

Chapter 10 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 10-1. - Definitions.

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

Abandonment shall mean to desert or to leave without care, food, shelter, or a continuous source of clean water for a period of 24 hours or more.

Animal shall mean any member of the group of living beings belonging to the subphylum vertebrate, specifically excluding human beings. Animals shall include any and all types, both domesticated and wild, male and female, warm and cold blooded.

Animal control authority shall mean the person or persons designated by the city manager or applicable state law to enforce this chapter.

Animal establishment shall mean any pet shop, grooming shop, kennel or animal shelter, in which dogs, cats and/or other animals are confined except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of U.S. Public Laws 89544 and 91579.

Animal shelter shall mean a facility designated or recognized by the city for the purpose of impounding and caring for animals.

At large shall mean to be free of physical restraint beyond the boundaries of the premises of the owner.

Cat shall mean any member of the family *Felis domestica*.

Community Cat shall mean a cat that is abandoned, stray, lost, or feral.

Community Cat Caregiver means a person who, in accordance with Trap-Neuter-Return, provides care, including, food, shelter or medical care to a community cat. A community cat caregiver shall not be considered the owner, caretaker, custodian, harbinger, or keeper of a community cat.

Coyote hybrid shall mean an animal that is the offspring created by the mating of a coyote with a noncoyote animal, or is shown to be a coyote hybrid by the testimony of a licensed veterinarian or animal control officer, or is represented to be a coyote hybrid by a person who owns or exercises control or custody of said animal.

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Dangerous animal shall mean an animal that:

1. Makes an unprovoked attack that causes bodily injury to a person, and occurs in a place other than an enclosure in which the animal was being kept; such enclosure being reasonably secure so as to prevent the animal from leaving the enclosure on its own; or
2. Commits unprovoked acts in a place other than an enclosure in which the animal was being kept; such enclosure being reasonably secure so as to prevent the animal from leaving the enclosure on its own; and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person.

Dog shall mean any member of the family *Canis familiaris* excluding wolf hybrids which contain any percentage of wolf.

Domestic animal shall mean a tame, gentle animal (including *Felis domestica* and *Canis familiaris*), caged birds, amphibians, fish, reptiles other than poisonous or dangerous reptiles; small caged rodents, and *P. furus* (the common ferret).

Eartipping means the removal of the ¼ inch tip of a community cat's ear, performed while the cat is under anesthesia, to identify the community cat as being sterilized and lawfully vaccinated for rabies.

Fowl or birds shall mean all animals belonging to the class of *Aves* including members of the parrot family and all game birds such as, but not limited to, the following: dove, quail, duck, goose, pigeon, cardinal, blue jay, robin, sparrow, blackbird and crow.

Investigator shall mean a person employed by or approved by the animal control authority who determines whether there has been a violation of an ordinance.

Kennel shall mean an establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats.

Lawful fence shall mean one of the following:

1. A fence with a minimum of three strands of barbed wire at least four feet high with strong posts every 15 feet and at least one or more sturdy stays between the posts;
2. A fence with pickets four feet high and not more than six inches apart;
3. A fence with three boards not less than five inches wide and one inch thick or four rails provided the fence is at least four feet high;
4. A fence constructed of a pipe, which demonstrates a sufficient strength and height to restrain the animal which is being contained; or

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5. A fence of chain-link at least four feet high.

All fencing must be in good repair (sufficient for the breed) and may not include trash (including, but not limited to, doors, mattress springs, etc.).

License shall mean a tag on collar and/or implanted microchip for identification renewed with licensing authority annually.

Licensing authority shall mean the agency or department of the city or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this chapter. The city manager shall designate the licensing authority.

Livestock shall mean domestic animals generally used or raised on a farm for profit, work, or pleasure, including, but not limited to, cattle, sheep, pigs, bulls, stallions, mares, geldings, jacks, jennies, hogs, and llamas.

Livestock management facility shall mean any on-farm breeding operation, on-farm animal feeding operation, on-farm livestock shelter or on-farm milking and accompanying milk handling area.

Neutered shall mean rendered permanently incapable of reproduction.

Owner shall mean any person who has a right of property to an animal, keeps or harbors an animal, has an animal in their care, acts as custodian of an animal, or who permits an animal to remain on or about his or her premises.

Person shall mean any individual, firm, corporation, partnership, other business unit, society, association or other legal entity, any public or private institution, the state, or any municipal corporation or political subdivision of the state.

Pet shop shall mean an establishment engaged in the business of buying or selling, at retail, animals for profit-making purposes.

Residential purposes shall mean any property utilized as multifamily, four-plex, triplex, duplex or single-family dwelling.

Restraint shall mean that an animal shall be considered under restraint if it is within a secured enclosure, secured by a leash or lead, or under the physical control of a responsible person.

Trap-Neuter-Return means the process of humanely trapping, sterilizing, vaccinating for rabies, ear-tipping, and returning community cats to their original location.

Unprovoked attack or acts shall mean an attack or act by an animal which took place even though the person that was attacked did not do anything to cause or encourage the attack or act.

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Wild animals shall mean all undomesticated animals including, but not limited to, lions, tigers, bears, wolves, wolf hybrids, coyote, coyote hybrids, apes, monkeys, foxes, baboons, all forms of poisonous or dangerous reptiles, skunks, and squirrels.

Wolf hybrid shall mean a canid that is the offspring created by the mating of a wolf with a nonwolf animal, or is shown to be a wolf hybrid by the testimony of a licensed veterinarian or an animal control officer, or is represented to be a wolf hybrid by a person who owns or exercises control or custody over said animal.

Sec. 10-2. - Enforcement.

- a. It shall be the duty of the animal control authority or any duly licensed peace officer to carry out all applicable provisions of this chapter and to pick up and impound all animals found to be in violation of this chapter.
- b. Any offense of this chapter will be considered a nonculpable offense, unless the article or section specifically sets out the necessary culpability for the offense.

Sec. 10-3. - Interference.

It shall be unlawful for persons to interfere with, hinder or molest any agent of the animal control authority in the performance of any duty as herein provided. It shall also be unlawful for any person to remove an animal from or inflict damage upon a humane live trap set by the animal control authority.

Sec. 10-4. - Records to be kept.

The animal control authority or other impoundment facility shall keep a record for a period of one year giving the description of all animals impounded by the animal control authority, the date of impounding, the date of sale or other disposition, whether sold or otherwise disposed of, the amount realized for such animal and the name and address of the purchaser.

Sec. 10-5. - Redemption.

The owner of any impounded animal may reclaim same by signing any citations issued for alleged violations of this chapter and paying all impoundment fees, fines and other accrued expenses.

Sec. 10-6. - Disposal of unredeemed, impounded animals.

The animal control authority shall at his or her discretion dispose of in accordance with state law all animals impounded in the animal shelter.

Sec. 10-7. - When owner of premises may impound stock.

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If any livestock are found upon the premises of anyone, the owner or occupant of the premises shall have the right to confine such animal until he or she can notify the animal control authority to come and impound such animal, provided the same is done in a reasonable time. When so notified, it shall be the duty of the officers to at once cause such animal to be impounded as herein provided.

Sec. 10-8. - Willfully causing animals to be impounded; release when owner not responsible.

Whenever the animal control authority shall become satisfied that any animal has been willfully released from any stable, lot or pen, or has been driven into prohibited territory by any person other than the owner with the intention of having the animal impounded to injure the owner thereof, the animal control authority shall have the discretion to order such animal so impounded released without cost.

Sec. 10-9. - Animal fights; fighting paraphernalia.

- a. It shall be unlawful for any person to keep, or use, or in any way be connected with, or interested in the management of any place used for the purpose of fighting animals. It shall be unlawful for any person to receive money for the admission of any person to any place kept or used for the purpose of fighting animals, or to permit or suffer any place belonging to or under his or her control to be so kept or used. It shall be unlawful for any person to aid, encourage, assist, or arrange for an animal fight, or to issue a challenge for the purpose of bringing about an animal fight.
- b. It shall be unlawful for any person to have on their person or property any paraphernalia used in fighting, including but not limited to fighting rings, break sticks, fighting knives, or training facilities used to prepare animals for fighting.
- c. It shall be unlawful for any person to raise, breed, maintain, or harbor any animal which is used or intended to be used for fighting.

Sec. 10-10. - Tying or staking near streets, public buildings, etc.; impounding.

It shall be unlawful for any animal to be tied or staked 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 feet of any street, park, or other public land, or within eight feet of any sidewalk, public pass way, or building. Such animal so tied or staked shall be considered dangerous to the public in general and declared a nuisance, and shall be impounded as any other animal found running at large.

Sec. 10-11. - Abandonment of animals.

It shall be unlawful for any person to abandon an animal in the city. Abandoned animals shall be impounded. **Participating in Trap-Neuter-Return shall not constitute abandonment.**

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Sec. 10-12. - Slaughtering animals.

It shall be unlawful for any person to maintain any property for the purpose of slaughtering any animal, except those establishments that have been duly licensed to slaughter animals under the laws of the state and applicable city ordinances.

Sec. 10-13. - Animals biting, scratching or attacking any person.

The owner of any animal that bites, scratches or attacks any person, when the person bitten was not trespassing upon the property of the owner of the animal, shall be guilty of violating this Code.

Sec. 10-14. - Animals barking or howling.

It shall be unlawful for any person to harbor or keep on his or her premises or in or about his or her premises under his or her control, any animal which by loud or unusual barking or howling, or by noise of any type, causes the peace and quiet of the neighborhood or the occupants of adjacent premises to be disturbed.

Sec. 10-15. - Sanitary condition of pens.

- a. It shall be unlawful for any person to maintain any pen, enclosure, pound or area for any animal in an unsanitary manner.
- b. The keeper of any pen shall be responsible for the pickup and disposal of all animal feces found in such pen. Feces must be removed often enough so that there is no odor or fly attraction to the enclosure which would disturb a person of normal sensibilities or to constitute a health hazard to humans.

Sec. 10-16. - Hogs and pigs prohibited.

It shall be unlawful for any person to maintain and keep any hog or pig within the city.

Sec. 10-17. - Riding animal on sidewalks and streets prohibited.

It shall be unlawful for any person to ride 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 has been obtained from the city.

Sec. 10-18. - Harboring wild animals.

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- a. It shall be unlawful for any person to keep or harbor any wild animal within the city, except commercial establishments dealing in the sale of these animals and zoos that have proper facilities for restraint and care of these animals.
- b. The animal control authority or the local health authority under the Texas Health and Safety Code may set up conditions under which it would be permissible to keep or harbor wild animals in the city on a temporary basis.

Sec. 10-19. - Livestock enclosures.

- a. *Location.* It shall be unlawful for any person to keep and maintain any mule, donkey, horse, mare, colt, bull, calf, sheep, goat, cattle or other livestock at a distance closer than 50 feet from the foundation of any structure used for human occupancy.
- b. *Size; access.* It shall be unlawful for any person to keep and maintain any mule, donkey, horse, mare, colt, bull, calf, sheep, goat, cattle or other livestock on a lot or parcel of land that does not contain at least 6,000 square feet of ground per animal, specifically excluding the area on which the structure used for human occupancy is situated and specifically excluding the area within the 50-foot distance from any structure used for human occupancy. Each animal must have access to at least 6,000 square feet.
- c. *Food and water.* All livestock must have adequate food for its size and breed and must have a continuous source of clean wholesome water.
- d. *Tethered or staked out livestock.* All livestock must be staked out or be within a lawful fence. Livestock which are tethered or staked out must have access to 6,000 square feet and be properly wearing a halter for that breed and size of livestock to which the tether or rope is attached. Livestock which is tethered or staked and becomes tangled so that its lead is shortened so that the livestock does not have access to 6,000 square feet is a violation of this article.

Sec. 10-20. - Proximity of poultry enclosures to dwellings.

Any enclosure that houses poultry or other domesticated fowl must be at least 50 feet from any building intended for human occupancy, except the dwelling occupied by the owner of the fowl. All fowl or poultry must be provided with adequate food and a continuous source of clean, wholesome water.

Sec. 10-21. - At large—Animals generally.

- a. It shall be unlawful for an animal to be at large within the city. When an animal is found at large and its ownership is verified by the animal control authority, the authority may exercise the option of serving the owner with a citation, and/or impounding the animal.
- b. The city shall establish a prima facie case by proving the ownership of the animal and that the animal was at large.

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- c. The animal control authority shall have the right to pursue and apprehend a free roaming animal onto private property without first requesting permission from the owner of the property or without obtaining a search warrant.
- d. *This section shall not apply to community cats.*

Sec. 10-22. - Same—Fowl.

- a. It shall be the duty of the person owning, or having within his or her management or control, any chickens, turkeys, geese, or other domestic fowl, to keep same enclosed upon his or her own premises in such manner that same cannot go upon the public streets, highways, alleys or parkways of the city, or upon the private property of others.
- b. It shall be unlawful for any person owning or having under his or her control or management any chickens, turkeys, geese, or other domestic fowl, to allow same to be at large within the city.
- c. It shall be unlawful for any person to maintain and keep any ostrich or emu within the city.

Sec. 10-23. - Traps.

No person shall set any form of trap which causes bodily harm by the nature of the trap, including leg hold traps, body traps, or any trap other than humane live cage traps that have been approved by the animal control authority. All humane live cage traps may be used for the purposes of Trap-Neuter-Return.

Sec. 10-24. - Animals left in vehicles.

It shall be unlawful to leave an animal in a vehicle at a time when the temperature is above 75 degrees Fahrenheit and the animal is showing signs of distress.

Secs. 10-25—10-51. - Reserved.

ARTICLE II. - DOGS AND CATS

Sec. 10-52. - Rabies vaccination and license.

- a. *Required; exception.* Except as otherwise provided, no person shall own, keep, or harbor any dog or cat over four months of age within the city unless such dog or cat is vaccinated and licensed. The provisions of this section do not apply to animals owned by a licensed research facility or government operated animal shelter.
- b. *Vaccination by licensed veterinarian.* All dogs and cats shall be vaccinated against rabies by a licensed veterinarian in accordance with V.T.C.A., Health and Safety Code § 826.021.

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- c. *Licensing authority to designate veterinarians to collect registration fee.* The licensing authority shall designate, when practicable, licensed veterinarians to collect the annual licensing registration fee. A licensed veterinarian who has been so designated shall, when practicable, register dogs and cats and collect the annual licensing registration fee under the following terms and conditions:
 1. *Issuance of license and tag; information to be sent to licensing authority.* If a licensed veterinarian vaccinates a dog or cat for rabies, he or she shall collect the annual licensing registration fee when practicable, issue a rabies vaccination tag and a license as appropriate, and send to the licensing authority a copy of a form which shall include the following information:
 - a. Name and address of pet owner;
 - b. Description of the pet;
 - c. Date of vaccination;
 - d. License number;
 - e. Other appropriate information.
 2. *Licensing authority to provide forms, tags and collection procedure.* A licensed veterinarian who has been designated to collect the annual licensing registration fee shall have all necessary forms and tags for registration provided to him or her by the licensing authority. The licensing authority shall establish a collection procedure for the fees, a format for the tags and shall record all dogs and cats registered, the name of the owner and other appropriate information.
- d. *Time limit for license application; exception.* Application for a license must be made within 30 days after obtaining a dog or cat over four months of age. This requirement will not apply to a nonresident keeping a dog or cat within the city for no longer than 60 days. New residents must apply for a license within 30 days of establishing residency.
- e. *License period; license to be attached to collar; transferability; records.* Except as otherwise provided, the licensing period shall be for one year. Each applicant shall pay the appropriate fee annually and shall supply all information reasonably requested on forms supplied by the licensing authority. Licenses furnished by the licensing authority shall be of durable material. A license issued for a dog or cat must be attached to the collar of the animal and must be worn at all times. Licenses are not transferable. A record of all licenses issued shall be maintained by the licensing authority; and such records shall be available to the animal control authority. Records are to be kept for five years.
- f. *Failure to obtain license.* 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 will be subjected to a delinquent fee.
- g. *Waiver of license fee.* License fees shall be waived for dogs serving the blind, deaf, or other persons with disabilities as defined by law, or government-owned dogs used for law enforcement. All other licensing provisions shall apply.
- h. *Vaccination by out of town veterinarian.* Upon receipt of the appropriate forms and payment of the scheduled fee, the licensing authority shall provide a license for dogs and cats vaccinated by out-of-town veterinarians. In which case, said license will be valid until the rabies vaccination is due again by state law.

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- i. *Tag required.* It shall be unlawful for any person to have a dog or cat in their care, custody or control which does not have a current vaccination tag and a license on the dog or cat.

Sec. 10-53. - Nuisances.

- a. All dogs and cats, **excluding community cats**, shall be kept under restraint.
- b. No dog or cat shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this article.
- c. A dog or cat shall be considered a nuisance if it damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous or offensive conditions; causes a disturbance by excessive barking or other noisemaking; or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

Sec. 10-54. - Impoundment.

- a) *Notification of owner; unclaimed animals.* Any dog or cat found at large, **excluding community cats**, shall be impounded by the animal control authority in an animal shelter. Immediately upon impounding a dog or cat, the animal control authority shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs and cats not claimed by their owners within a period of three full days in which the shelter is open to the public shall become the property of the animal shelter. Wild cats, dogs, and wildlife (which is not protected by federal law) shall become the property of the animal shelter upon receipt of any of the above-mentioned animals by the animal shelter. The animal shelter shall be entitled to dispose of such animals by adoption, humane euthanasia, **Trap-Neuter-Return**, or in such manner as previously agreed upon between the city and the owner of the animal hospital or shelter.
- b) *Pursuit of dog or cat onto private property.* The animal control authority shall have the right to pursue and apprehend a free roaming dog or cat onto private property without first requesting permission from the owner of the property or without obtaining a search warrant.
- c) *Citation of owner.* When a dog or cat is found at large and its ownership is verified by the animal control authority, the authority may exercise the option of serving the owner with a citation and/or impounding the animal. The city shall establish a prima facie case by proving the ownership of the animal and that it was at large.
- d) *Care; owner liability.* In the event that the animal control authority finds dogs or cats to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when necessary to prevent further

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suffering. Return of the animal to the owner may be withheld until the owner shall have made full payment for all expenses so incurred.

- e) *Disposal not to relieve owner of liability.* Disposal of a dog or cat by any method specified herein does not relieve the owner of liability for violations and any accrued charges or citations.

Sec. 10-55. - Redemption.

- a. Any dog or cat impounded may be redeemed by the owner thereof within three full days in which the shelter is open to the public upon payment of an impoundment fee and signing any citations which are to be issued. If any such animal has been previously impounded, the impoundment fee shall be raised. Payment of impoundment fees is not considered to be in lieu of a fine, penalty or license fees.
- b. Any dog or cat confined for rabies quarantine, evidence or other purpose may be redeemed by the owner thereof upon payment of a fee. Disposal of a dog or cat by any method specified herein does not relieve the owner of liability for violations and accrued charges.
- c. No dog or cat required to be licensed or vaccinated under this article may be redeemed until provisions for such licensing and vaccination have been fulfilled.

Sec. 10-56. - Licensing fees.

Any and all licensing fees required by this chapter shall be set by resolution of the city council and are on file in the city secretary's office. The resolution shall also determine the conditions of payment and collection of the required fees.

Sec. 10-57. - Care.

All dogs and cats must be provided with daily food sufficient for the breed and size to maintain the animal at a good level of nutrition, a shelter from the wind, cold and rain and a continuous source of clean wholesome water. Failure to provide any of the above by the owner, caretaker or custodian of the dog or cat will be in violation of this Code.

Secs. 10-58—10-87. - Reserved.

ARTICLE III. - DANGEROUS ANIMALS DONE

Sec. 10-88. - Definitions.

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The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any words, terms and phrases which are not specifically defined in this section shall have the meanings ascribed to them in [section 10-1](#).

Dangerous animal shall mean an animal that:

- 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 animal was being kept; such enclosure being reasonably secure and certain to prevent the animal from leaving the enclosure on its own; or
- 2) Commits unprovoked acts, in a vicious or terrorizing manner, or approaches any person or other animal in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated, such acts being committed in a place other than an enclosure in which the animal was being kept and such enclosure being reasonably secure and certain to prevent the animal from leaving the enclosure on its own, and those acts cause a person to believe that the animal will attack and cause bodily injury to that person.

Secure enclosure shall mean a fenced area or structure that is:

- 1) Locked;
- 2) Capable of preventing the entry of the general public, including children;
- 3) Capable of preventing the release or escape of an animal;
- 4) Clearly marked as containing a dangerous animal by posting dangerous signs on all sides of the enclosure;
- 5) Is tall enough or covered so that the animal cannot climb out; and
- 6) Has a perimeter structure which prevents the animal from digging out or going under the side fence or wall.

Unprovoked attack or act shall mean an attack or act by an animal which took place even though the person attacked did not do anything to cause or encourage the attack or act.

Sec. 10-89. - Defense.

Upon attack by a dangerous animal, the animal control authority may defend himself or herself, a complainant or property at the officer's discretion, taking such means as necessary in that situation.

Sec. 10-90. - Exception.

Dogs maintained lawfully as guard dogs or attack dogs, as defined herein, shall not be included in the definition of "dangerous animal." As used in this section the term "guard dog or attack dog" means any dog intended to attack intruders that has completed such professional training and is so certified, or has been comparably trained, such that its attack can be stopped on command.

Sec. 10-91. - Unattended guard dog prohibited.

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It shall be unlawful for any person to leave any guard dog unattended in any place inside any building unless a warning sign has been placed in a clearly visible location at the premises. The warning sign shall be located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard dog or attack dog is present. It shall be unlawful for any person to leave any guard or attack dog unattended in a place outside a building except in a fenced yard, with a fence adequate to prevent the dog from leaving the premises. The warning sign shall be placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard dog or attack dog is present.

Sec. 10-92. - Dangerous animal impoundment.

Any dangerous animal not in compliance herewith may be taken into custody by the animal control officer or licensed peace officer and impounded in the animal shelter for a period of not less than three days. When an animal is found to be in violation of this section and its ownership is known to the animal control officer or licensed peace officer investigating, such animal need not be impounded if no human injury has occurred but such authority may issue a complaint and summons to the owner to appear in municipal court to answer the charges of violation of this article.

Sec. 10-93. - Court proceedings against animal owner.

If a dangerous animal is impounded, the animal control authority may institute proceedings in the municipal court on behalf of the city, against the animal owner, if known. Nothing herein shall be construed as preventing the animal control authority, a licensed peace officer, or a complaining citizen from instituting a proceeding in the municipal court for violation of this section when there has been no impoundment.

Sec. 10-94. - Knowledge of ownership of dangerous animal.

A person learns that he or she is the owner of a dangerous animal when the owner knows of an attack described in the definition of dangerous animal, or the owner is informed by the animal control authority that the animal is a dangerous animal.

Sec. 10-95. - Investigation.

If a person reports an incident described in the definition of a dangerous animal the animal control authority may investigate the incident. If after receiving the sworn statement of any witness, the animal control authority determines the animal is a dangerous animal, it shall notify the owner of that fact.

Sec. 10-96. - Appeal.

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An owner, not later than the 15th day after the date the owner is notified that an animal owned by the owner is a dangerous animal may appeal the determination of the animal control authority to the municipal court. An owner may appeal the decision of the municipal court in the same manner as appeal for other cases from municipal court.

Sec. 10-97. - Court findings; release of an animal under this section.

- a. If a complaint has been filed in the municipal court against the owner of an animal impounded for violation of this article, whether filed by a complaining citizen or by the animal control authority or a licensed peace officer, the animal shall not be released from impoundment or disposed of except on the order of the municipal judge, who may also direct the owner to pay all impoundment fees, boarding fees, and treatment charges in addition to any penalties for violation of this section.
- b. The municipal judge may, upon making a finding that such animal is fierce or vicious, pursuant hereto, order the animal to be destroyed in a humane manner under the supervision of the animal control authority.
- c. Surrender of an animal by the owner thereof to the animal control authority shall not relieve or render the owner immune from the decision of the court or from fees and fines which may result from a violation of this article.

Sec. 10-98. - Requirements for owner of a dangerous animal.

Not later than the 30th day after a person learns that the person is the owner of a dangerous animal, the person shall:

- 1) *Registration.* Register the dangerous animal with the animal control authority for the area in which the animal is kept;
- 2) *Restraint.* Restrain the dangerous animal at all times on a leash in the immediate control of the person or in a secure enclosure;
- 3) *Collar and tag.* Place a collar on the dangerous animal marked with a dangerous tag issued annually by the animal control authority when the animal is registered; and
- 4) *Liability insurance.* Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damage resulting from an attack by the dangerous animal causing bodily injury to a person.

Sec. 10-99. - Registration.

- a. The animal control authority shall annually register a dangerous animal if the owner presents proof of:
 1. Liability insurance or financial responsibility as required by [section 10-98](#)
 2. Current rabies vaccination of the dangerous animal;
 3. The secure enclosure in which the dangerous animal will be kept; and

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4. The animal control authority shall provide the owner registering a dangerous animal a registration tag. The animal must wear the registration tag at all times.
- b. If the owner of a dangerous animal sells the animal or moves to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the animal control authority for the area where the new address is located. On presentation by the current owner of the dangerous animal's prior registration tag and payment of a fee of \$25.00, the animal control authority shall issue a new registration tag to be placed on the dangerous animal's collar.
- c. An owner of a dangerous animal shall notify the animal control authority, where the dangerous animal is located, of any attacks the dangerous animal makes on people or other animals.

Sec. 10-100. - Attacks by dangerous animals.

- a. A person commits an offense if the person is the owner of a dangerous animal and the animal makes an unprovoked attack on another person or animal outside the animal's enclosure and causes bodily injury to the other person or animal.
- b. If a person is found guilty of an offense under this section, the court may order the dangerous animal destroyed in a humane manner by the local animal control authority, animal shelter, or a licensed veterinarian.
- c. In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty as provided by state law. 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. 10-101. - Violations.

A person who owns or keeps custody or control of a dangerous animal commits an offense if the person fails to comply with [section 10-98](#).

Sec. 10-102. - Defense.

It is a defense to prosecution under [section 10-100](#) or [section 10-101](#) that the person is:

- 1) 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 animal connection with that position.
- 2) It is a defense to the prosecution under [section 10-100](#) or [section 10-101](#) that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses animals for law enforcement or corrections purposes.
- 3) It is a defense to prosecution under [section 10-100](#) or [section 10-101](#) that the person is employed by a recognized animal shelter, or a person is employed by the state or a political subdivision of

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the state to deal with stray animals and has temporary ownership, custody, or control of the animal in connection with that position.

- 4) It is a defense to prosecution under [section 10-100](#) or [section 10-101](#) that the person is an animal trainer or an employee of a guard dog company under the Private Security Act, V.T.C.A., Occupations Code ch. 1702.

Secs. 10-103—10-132. - Reserved.

ARTICLE IV. - KENNELS AND OTHER ANIMAL ESTABLISHMENTS

Sec. 10-133. - Animal establishment, permit required.

- a. No person shall operate an animal establishment without first obtaining a permit in compliance with this section.
- b. The permit period shall begin with the first day of the city's fiscal year and shall run for one year. Renewal applications for permits may be made within 60 days prior to the expiration date. Application for a permit to establish a new animal establishment under the provisions of this article may be made at any time.
- c. Annual permits shall be issued upon payment of the applicable fee, which is established by resolution of the city council and is on file in the city secretary's office.
- d. A person who maintains a kennel of six or more dogs or cats for breeding purposes may pay an annual permit fee or may elect to license individual dogs or cats as provided under [section 10-53](#). Every facility regulated by this article shall be considered a separate enterprise requiring an individual permit.
- e. Under the provisions of this article, no permit fee shall be required of any animal shelter. All other provisions shall apply. Any change in the category under which a permit is issued shall be reported to the licensing authority within 60 days, whereupon reclassification and appropriate adjustment of the permit fee shall be made.
- f. Failure to comply with the provisions of this section is subject to a fine as provided in [section 1-14](#), plus a per day fine of \$25.00 until remedied.

Sec. 10-134. - Issuance and revocation of permits and licenses.

- a. *Revocation due to noncompliance with article.* The licensing authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this article, the regulations promulgated by the licensing authority or any other law governing the protection and keeping of animals.
- b. *Falsification of application.* If an applicant is shown to have withheld or falsified any material information on the application, the licensing authority may refuse to issue or may revoke a permit or license.

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- c. *Inspection; power to enter premises.* It shall be a condition of issuance of any permit for an animal establishment that the licensing authority shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours. Where a permit is revoked for any cause, or pending appeal or any such action, the licensing authority shall have power of entry on the premises and into all areas where animals are being kept.
- d. *Denial of application; revocation.* A person denied a permit may not reapply for a period of at least 30 days. Each reapplication shall disclose any previous denial or revocation and shall be accompanied by a fee.
- e. *Number of animals allowed to be kept.* It shall be unlawful to keep or harbor more than four dogs or cats or any combination thereof not to exceed a combined total of four such animals three months of age or older, on any premises utilized for residential purposes except as provided for herein in subsection (e) below.
- f. *Breeders.* Bona fide raisers and breeders of dogs or cats strictly for a hobby shall make application with the animal control authority for permission to keep or harbor more than four dogs or cats three months of age or older. The animal control authority shall issue a permit for one year to the applicant upon the following information being furnished and the listed conditions being satisfied:
 - 1. The average number of dogs and of cats to be kept or housed.
 - 2. The purpose for the keeping or harboring of the dogs and cats.
 - 3. That the dogs and cats are to be housed in cages or pens inside a residence or completely enclosed area.
 - 4. That the dogs and cats are kept or harbored so as to not be a nuisance or detriment to adjoining or adjacent neighbors.
 - 5. That the dogs shall not bark or howl or create noises that cause the peace and quiet of the neighborhood or the adjacent premises to be disturbed.
 - 6. The cages or pens are to be maintained in a sanitary condition so as to not create any hazards to the general health and welfare of the community.
 - 7. The animal control authority or his or her duly delegated representative upon being satisfied that the above information has been furnished and the conditions satisfied, upon payment of a permit fee, shall issue a permit for one year to the applicant. This permit may be revoked at any time upon any of the conditions and requirements being violated.
 - 8. *Fine for noncompliance with section.* Failure to comply with the provisions of this section shall be subject to a fine as provided in [section 1-14](#)