in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under supervision of a licensed veterinarian. Ear tips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.
- E. *Shelter-Neuter-Return* means the involvement of the shelter in Trap-Neuter-Return program with feral cats impounded in the shelter, to include, sterilizing, vaccinating for rabies, ear tipping and/or microchipping, and returning to their environment.
- F. *Trap-Neuter-Return* means the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping and /or microchipping and returning feral cats to their original location.

Section 2. The title of Section 6-89 is changed and amended to read as follows: 6-89
Community Cat Management

- A. A Community Cat Caregiver may trap one or more Community Cats for the sole purpose of sterilizing, vaccinating for rabies, and ear tipping community cats, in compliance with any applicable federal or state law, and under supervision of a licensed veterinarian, where applicable.
- B. An ear tipped cat received by Animal Control may be returned to the location where trapped unless veterinary care is required, or at the direction of the Animal Control Supervisor. A trapped ear tipped cat may be released on site unless veterinary care is required, or at the discretion of the Animal Control Officer.
- C. Community Cat Caregivers are empowered to reclaim impounded ear tipped community cats without proof of ownership solely for the purpose of carrying out Trap-Neuter-Return and/or returning ear tipped community cats to their original location.
- D. A person who returns a community cat to its original location while conducting Trap-Neuter-Return is not deemed to have abandoned the cat.
- E. To become a Community Cat Caregiver, a person must register with the City Secretary of the City of Gatesville. Registration forms shall be made available at City Hall. Each person seeking Community Cat Caregiver status shall complete the Community Cat Caregiver form annually. Registration is valid for the calendar year during which the registration is made. A person may

register for the forthcoming year after November 1 of each year. There shall be no fee for this registration.

F. A Community Cat Caregiver shall implement proper management and sterilization practices to include culling sick and injured cats and providing a rabies vaccination and other necessary immunizations.

G. It shall be unlawful to feed Community Cats on city-owned or public property, to include roadways, alleys, easements, right-of-ways, and sidewalks. Food will be placed in bowls, plates, pans, or similar utensils to contain the food; food shall not be poured on the ground for the purpose of providing food. Paper or plastic feeding utensils must be discarded after use so litter does not accumulate.

H. Feeding on private property shall only occur with authorization from the property owner or an authorized agent.

I. Community Cats that become nuisance animals, may be humanely euthanized by Animal Control or a licensed veterinarian if no other solutions can be found.

Section 3. New Sections 6-90, 6-91 and 6-92 are added to the Code of Ordinances as follows:

Sec. 6-90. Dangerous Dogs

A. Requirements for Owner

(1) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

(a) Register the dangerous dog with the animal control authority for the area in which the dog is kept;

(b) Restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure; and

(c) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person.

(2) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

(a) The owner knows of an attack described in section 6-1; or

(b) The owner is informed by the animal control authority that the dog is a dangerous dog.

(3) If a person reports an incident described by section 6-1, the animal control authority may investigate the incident. If, after receiving the sworn

statements of any witnesses, the animal control authority determines the dog is a dangerous dog, it shall notify the owner of that fact.

(4) An owner, not later than the 30th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control authority to a justice or municipal court of competent jurisdiction. An owner may appeal the decision of the justice or municipal court in the same manner as appeal for other civil cases.

B. Attack.

(1) A person commits an offense 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.

(2) An offense under this section is a class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a class A misdemeanor.

(3) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person listed in Health and Safety Code § 822.003.

(4) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000.00. An attorney having civil jurisdiction in the county or an attorney for a municipality where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the county or municipality.

Sec. 6-91. Violations of division.

A. A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with section 6-90 (a).

B. An offense under this section is a class C misdemeanor.

Sec. 6-92. Defense to prosecution.

A. It is a defense to prosecution under section 6-90 or 6-91 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.

B. It is a defense to prosecution under section 6-90 or 6-91 that the person is an employee of the institutional division of the state department of criminal

justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.

The foregoing Ordinance No. 2022-08 was read the first time and passed to the second reading on the 13th day of September, 2022.

The foregoing Ordinance No. 2022-08 was read the second time and passed to the third reading on the 27th day of September, 2022.

The foregoing Ordinance No. 2022-08 was read the third time and was passed and adopted as an Ordinance of the City of Gatesville, Texas on the 15th day of November, 2022.

ATTEST:

THE CITY OF GATESVILLE, TEXAS


WENDY COLE, CITY SECRETARY

BY: 
GARY M. CHUMLEY, MAYOR

APPROVED AS TO FORM AND SUBSTANCE:


CHARLES D. OLSON, CITY ATTORNEY

