

## **ARTICLE III. MISCELLANEOUS**

### **DIVISION 1. GENERALLY**

#### **Sec. 3-61. Stray animals.**

It shall be a violation of this chapter for any owner, custodian, or harbinger of any domesticated or captive wild animal found in the city to fail or refuse to supervise, maintain, or control such animal in a manner which prevents it from being a stray at any time.

(Ord. No. 1999-2-95, § I, 2-6-95)

#### **Sec. 3-62. Animals at large.**

It shall be a violation of this chapter for any owner, custodian, or harbinger of the following listed animals to fail or refuse to maintain physical restraint or to physically confine such animal in a manner which prevents it from being at large at any time:

- (1) Dogs, except police or public service assisting dogs which are owned or controlled by any law enforcement or public service agency.
- (2) Potbellied pigs.
- (3) Prohibited animals.
- (4) Agricultural animals, excluding honey bees.

(Ord. No. 1999-2-95, § I, 2-6-95; Ord. No. 2119-7-96, § I, 7-1-96)

#### **Sec. 3-63. Maximum number of animals.**

A person may keep, or allow to be kept, upon residentially zoned premises, not more than a total of six individual animals conforming to the species requirements provided herein. The six individual animals may be a composite of one or more species of animals listed in this section, so long as the total number of individual animals kept on the premises does not exceed six (unless otherwise permitted in this Code) for each individual dwelling unit located thereon:

- (1) Dogs which are six or more months old;
- (2) Cats which are six or more months old;
- (3) Rabbits which are four or more months old;
- (4) Ferrets which are four or more months old; or
- (5) Up to two potbellied pigs which are three or more months old, and which otherwise conform to the definition and requirements prescribed within this chapter.

(Ord. No. 1999-2-95, § I, 2-6-95; Ord. No. 2071-11-95, § I, 11-20-95)

#### **Sec. 3-64. Tying of animals.**

It shall be a violation of this chapter to tie any animal to a stationary object for a period of time, or in a location, or under conditions which causes or creates a harmful or unhealthy situation for the animal, or a potentially hazardous situation for a pedestrian or motorist, as determined by the animal control officer.

(Ord. No. 1999-2-95, § I, 2-6-95)

#### **Sec. 3-65. Prohibited animals--Possession.**

It shall be a violation of this chapter for any person to keep, sell, display, exhibit, or otherwise possess any prohibited animal within the city, except as specifically provided within this chapter.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-66. Same--Notice to remove.**

The animal control officer may issue a notice to any person who possesses a prohibited animal in the city, which directs that person to immediately and permanently remove such animal from the city limits. It shall be a violation of this chapter for any person to fail or refuse to comply with the terms of a notice issued by the animal control officer, which directs the removal of a prohibited animal from the city.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-67. Same--Notification of relocation required.**

A person who receives a notice under section 3-66 of this chapter shall notify the animal control officer of the relocation disposition of the prohibited animal. Such notification shall be in the form of a sworn statement and must be delivered to the animal control officer not later than the seventh day after the animal has been removed from the city. The statement shall briefly describe the animal, state the date the animal was removed from the city, and identify the new location to where the animal was delivered. It shall be a violation of this chapter for any person to fail or refuse to deliver notification of the relocation of a prohibited animal, as required herein.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-68. Same--Appeal of notice to remove.**

(a) A person who receives a notice under section 3-66 of this chapter may file a written appeal with the city secretary within ten days of receiving such notice, and request a hearing before the city council for consideration of a variance to this chapter. The city secretary shall notify the person who filed the appeal of the date, time, and location of the hearing.

(b) Compliance with a notice issued under section 3-66 shall be required, pending the final decision of the city council.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-69. Same--Seizure.**

(a) The animal control officer may apply for and obtain a warrant or other legal writ from the municipal court or justice court to seize any prohibited animal located in the city.

(b) An animal seized under this section shall be impounded at the city animal shelter or as may otherwise be deemed suitable or necessary, by animal control, to insure secure confinement and proper care of the animal. Such impoundment shall be at the expense of its owner, keeper, or custodian. All accrued fees and charges shall be due and payable at the time the animal is redeemed.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Secs. 3-70--3-80. Reserved.**

## **DIVISION 2. LICENSES, PERMITS, AND REGISTRATION**

### **Sec. 3-81. Proof of current registration required--Animals.**

Each dog, cat, or ferret, which is four or more months of age and is kept in the city, shall be registered with city animal control annually. It shall be a violation of this chapter for any person who keeps or allows any such animal to be kept upon their premises to fail or refuse to present proof to the animal control officer, upon request, that such animal has been registered with city animal control within the preceding 12-month period. Animal control shall issue a registration certificate and tag for each qualifying animal a person registers, which shall be valid for a period of 12 months from the date of issuance. Such certificate and tag are not transferrable to any other animal. The registration tag shall be prominently displayed on the animal at all times by securely affixing it to a properly fitted collar, harness or similar device which is being worn by the animal. A registration certificate and tag may be issued under this section, provided that the registrant first:

- (1) Presents proof that the animal has been properly vaccinated against rabies within the preceding 12-month period; and
- (2) Pays the registration fee prescribed in section 2-201 of the City Code.

(Ord. No. 1999-2-95, § I, 2-6-95)

### **Sec. 3-82. Same--Guard dogs.**

Each dog which has received protection or guard dog training and is kept in the city must be registered as a guard dog with city animal control annually. It shall be a violation of this chapter for any person who keeps or allows any such dog to be kept upon their premises to fail or refuse to present proof to the animal control officer, upon request, that such dog has been registered as a guard dog with city animal control within the preceding 12-month period. Animal control shall issue a guard dog registration certificate and tag for each qualifying dog a person registers. Such certificate and tag shall be valid for a period of 12 months from the date of issuance, and are not transferrable to any other animal. The registration tag shall be prominently displayed on the dog at all times by securely affixing it to a properly fitted collar, harness, or similar device which is being worn by the dog. A guard dog registration certificate and tag may be issued under this section, provided that the registrant first:

- (1) Presents proof that the dog has been properly vaccinated against rabies within the preceding 12-month period; and
- (2) Pays the registration fee prescribed in section 2-201 of the City Code.

(Ord. No. 1999-2-95, § I, 2-6-95)

### **Sec. 3-83. Replacing lost tags.**

If a current registration tag for a dog, cat, or ferret is lost, the registrant may obtain a replacement tag from animal control. The replacement tag shall be valid for the portion of the 12-month period remaining for the original tag. The owner shall pay a fee for the replacement tag, as prescribed in section 2-201 of the City Code.

(Ord. No. 1999-2-95, § I, 2-6-95)

### **Sec. 3-84. Current permit required--Potbellied pigs.**

It shall be a violation of this chapter for any person to keep or allow any potbellied pig which is three or more months of age to be kept upon their premises without a valid permit to keep such animal in the city, issued by city animal control. Such permit shall be required for each potbellied pig kept in the city; the permit shall be valid for a period of 12 months from the date of issuance, and is not transferrable to any other animal. A permit to keep a potbellied pig in the city may be issued under this section, provided that the pig for which the permit is requested conforms to the following requirements:

- (1) The pig cannot measure more than 18 inches in height when measured from a flat standing surface to the peak of the shoulders. Verification must be presented in the form of a letter signed by a veterinarian who has examined the pig within the preceding 30-day period;
- (2) The pig must not weigh more than 95 pounds. Verification must be presented in the form of a letter signed by a veterinarian who has examined the pig within the preceding 30-day period;
- (3) The pig must be registered with the potbellied pig registry service or similar nationally recognized purebred miniature pig registry. Documentation from the registry must be presented;
- (4) Male pigs must be neutered; females must be spayed. Verification must be presented in the form of a letter signed by a veterinarian who has examined the pig within the preceding 30-day period, or by the veterinarian who performed the surgery;
- (5) Tusks must be removed. Verification must be presented in the form of a letter signed by a veterinarian who has examined the pig within the preceding 30-day period, or by the veterinarian who removed the tusks; and
- (6) The person to whom the permit is issued has paid the permit fee prescribed by section 2-201 of the City Code.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-85. Same--Agricultural animals.**

It shall be a violation of this chapter for any person to keep or allow any agricultural animal to be kept upon their premises without a valid permit to keep such animal in the city, issued by city animal control. Such permit shall be valid upon the location for which it was issued for a period of 12 months from the date of issuance; the permit is not transferrable to any other location. A permit to keep agricultural animals in the city may be issued under this section, provided the following requirements are first met:

- (1) A completed application requesting the permit must be submitted to animal control;
- (2) The premises on which the animals will be kept conforms to all applicable zoning, fencing, building, and animal control regulations; and
- (3) The permit fees prescribed in section 2-201 of the City Code have been paid.

(Ord. No. 1999-2-95, § I, 2-6-95)

Cross reference(s)--Fences, § 4-441 et seq.

**Sec. 3-86. Same--Regulated animals.**

It shall be a violation of this chapter for any person to keep or allow any regulated animal to be kept upon their premises without a valid permit to keep such animal in the city, issued by city animal control. A permit shall be required for each such animal kept in the city; such permit shall be valid for a period of 12 months from the date of issuance and is not transferrable to any other animal. A permit to keep a regulated animal in the city may be issued under this section, provided that the following requirements are first met:

- (1) A completed application requesting the permit must be submitted to animal control;
- (2) The applicant must submit copies of valid federal and state licenses and permits, where applicable; and
- (3) The permit fees prescribed in section 2-201 of the City Code have been paid.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-87. Transfer of registration or permit.**

(a) If ownership of a dog, cat, or ferret which is currently registered with city animal control is transferred to a new owner who keeps the animal in the city, the registered owner shall notify animal control of the transaction and cause the registration certificate and tag to be transferred into the new owner's name. Such notification shall be made not later than the tenth day after the date a transfer of ownership has occurred. The transferred registration shall be valid for the portion of the 12-month period remaining for the original registration certificate and tag.

(b) If ownership of a potbellied pig or regulated animal which is identified on a permit issued by city animal control is transferred to a new owner who keeps the animal in the city, the owner to whom the permit was issued shall notify animal control of the transaction and cause the permit to be transferred into the new owner's name. Such notification shall be made not later than the tenth day after the date a transfer of ownership has occurred. The transferred permit shall be valid for the portion of the 12-month period remaining for the original permit.

(c) There shall be no fee for transferring a registration, permit, or license tag to a new owner under this section.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-88. Prohibited animal exhibitor's permit--Required.**

(a) It shall be a violation of this chapter for any person to exhibit, display, show, or otherwise possess a prohibited animal without a valid permit which authorizes possession of such animal in the city, issued by city animal control. A permit issued under this section shall authorize the temporary presence of a prohibited animal in the city as an integral and necessary part of a performance or educational exhibition open to the public. Such permit shall be valid for a period of not more than ten consecutive days from the date of issuance. Such permit does not authorize the selling, propagation, breeding, or boarding of any prohibited animal in the city, nor does it authorize any combative or similar activity between animals, or an animal and a person. Prohibited animals allowed in the city under this section shall not be exhibited, displayed, shown, or otherwise be allowed upon any residentially zoned premises. A permit issued under this section shall not supersede any other requirements prescribed within the City Code. A permit to exhibit prohibited animals in the city may only be issued to the following:

- (1) A bona fide zoo open to the general public; or
- (2) A visiting performing or educational animal exhibition, rodeo, or circus open to the general public, of which the animal is an integral and necessary part.

(b) City animal control may issue a permit under this section to a qualifying person, provided that the person first:

- (1) Submits a completed application requesting the permit;
- (2) Presents proof of current liability insurance in the amount of at least \$100,000.00 against bodily injury or property damage which may be caused by a prohibited animal;
- (3) Presents copies of valid federal and state licenses and permits; and
- (4) Pays the permit fees prescribed in section 2-201 of the City Code.

**Sec. 3-89. Same--Revocation.**

City animal control may promptly revoke a permit issued under section 3-88 of this chapter, and issue a notice to the permitted person which directs them to immediately and permanently remove any prohibited animal from the city, for the following reasons:

- (1) For any violation of this chapter;
- (2) Failing or refusing to comply with written rules or regulations prescribed by the animal control officer;
- (3) For any violation of federal or state regulations; or
- (4) Providing false information to obtain a permit under section 3-88 of this chapter.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-90. State license required for circuses, carnivals, or zoos.**

Any person who operates a circus, carnival, or zoo in the city must possess a valid state license as prescribed by Chapter 824, Texas Health and Safety Code (as it is now enacted, or as hereinafter amended), and as otherwise may be required by law. It shall be a violation of this chapter for a person who operates a circus, carnival, or zoo in the city to fail or refuse to present a valid state license, as required by this section, to the animal control officer upon request.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-91. State registration required for riding stables.**

Any person who operates a riding stable in the city must possess a valid state certificate of registration as prescribed by Chapter 827, Texas Health and Safety Code (as it is now enacted, or as hereinafter amended), and as otherwise may be required by law. It shall be a violation of this chapter for a person who operates a riding stable in the city to fail or refuse to present a valid state certificate of registration, as required by this section, to the animal control officer upon request.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-92. Educational exemption permit required.**

(a) A person may keep or allow to be kept upon his residentially zoned premises up to a total of 24 rabbits, which are four or more months old, for educational or exhibition purposes, provided that such person possesses a valid educational exemption permit issued by city animal control. There shall be a five-dollar-per-year, or any portion thereof, fee for this permit.

(b) A permit issued under this section shall be valid only upon the premises identified on the permit, and is nontransferable to any other location.

(c) A permit issued under this section shall expire no later than 12 months from the date of issuance, or no later than 30 days after the qualifying person ceases to be an active member in good standing with the qualifying organization, whichever should occur first.

(d) City animal control may issue or renew a permit under this section, provided that the following qualifying criteria have been met:

(1) A properly completed application, including required verifications, has been submitted to city animal control;

(2) The person to whom the permit is issued must be at least 17 years of age. If not, the permit may be issued to the person's parent or guardian;

(3) The rabbits must be an integral part of a bonafide educational or exhibition project/program sanctioned by the 4-H Club, Future Farmers of America, or Boy Scouts or Girl Scouts of America. Written verification from the local program director/coordinator must be submitted with the permit application;

(4) The person engaged in the project/program must be an active member in good standing with the sanctioned organization. Written verification from the local program director/coordinator must be submitted with the permit application;

(5) The rabbits must be kept in a pen, cage, hutch or similar enclosure, no part of which may be located nearer than ten feet from any property line. This must be verified by the animal control officer during an inspection of the premises; and

(6) The permit fee has been paid.

- (e) City animal control may revoke or deny renewal of a permit under this section, under the following situations:
- (1) False information is provided on the application for the permit; or
  - (2) Upon two or more convictions for violations of this section involving the permitted animals.

(Ord. No. 2071-11-95, § I, 11-20-95)

**Secs. 3-93--3-100. Reserved.**

## **DIVISION 3. DANGEROUS DOGS**

### **Sec. 3-101. Owner defined.**

- (a) A person learns that the person is the owner of a dangerous dog when:
- (1) The owner knows of an attack as described in subsection (1) of the definition for "dangerous dog" set forth in section 3-1 of this chapter; or
  - (2) The owner is informed by an animal control authority that the dog is a dangerous dog.
- (b) The term "owner," as it relates to dangerous dogs, shall mean a person who owns or has custody or control of a dog.

(Ord. No. 1999-2-95, § I, 2-6-95)

### **Sec. 3-102. Secure enclosure.**

- (a) Secure enclosure for a dangerous dog shall mean a fenced area or structure that:
- (1) Is locked. All entrances to the secure enclosure in which the dog is being kept, such as gates, doors, or windows must be securely closed and locked at all times when the dangerous dog is present;
  - (2) Prevents the escape or release of the dog by any means, including digging, climbing, jumping, or chewing out of the enclosure;
  - (3) Prevents the entry of the general public, including children;
  - (4) Is clearly marked as containing a dangerous dog, with signs obtained from city animal control unless otherwise specifically approved. Such signs shall be posted as specified by city animal control; and
  - (5) Is in conformance with any other requirements for enclosures prescribed by city animal control policy, city zoning regulations, or city construction regulations.
- (b) At no time may a dangerous dog be kept in any part of a house or other structure where it might have direct access to an opened window, an opened door, a screen window, a screen door, or other opening of similar material or construction which is the only obstacle preventing the dog from exiting the house or structure.
- (c) No part of an outdoor secure enclosure for a dangerous dog may be located within five feet of any other property line adjoining the premises on which the enclosure is located.

(Ord. No. 1999-2-95, § I, 2-6-95; Ord. No. 2473-8-1999, § IC, 8-9-99)

### **Sec. 3-103. Confinement and restraint.**

- (a) It shall be a violation of this chapter for an owner of any dangerous dog found in the city to fail or refuse to physically confine or physically restrain such dog at all times in one of the following ways:
- (1) Confined in a secure enclosure as defined in section 3-102 of this chapter; or
  - (2) Physically restrained on a leash not longer than six feet in length, and of sufficient tensile strength so it will not break under any conditions or circumstances. One end of the leash must be securely attached to a properly fitted collar or harness which is being worn by the dog; the other end of the leash must be securely held in the grasp of a person. In addition, if the dog is taken onto any public property, it shall be securely muzzled in a manner which will prevent it from biting any person or other animal, yet not cause injury to the dog nor interfere with its vision or respiration. A dangerous dog may not be left tied out anywhere outside of a secure enclosure.

- (b) A person found guilty of an offense under this section shall be subject to a fine of not less than \$250.00 for each separate offense.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-104. Current liability insurance required.**

(a) Not later than the 30th day after the date the municipal court determines that a dog is a dangerous dog, the dog's owner shall:

- (1) Obtain, and maintain in force at all times, liability insurance coverage in an amount of at least \$100,000.00 to cover damages resulting from any attack by the dog causing bodily injury to a person; and
- (2) Present proof of such liability insurance coverage to the animal control officer. Proof of liability insurance coverage shall consist of a copy of the insurance policy.

(b) It shall be a violation of this section for the owner of any registered dangerous dog or any dog required to be registered as a dangerous dog under this chapter or state law, to fail or refuse to present proof of current liability insurance coverage as required herein, upon request by the animal control officer.

(Ord. No. 1999-2-95, § I, 2-6-95; Ord. No. 2473-8-99, § IC, 8-9-99)

**Sec. 3-105. Current dangerous dog registration required.**

(a) Not later than the 30th day after the date the municipal court determines that a dog is a dangerous dog, the dog's owner shall register the dog as a dangerous dog with the animal control officer. The owner shall renew such registration on or before the expiration of every 12 month period thereafter.

(b) If the owner of any dog that has been determined to be a dangerous dog under this chapter sells, gives away, or relocates the dog, that owner shall notify the animal control officer of such sale, gift, or relocation not later than 72 hours after the occurrence. Such notification shall include reporting the following information to the animal control officer:

- (1) The name of the dog's owner at the new location.
- (2) The address and phone number of the dog's owner at the new location.
- (3) The address of the new location where the dog is to be kept, if different than section (2) above.

(c) No dog, which has been determined to be a dangerous dog, may be moved into the city from another animal control jurisdiction until after the owner has complied with all dangerous dog registration requirements prescribed in this chapter.

(d) The animal control officer may issue a dangerous dog registration certificate and tag as proof that a dangerous dog has been registered as required. Such registration shall be valid for a period of not more than 12 months from its date of issue, and shall not be transferable to any other animal. The animal control officer shall issue or renew a dangerous dog registration certificate and tag after the following requirements have been met:

- (1) The owner registering the dog is at least 18 years old;
- (2) The owner has presented proof that the dog has been properly vaccinated against rabies within the preceding 12 month period;
- (3) The owner has presented proof of current liability insurance coverage as required by this chapter;
- (4) The owner has presented proof that the dog has been implanted with a microchip identification, which can be detected and read by the animal control officer's microchip reader. Proof shall consist of a signed letter from the veterinarian who implanted the microchip. The letter must describe the dog, state the microchip identification number assigned to the dog, and state the microchip manufacturer name;
- (5) The secure enclosure in which the dog will be kept is in compliance with the requirements of this chapter, as verified by inspection conducted by the animal control officer within the preceding 30 day period; and
- (6) The owner pays the dangerous dog registration fee specified in section 2-201 of this Code.

(e) It shall be a violation of this section for the owner of any dangerous dog found in the city, to fail or refuse to present proof that their dog is currently registered as a dangerous dog as prescribed herein, to the animal control officer upon request.

(f) If any dangerous dog owner fails to maintain compliance with the liability insurance or secure enclosure requirements of this chapter, the owner shall, upon demand, deliver the dog to the city animal shelter for confinement, unless otherwise specifically authorized by the animal control officer. The municipal court may issue a warrant authorizing the seizure of a dangerous dog by the animal control officer, upon receiving notification from the animal control officer that the owner has failed to maintain compliance with the liability insurance or secure enclosure requirements of this chapter. The animal control officer shall provide for the dog's impoundment in secure and humane conditions until the owner has complied with applicable liability insurance or secure enclosure requirements, or until otherwise ordered by the court. If the owner fails to comply with the applicable liability insurance or secure enclosure requirements before the 10th consecutive day after the date the dog was delivered or seized, the court may order the humane destruction of the dog. The owner shall be responsible for payment of all costs to seize, confine, and destroy the dog.

(Ord. No. 1999-2-95, § I, 2-6-95; Ord. No. 2473-8-99, § IC, 8-9-99)

**Sec. 3-106. Tag to be displayed.**

The current dangerous dog registration tag issued by an animal control authority shall be conspicuously displayed on the dangerous dog at all times by securely attaching it to a properly fitted collar, harness, or similar device which is being worn by the dog.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-107. Report of attack required.**

An owner of any registered dangerous dog shall be required to notify city animal control of any attacks the dog makes on people, regardless of where the attack occurs. Such notification of an attack shall be made not later than 24 hours after the attack occurs.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-108. Unprovoked attacks.**

An owner of a dangerous dog commits an offense if the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the person. 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. If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed at the owner's expense, as provided by law. A person found guilty of an offense under this section, in the municipal court, shall also be subject to a fine of not less than \$250.00 for each separate offense.

(Ord. No. 1999-2-95, § I, 2-6-95)

**Sec. 3-109. Reporting a dangerous dog incident.**

(a) A person may report an alleged dangerous dog incident to the animal control officer by submitting a sworn statement describing the event, not later than the 30th day after the date such incident occurs. A parent or guardian may submit the sworn statement on behalf of a minor or a person who is unable to prepare the statement. The statement shall contain as much of the following information as known:

- (1) Name, address, and telephone number of the person filing the sworn statement.
- (2) Name, address, and telephone number of the alleged dangerous dog owner or keeper.
- (3) A description of the alleged dangerous dog including breed, colors, size, sex, name, or any other distinguishing characteristics.
- (4) Date, time, and location where the incident occurred.
- (5) A detailed account of what happened before, during, and after the incident.
- (6) A description of any injuries caused by the dog during the incident. Attach a copy of available medical reports, photos, etc.
- (7) Name, address, telephone number of any available witnesses to the incident.

(b) After receiving a sworn statement describing an alleged dangerous dog incident, the animal control officer shall investigate the incident and determine whether or not to file a report with the municipal court and request a hearing to determine if the dog involved is a dangerous dog as defined within this chapter. Upon notification that such dangerous dog determination hearing is to be conducted, the owner shall deliver the dog to the city animal shelter where it shall be confined until the court orders disposition of the dog, unless confinement at another location has been specifically authorized by the animal control officer.

(c) If the owner fails to deliver the dog as specified in subsection (b), above, the court may order the animal control officer to seize the dog and issue a warrant authorizing the seizure. The animal control officer shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

(d) The owner shall be responsible for payment of all costs incurred to seize and confine the dog.

(e) The court may order the humane destruction of an alleged dangerous dog if the owner of the dog has not been located before the 15th day after the dog is seized or impounded.

(Ord. No. 1999-2-95, § I, 2-6-95; Ord. No. 2473-8-99, § IC, 8-9-99)

### **Sec. 3-110. Dangerous dog determination hearing.**

(a) Upon receiving a report from the animal control officer describing an alleged dangerous dog incident, the court shall set a time for a hearing to determine if the dog is a dangerous dog as defined within this chapter. The hearing must be held not later than the 10th day after the date on which the dog is seized or delivered for confinement.

(b) Written notice of the time and place of the hearing shall be delivered to:

- (1) The owner of the dog or the person from whom the dog was seized; and
- (2) The person who reported the incident to animal control.

(c) Any interested party, including the city attorney, is entitled to present evidence at the hearing.

(d) If the court determines that a dog is a dangerous dog, such dog shall be confined at the city animal shelter or other confinement location authorized by the animal control officer until the owner presents proof of required liability insurance coverage and the animal control officer has inspected and approved the secure enclosure where the dog will be kept. If the owner does not comply with such requirements on or before the 30th day after the date the dog is determined to be a dangerous dog, the court may order the humane destruction of the dog.

(e) The owner of a dog that has been confined under section 3-109 shall be required to present proof to the animal control officer that such dog has been vaccinated against rabies by a licensed veterinarian within the preceding 12 month period before the dog may be released from confinement. If the owner cannot provide such proof, the owner shall be required to make arrangements to have the dog vaccinated against rabies at a veterinary clinic located within the city limits. The owner shall notify the animal control officer of such arrangements, including the date, time and location, at least 72 hours prior to the date the dog is to be vaccinated. The animal control officer shall:

- (1) Transport the dog to the veterinary clinic and verify that the dog is vaccinated against rabies; or
- (2) Accompany or meet the owner at the veterinary clinic and verify that the dog is vaccinated against rabies.

If the owner does not comply with this requirement on or before the 30th day after the court has determined that the dog is a dangerous dog, the court may order the humane destruction of the dog. The owner shall be responsible for payment of all costs incurred at the veterinary facility or to destroy the dog.

(f) The owner may appeal the decision of the municipal court in the same manner as for appeals of other municipal court cases. (Ord. No. 1999-2-95, § I, 2-6-95; Ord. No. 2473-8-99, § IC, 8-9-99)

**Sec. 3-111. Defenses to prosecution.**

Defenses to prosecution prescribed by Chapter 822, Subchapter D, "Dangerous Dogs", Texas Health and Safety Code (as it is now enacted, or as hereinafter amended), are hereby incorporated under this section.

(Ord. No. 1999-2-95, § I, 2-6-95)

#### **DIVISION 4. DOGS THAT CAUSE THE DEATH OF OR SERIOUS BODILY INJURY TO A PERSON\***

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\*Editor's note--Ord. No. 2473-8-1999, § ID, adopted Aug. 9, 1999, added a new division 3.5, sections 3-112--3-115. To maintain a consistent numbering style of divisions in this article, the provisions of Ord. No. 2473-8-1999, § ID have been redesignated as division 4 at the discretion of the editor.

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##### **Sec. 3-112. Seizure of a dog causing death of or serious bodily injury to a person.**

- (a) The municipal court shall order the animal control officer to seize a dog and issue a warrant authorizing the seizure:
- (1) On the sworn complaint of any person, including the city attorney, or a peace officer, that the dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person; and
  - (2) On a showing of probable cause to believe that the dog caused the death of or serious bodily injury to the person as stated in the complaint.
- (b) Upon order of the municipal court, the animal control officer shall seize the dog and provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.
- (c) The definition of the term "serious bodily injury" as stated in chapter 822, Texas Health and Safety Code (as it is now enacted, or as hereinafter amended), is hereby incorporated into this section.

(Ord. No. 2473-8-99, § ID, 8-9-99)

##### **Sec. 3-113. Hearing.**

- (a) The court shall set a time for a hearing to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The hearing must be held not later than the 10th day after the date on which the warrant is issued.
- (b) Written notice of the time and place of the hearing shall be given to:
- (1) The owner of the dog or the person from whom the dog was seized; and
  - (2) The person who made the complaint.
- (c) Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- (d) The court shall order the dog destroyed if the court finds that the dog caused the death of a person by attacking, biting, or mauling the person. If that finding is not made, the court shall order the dog released to:
- (1) Its owner;
  - (2) The person from whom the dog was seized; or
  - (3) Any other person authorized to take possession of the dog.
- (e) The court may order the dog destroyed if the court finds that the dog caused serious bodily injury to a person by attacking, biting, or mauling the person. If that finding is not made, the court shall order the dog released to:
- (1) Its owner;
  - (2) The person from whom the dog was seized; or
  - (3) Any other person authorized to take possession of the dog.
  - (4) City impoundment and daily handling fees shall not be charged.
- (f) The court may not order the dog destroyed if the court finds that the dog caused the serious bodily injury to a person by attacking, biting, or mauling the person; and

- (1) The dog was being used for the protection of a person or person's property, and the attack, bite, or mauling occurred in an enclosure in which the dog was being kept; and
    - a. The enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own and provided written notice of presence of a dog; and
    - b. The injured person was at least eight years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred; or
  - (2) The dog was not being used for the protection of a person or person's property and, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the injured person was at least eight years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred;
  - (3) The attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes;
  - (4) The dog was defending a person from an assault or person's property from damage or theft by the injured person; or
  - (5) The injured person was younger than eight years of age, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the enclosure was reasonably certain to keep a person younger than eight years of age from entering.
- (g) The court may determine that the dog is a dangerous dog, as defined in this chapter, even if it determines that the dog did not cause the death of or serious bodily injury to a person. If the court determines that the dog is a dangerous dog, the owner shall comply with all dangerous dog requirements as prescribed within this chapter.

(Ord. No. 2473-8-99, § ID, 8-9-99)

**Sec. 3-114. Destruction of dog.**

The destruction of a dog, ordered under section 3-113, must be performed by:

- (1) A licensed veterinarian located within the city limits, unless otherwise specifically authorized by the animal control officer;
- (2) Personnel of a recognized animal shelter or humane society, located within the city limits, who are trained in the humane destruction of animals; or
- (3) Personnel of a governmental agency responsible for animal control within the city limits, who are trained in the humane destruction of animals.

(Ord. No. 2473-8-99, § ID, 8-9-99)

**Sec. 3-115. Provocation or location of attack irrelevant.**

Except as provided by section 3-113(f), this division applies to any dog that causes a person's death or serious bodily injury by attacking, biting, or mauling the person, regardless of whether the dog was provoked and regardless of where the incident resulting in the person's death or serious bodily injury occurred.

(Ord. No. 2473-8-99, § ID, 8-9-99)

## **DIVISION 5. DOGS THAT ATTACK OTHER ANIMALS\***

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\*Editor's note--Ord. No. 2473-8-1999, § IE, adopted Aug. 9, 1999, added a new division 3.6, sections 3-116--3-118. To maintain a consistent numbering style of divisions in this article, the provisions of Ord. No. 2473-8-1999, § ID have been redesignated as division 4 at the discretion of the editor.

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### **Sec. 3-116. Reporting attacks on animals.**

(a) If an animal is attacked by a stray dog, and that attack resulted in serious injury to or the death of that animal, the attacked animal's owner may report the incident to the animal control officer by submitting a sworn statement describing the attack. The statement must be received by the animal control officer not later than the 30th day after such attack occurs, and it shall contain as much of the following information as known, including:

- (1) Name, address, and telephone number of the person filing the sworn statement;
- (2) Name, address, and telephone number of the stray dog owner;
- (3) A description of the stray dog;
- (4) Date, time, and location of the attack;
- (5) Detailed account of the attack, including a description of events occurring immediately before, during, and after the attack;
- (6) Name, address, telephone numbers of any witnesses to the attack.

(b) If the attacked animal sustained serious injuries which did not result in death, then a letter signed by the treating veterinarian must be submitted with the sworn statement. The letter must describe the injuries sustained by the attacked animal, and state that the injuries were life threatening or disabling.

(c) Sections 3-116--3-119 of this chapter shall not be applicable to:

- (1) Attacks on prohibited animals;
- (2) Attacks on animals which are unlawful to keep upon the owner's premises;
- (3) Attacks on an animal that was a stray at the time of the attack, or immediately prior to the attack; or
- (4) Attacks on wildlife.

(d) For purposes of this section, "seriously injured" means injuries which are characterized by the treating veterinarian as life threatening or disabling to the attacked animal.

(e) For purposes of this section, the term "dangerous to other animals" means a stray dog that attacks and seriously injures or kills another person's animal, and such dog has been so designated after a hearing in the municipal court as prescribed by this chapter.

(Ord. No. 2473-8-99, § ID, 8-9-99)

### **Sec. 3-117. Hearing.**

(a) After receiving the sworn statement from an owner of an animal that has been seriously injured or killed by a stray dog, along with a letter from the treating veterinarian where required, the animal control officer shall investigate the incident and determine whether to file a report and request a hearing in the municipal court to determine if the dog is dangerous to other animals.

(b) If the animal control authority determines a hearing is necessary, written notice of the time and place of the hearing shall be delivered to:

- (1) The owner of the stray dog; and
- (2) The owner of the attacked animal;

- (c) Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- (d) A dog may be designated as dangerous to other animals if the court finds that:
  - (1) The dog attacked another person's animal;
  - (2) The attack resulted in serious injury to or the death of the attacked animal;
  - (3) The dog was a stray at the time it committed the attack; and
  - (4) The attacked animal was not a stray at the time of the attack, or immediately prior to the attack.
- (e) The stray dog owner or owner of the attacked animal may appeal the decision of the municipal court in the same manner as provided for appeals of other municipal court cases.
- (f) If the animal control officer receives a sworn statement reporting an attack described in section 3-116 of this chapter, involving a dog that the court has previously determined to be dangerous to other animals, the animal control officer shall investigate the incident and determine whether to file a report and request a hearing in the municipal court to determine if the dog should be destroyed. Notice of such hearing, if any, shall be in the manner stated in section 3-117 of this chapter. The court may order the dog destroyed if it finds that:
  - (1) The dog attacked another person's animal;
  - (2) The attack resulted in serious injury to or the death of the attacked animal;
  - (3) The dog was a stray at the time it committed the attack; and
  - (4) The attacked animal was not a stray at the time of the attack, or immediately prior to the attack.

(Ord. No. 2473-8-99, § ID, 8-9-99)

**Sec. 3-118. Requirements for owners of dogs that are a danger to other animals.**

The municipal court may require the owner of a dog that has been determined to be dangerous to other animals to comply with any or all of the following requirements:

- (1) Obtain and maintain liability insurance coverage in an amount of at least \$10,000.00 to cover damages resulting from any attack by the dog.
- (2) The dog shall be confined in a secure enclosure or restrained on a leash at all times in the same manner stated by section 3-103 of this chapter relating to owners of dangerous dogs. The secure enclosure shall conform to requirements specified in section 3-102 of this chapter.
- (3) The dog shall be implanted with microchip identification, which can be detected and read by the animal control officer's scanning devices. Proof of the microchip implant shall consist of a letter from the implanting veterinarian confirming the date the microchip was implanted and its identifying information.
- (4) The owner shall register the dog with the animal control officer as a "dangerous dog". The owner shall renew such registration on or before the expiration of every 12 month period thereafter. The animal control officer shall issue or renew a registration under this section after the following requirements are met:
  - a. The owner presents proof that the dog has been properly vaccinated against rabies within the preceding 12 month period;
  - b. The owner has complied with all requirements specified by the court; and
  - c. The owner has paid the dangerous dog registration fee specified in section 2-201 of this Code.

(b) It shall be a violation of this division for any person to fail or refuse to comply with any requirements of this division.

(Ord. No. 2473-8-99, § ID, 8-9-99)

**Secs. 3-119--3-125. Reserved.**