

## Chapter 14. Animals<sup>1</sup>

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### *Chapter 14. ANIMALS*

#### **ARTICLE I. IN GENERAL**

**Sec. 14.01.001 Purpose and Intent.** The purposes of this chapter are to promote the public health, safety and general welfare of the citizens of the city and to ensure the humane treatment and welfare of animals by regulating the care and control of animals within the city.

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<sup>1</sup>Cross references--Businesses, ch. 26; health and sanitation, ch. 54; disposal of dead animals, § 90-58; traffic and vehicles ,ch. 106. State law references--Local Public Health Reorganization Act, Tex. Health and Safety Code § 121.001 et seq.; animals, Tex. Health and Safety Code § 821.001 et seq.; dangerous dogs, Tex. Health and Safety Code § 822.001 et seq.; Rabies Control Act of 1981, Tex. Health and Safety Code § 826.001 et seq.; livestock, Tex. Agriculture Code § 141.001 et seq.; permitting cattle or domestic turkeys to run at large in certain counties, Tex. Agriculture Code § 143.082; cruelty to animals, Tex. Penal Code § 42.09; dog fighting, Tex. Penal Code § 42.10; certain tax exemptions for charitable organizations, Tex. Tax Code § 11.18.

**Sec. 14.01.002 Enforcement Officers.** The health authority, or any police officer of the city shall have the authority to enforce any animal regulations of the city and to impound and dispose of any animals found in violation of any regulation in accordance with the terms set out herein. This section specifically includes the authority to issue citations.

**Sec. 14.01.003 Definitions.** When used in this chapter, the following words, terms and phrases and their derivations shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

***Animal*** - Any live creature, both domestic and wild, except humans. "Animal" includes fowl, fish, and reptiles.

***Animal nuisance*** - Any nuisance arising out of the keeping, maintaining or owning or, or failure to exercise control of, an animal.

***At Large*** - An animal is off the premises of the owner, and is not on a leash or other restraint under the immediate control of a person physically capable of restraining the animal or not restrained securely within an enclosure or fence capable of fully and totally securing the animal.

***Cat*** - Any member of the family of *Felis domestica*.

***Chief of Police*** - The chief of police of the city, or his or her designee.

***Cruelty*** - Any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter, a sanitary and safe living environment, veterinary care or nutritious food in sufficient quantity.

***Dangerous Animal*** – An animal that has made an unprovoked attack on a human being or another animal. A dangerous animal does not include guard or attack dogs as defined by this section, as long as such guard or attack dogs are restrained and confined in compliance with this chapter.

***Dog*** - Any member of the family *Canis familiaris*.

***Domestic animal*** - Includes livestock, caged or penned fowl, pigeons, and normal household pets, such as, but not limited to dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small nonpoisonous reptiles or nonpoisonous snakes.

***Exotic or wild animal*** - Any live monkey, alligator, crocodile, cayman, raccoon, opossum, skunk, fox, wolf, sea mammal, bear, poisonous snake, nonhuman primate, prairie dogs, African servals, member of the feline species other than domestic cat, member of the canine species other than domestic dog, or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or livestock. The term "exotic or wild animal" does not include domestic cats (excluding hybrids with ocelots or margays), domestic dogs (excluding hybrids with wolves, coyotes or jackals), farm animals, rodents and captive-bred species of common cage birds.

**Fowl** - Any goose, pheasant, chicken, prairie chicken, guinea, duck, turkey and other normally undomesticated fowl.

**Guard or attack dog** - A dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

**Livestock** - Any horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jenny, llama, all species of sheep, all species of goats, all species of cattle or an emu, ostrich or rhea. For purposes of this chapter, the term "livestock" does not include fowl, rabbits or hares.

**Muzzle** - A device constructed of strong, soft material designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

**Owner** - Any person or persons, firm, association, or corporation having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to any animal covered by this chapter. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

**Public nuisance animal** - Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance" shall include, but not be limited to:

- (1) Any animal that is found running at large more than three times in a twelve month period;
- (2) Any dog in a park or public recreation area unless the dog is controlled by leash or similar restraint;
- (3) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner or unless allowed by the owner of the property.
- (4) Any animal that makes disturbing noises, including but not limited to howling, barking, whining or other utterances that lasts more than fifteen minutes; or causes an unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored. An animal shall be presumed to be a nuisance under this section if the animal owner has been notified by the person's neighbors, the police officer of the disturbance and shall have refused or failed for a period of 24 hours to correct the disturbance and prevent its recurrence.
- (5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

- (6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
- (7) Any animal, whether or not on the property of its owner, that, without provocation, molests, attacks, or otherwise interfered with the freedom of movement of person in a public right-of-way; or
- (8) Any animal that attacks a domestic animal.

***Rooster*** - An adult male of the domestic fowl.

***Sanitary*** - A condition of good order and cleanliness to minimize the possibility of disease transmission.

***Under restraint*** - An animal is secured by a leash, or securely enclosed within the real property limits of the owner's premises.

**Sec. 14.01.005 Violations.** It may be a violation of this chapter to:

- (a) Fail to comply with any provision of this chapter;
- (b) Fail to comply with any lawful order of an enforcement officer, or a police officer unless such order is lawfully stayed or reversed.

**Sec. 14.01.006 Penalty.**

(a) Any person who violates or fails to comply with any provision or provisions of this chapter may be charged with a misdemeanor and upon conviction therefore may be punished by a fine as provided in Section 1.6 of this Code; and any person who may aid, abet or assist in the violation of any provision of this chapter may also be charged with a misdemeanor and upon conviction thereof may be punished by a fine as provided for in Section 1.6 of this Code, or otherwise provided by ordinance.

(b) Each day's violation may constitute a separate offense.

**Sec. 14.01.007 Nuisances.** It shall be unlawful for any person to keep any animal on any property located within the corporate limits of the city when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

**Sec. 14.01.008 Keeping exotic or wild animal.** It shall be unlawful for anyone to own, harbor, maintain, have in their possession, have on their premises or under their control or permit at large any exotic or wild animal without the permission of the city council. Such permission shall be given only in limited temporary circumstances, such as circuses, animal auctions, etc.

**Sec. 14.01.009 Limit on number of animals.** It shall be unlawful for any person to keep animals within the city of such number that the animals constitute a public nuisance or menace to public health or safety or constitute cruelty to the animals. It shall be presumed to be unlawful to raise, own, or keep more than a total of four dogs and/or cats three months of age or older on any premises used for residential purposes.

**Sec. 14.01.010 Livestock.**

(a) **Keeping generally; number of animals; enclosures.** It shall be unlawful for any person to keep livestock within the corporate limits of the city unless the livestock is being kept in accordance with the following restrictions:

- (1) Livestock shall be kept on a parcel of land at least 1/3 of an acre in size;
- (2) There shall be no more than one unit (as defined below) of livestock for the first one-third acre of land. There shall be no more than one additional unit of livestock for each additional one-half acre of land in the same parcel. For the purpose of this subsection, units of livestock shall be defined as follows:
  - (i) The following types of livestock shall be counted as one head equals one unit: horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jenny, burro, jennet, pony, llama, and all species of cattle.
  - (ii) The following types of livestock shall be counted as one head equals one-fourth of a unit: emu, ostrich, rhea, all species of sheep, and all species of goat.
- (3) Livestock shall be enclosed with adequate fences or barriers that will prevent such livestock from damaging shrubbery or other property situated on adjacent property. Such fences or barriers shall be sufficient to prevent the livestock from escaping the enclosure.
- (4) The owner keeping any livestock shall keep all barns, pens, stables, sheds or other enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities in the immediate vicinity, or to breed or attract flies, mosquitoes, or other noxious insects or rodents, or in any manner to endanger the public health, safety, or welfare or to create a public nuisance. All yards, barns, pens, stables, sheds or other enclosures in which livestock is confined shall be of a size to allow said animals sufficient space to move freely and not endanger the health, safety, or welfare of the animal or animals.
- (5) All feed inside the city limits shall be kept in rodent free containers.
- (6) Subsections (1) through (4) shall not apply to a licensed veterinarian at the veterinarian's place of business.

(b) **Public Right of Way.** It shall be unlawful to tie or stake livestock on a public right-of-way.

(c) **Livestock at Large.** It shall be unlawful for any livestock to be at large off the property of the owner of the livestock. The owner of the livestock found to be at large shall be responsible for the offense and no culpable mental state is required.

(d) **Swine.** It shall be unlawful and it is declared a nuisance for any person to own, keep or harbor swine at any location in the city, with the exception that hogs may be kept on the city public school grounds as are necessary for agricultural and educational purposes, and with the further exception that those children participating in 4-H and FFA programs may be permitted to raise two (2) hogs each within the city limits for 4-H and FFA purposes only.

**Sec. 14.01.011 Fowl.** The following regulations shall govern the keeping of fowl within the city:

(a) It shall be unlawful for any person owning chickens, turkey, ducks, geese, guineas, or other fowl to permit such fowl to run at large within the city limits.

(b) There shall be a minimum of five (5) square feet for each fowl kept in the city limits. An enclosure shall be provided on the premises which shall be no closer than one hundred feet (100') to any dwelling. The enclosure must be of such construction as will allow for ease in cleaning and airing and kept in such a manner as not to become unreasonably offensive to adjacent neighbors or the public. No more than 100 fowl may be maintained by any family or on any tract of land within the city limits.

**Sec. 14.01.012 Keeping of Roosters.**

(a) Notwithstanding the provisions of section 14.01.011 above permitting the keeping of fowl no person may own or keep a live rooster on any premises located within the city limits containing less than one acre of land, except as follows:

- (1) The rooster is being raised for exhibition at a fair or livestock show, provided the owner or person keeping the rooster, if different from the owner, has given written notice to the enforcement officer of his or her intent to keep and raise the rooster for such period of time as is necessary to exhibit the rooster in a fair or livestock show, stating the location (address) where the rooster will be kept, the length of time the rooster will be kept at said location, the name and date of the fair or livestock show where the rooster will be exhibited; or
- (2) The rooster is owned by a medical, educational, or research institution operating within the corporate limits of the city in compliance with all city ordinances and state and federal law; and the owner or person keeping the rooster, if different from the owner, has complied with the provisions of subsection (b) of this section.

(b) A person who owns or keeps a rooster within the corporate limits of the city in accordance with subsection (a) above commits an offense if he or she:

- (1) Fails to confine the rooster at all times within an enclosure that is of sufficient height, width and strength to retain the rooster;
- (2) Confines the rooster in an enclosure that is wholly or partially located less than 20 feet from any adjacent property line;
- (3) Maintains the enclosure in which the rooster is confined in a manner that creates unreasonably offensive odors, fly breeding, or any other nuisance or condition that is injurious to the public health, safety or welfare; or
- (4) Allows the rooster to violate the noise restrictions set out in this chapter.

#### **Sec. 14.01.013 Animal Care.**

(a) **Basic Care.** It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, grooming when lack thereof would adversely affect the health of the animal and humane care and treatment, or fail to provide adequate shelter. All pens, cages or other enclosures where animals are kept shall be securely built and maintained, be adequate in size for the kind and number of animals contained therein, contain adequate and appropriate bedding and be maintained in a sanitary condition; such enclosures shall be cleaned and maintained so as not to become offensive.

(b) **Animals in parked vehicles.** It shall be unlawful to leave any animal inside any standing or parked vehicle in such a way as to endanger the animal's health or safety. Any police officer is authorized to use reasonable force, including breaking of a side window to remove an animal from a vehicle whenever it appears the animal's health or safety is or soon will be endangered, and said neglected or endangered animal shall be impounded.

(c) **Abandonment.** It shall be unlawful for any owner or custodian of any animal to willfully abandon such animal on any street, road, highway or public place, or on private property when not in care of another person.

(d) **Removal of pet excrement.** No person shall appear with a pet upon the public ways or within the public places or upon the property of another, absent that person's consent, without some means for the removal of the excrement; nor shall any person fail to remove any excrement deposited by such pet. This section shall not apply to a blind person while walking his guide dog.

(e) **Keeping unvaccinated dog.** It shall be unlawful for any person to keep any dog in the limits of the city for which has not been vaccinated for rabies.

**Sec. 14.01.014 Slaughtering animals in public view.** The slaughtering of animals in public view within the city limits is hereby prohibited. Any slaughtering of animals shall be limited to private property within an enclosed area that is not in view of the public. Slaughtering an animal in public view in violation of this section shall be an offense and shall constitute a misdemeanor.

**Sec. 14.01.015 Poisoning animals.** It shall be unlawful for any person, except a licensed veterinarian for humanitarian purposes, to administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. A substance, such as antifreeze, is considered poisonous even if it is not labeled "poison" if the substance is poisonous to animals. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents. If any person is found guilty of having violated any part of this section, in addition to possible criminal charges and fines.

**Sec. 14.01.016 Vaccination for dogs and cats.**

(a) **Required.** It shall be unlawful for a dog or cat to be present in the city and not be vaccinated against rabies by a registered veterinarian duly licensed to practice by the State Board of Veterinary Medical Examiners or otherwise inoculated against rabies in compliance with *Rule 169.29, Texas Administrative Code (25 TAC 169.29)*. Every owner of a dog or cat shall furnish proof of rabies vaccination upon request by presentation upon demand of the vaccination tag and a current certificate of anti-rabies vaccination. The certificate must show the name and address of the owner of said dog or cat containing a description of the color, breed, sex and weight of said dog or cat together with the kind and amount of vaccine used and the date of administration, and certifying that said dog or cat was so vaccinated and immunized against rabies. Failure to furnish proof upon request shall create a presumption that the animal has not been vaccinated for rabies. In addition to the owner maintaining the certificate of vaccination, the owner shall place on the dog or cat a metal tag, on one side of which shall be stamped the words "rabies vaccine administered" or words of similar import, the date of the vaccination, and an identification number for the animal.

(b) **Reporting of suspected rabies.** Any person having knowledge of the existence of any animal known to have been or suspected of being, exposed to rabies or having knowledge of an animal bite or scratch to an individual that the person could reasonably foresee as capable of transmitting rabies must immediately report such knowledge or incident to any police officer, and in no case longer than twenty-four hours from the time of the incident.

(c) **Authority to quarantine.** The police officer shall have the authority to order the quarantine of animals responsible for bite incidents or suspected of having any zoonotic disease considered to be a hazard to the human population or other animals.

(d) **Animals subject to quarantine.**<sup>2</sup>

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<sup>2</sup> **State law references** - Authority of municipalities to establish rabies control programs, *V.T.C.A., Health and Safety Code, sec. 826.015*; rabies vaccinations, *V.T.C.A., Health and Safety Code, sec. 826.021 et seq.*; registration of dogs and cats, *V.T.C.A., Health and Safety Code, sec. 826.031 et seq.*



- (1) When a dog or cat which has bitten or scratched a human or attacked another animal has been identified, the owner will be required to home quarantine the animal for ten (10) days confinement to determine whether such dog or cat has been exposed to rabies. The dog or cat may be released from quarantine if a veterinarian determines that the animal does not show the clinical signs of rabies, provided the owner has paid all reasonable costs associated with the quarantine. Refusal to produce such animal is a misdemeanor and each day of such refusal constitutes a separate and individual violation.
- (2) No animal which has a high probability of transmitting rabies, including skunks, bats, foxes and raccoons, will be placed in quarantine for observation. All such animals involved in biting incidents will be humanely killed in such a manner that the brain is not mutilated. The brain shall be submitted to a laboratory certified by the department of state health services for rabies diagnosis.
- (3) The animal enforcement officer may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to the face, head or neck of a person to be humanely killed and the brain tested for rabies.

**(g) Disposition of animals exposed to rabies.**

- (1) Vaccinated animals which have been bitten by or otherwise significantly exposed to a rabid animal should be humanely destroyed or if sufficient justification for preserving the animal exists, the exposed vaccinated animal should be immediately given a booster rabies vaccination and placed in strict isolation for forty-five days. Unvaccinated animals shall be immediately given a rabies vaccination and placed in strict isolation for 90 days and given booster vaccinations during the third and eighth weeks of isolation. If the unvaccinated animal is under three months of age at the time of the second vaccination, an additional booster should be given when the animal reaches three months of age.
- (2) If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, it may be released to the owner prior to or upon the expiration of the quarantine period, provided the owner has paid all the reasonable costs of such quarantine and any veterinarian bills. However, if the quarantined animal shows the clinical signs of rabies, the animal shall be humanely destroyed and its head or brain submitted to the nearest laboratory certified by the department of state health services for rabies diagnosis for testing.
- (3) Wild or exotic animals. No wild or exotic animal will be placed in quarantine. All wild or exotic animals will be humanely destroyed in such a manner that the brain is not mutilated. The brain shall be submitted to a laboratory certified by the department of state health services for rabies diagnosis.

**Sec. 14.01.017 Restraint and confinement generally.<sup>3</sup>**

(a) **Animals at large prohibited.** It shall be unlawful for any animal to be at large. An owner of an animal found to be at large shall be responsible for the offense and no culpable mental state is required.

(b) **Cats.** Although cats shall be exempt from any leash requirements, it shall be unlawful for any owner of a cat to allow said cat to stray onto the property of anyone except the owner. Any cat found straying onto the property of anyone except the owner may be deemed a public nuisance.

(c) **Unlawful Restraint of Dog; Offense.** (a) An owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to:

- (1) adequate shelter;
- (2) an area that allows the dog to avoid standing water and exposure to excessive animal waste;
- (3) shade from direct sunlight; and
- (4) potable water.

(b) An owner may not restrain a dog outside and unattended by use of a restraint that:

- (1) is a chain;
- (2) has weights attached;
- (3) is shorter in length than the greater of:
  - (A) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
  - (B) 10 feet; or
- (4) is attached to a collar or harness not properly fitted.

(c) A person commits an offense if the person knowingly violates this section. The restraint of each dog that is in violation is a separate offense.

(d) An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted under this section.

(e) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

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<sup>3</sup> **State law references** - Restraint, impoundment and disposition of dogs and cats, *V.T.C.A., Health and Safety Code, sec. 826.033*; cruelty, *V.T.C.A., Penal Code, sec. 42.09*; quarantine of animals, *V.T.C.A., Health and Safety Code, sec. 826.042*.

(d) **Restraint of dogs.** Any dog, while on a street, sidewalk, or public way or in any park, public square, or other public space, shall be restrained and secured by a leash or chain of sufficient tensile strength to restrain the particular dog. Said leash or chain shall not be longer than twenty-five (25) feet in a public park and shall not be longer than six (6) feet on or in any other place. An animal that is not restrained in compliance with this subsection shall be considered at large in violation of subsection (a) of this section.

(e) **Preventing animal from becoming public nuisance.** It shall be unlawful for any owner or custodian of any animal to fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

(f) **Female dogs in heat.** It shall be unlawful for the owner or person in control of any unsprayed female dog, while such dog is in heat, to allow the same to be upon, in, or about any public building, public place, street or alley in the city.

#### **Sec. 14.01.018 Restraint of guard dogs.<sup>4</sup>**

(a) **Confinement required.** Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least six (6) feet in height and capable of confining the animal at all times.

(b) **Gates, entrances and fences.** The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences properly maintained and escape-proof.

(c) **Warning sign.** It shall be unlawful for any person to leave any guard or attack dog unattended in any place inside any building unless a warning sign has been placed in a clearly visible location at the premises, located so that it can be seen by any person before entering the premises, warning that a guard or attack dog is present. It shall be unlawful for any person to leave any guard or attack dog unattended in any place outside a building without a warning sign 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.

(d) **Exemption.** The provision of this section shall not apply to dogs owned or controlled by government agencies.

#### **Sec. 14.01.019 Dangerous animals.<sup>5</sup>**

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<sup>4</sup> **State law references** - *Private Security Act, V.T.C.A., Occupations Code, ch. 1702*; licensing and duties of guard dog companies, *V.T.C.A., Occupations Code, sec. 1702.109 et seq.*; qualifications for guard dog company license, *V.T.C.A., Occupations Code, sec. 1702.116*.

<sup>5</sup> **State law references** - Dogs that are a danger to persons, *V.T.C.A., Health and Safety Code, sec. 822.001 et seq.*; dangerous wild animals, *V.T.C.A., Health and Safety Code, sec. 822.101 et seq.* Sec. 14.01.020 Dangerous dogs. Dangerous dogs, as defined in *V.T.C.A., Health and Safety Code, section 822.041*, shall be regulated in accordance with the provisions of *V.T.C.A., Health and*

(a) **Nuisance declared.** It is hereby declared to be a public nuisance for an owner or other person to harbor, keep, or maintain a dangerous animal in the city unless the owner complies with the requirements of this section.

(b) **Offenses.** It shall be unlawful for any person to own, keep, or harbor a dangerous animal within the city. For purposes of this section, a person is the owner of a dangerous animal when the owner knows of an unprovoked attack committed by the animal against a person or another animal, or when the animal has been determined to be dangerous by the court under this section or any other court or determining body.

(c) **Defenses.** In response to the determination that an animal is a dangerous animal, it is a defense that:

- (1) The threat, injury or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal;
- (2) The person was teasing, tormenting, abusing, or assaulting the animal or has in the past been observed or reported to have teased, tormented, abused, or assaulted the animal;
- (3) The person was committing or attempting to commit a crime;
- (4) The animal attacked or killed was at the time teasing, tormenting, abusing or attacking the alleged dangerous animal;
- (5) The animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault;
- (6) The animal was injured and responding to pain; or
- (7) The animal was protecting its offspring, itself, or its kennelmates.

(d) **Complaints.** Should any person desire to file a complaint concerning an animal which is believed to be a dangerous animal, a sworn, written complaint must first be filed with an officer containing the following information:

- (1) Name, address, and telephone number of complainant and other witnesses;
- (2) Date, time and location of any incident involving the animal;

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*Safety Code, chapter 822, subchapter D, section 822.041 et seq.* (Ordinance adopting Code) **State law reference** -Authority of city to regulate the keeping of dangerous dogs, *V.T.C.A., Health and Safety Code, sec. 822.041 et seq.*

- (3) Description of the animal;
- (4) Name, address, and telephone number of the animal's owner, if known;
- (5) A statement describing the facts upon which such complaint is based;
- (6) A statement describing any incidents where the animal has exhibited propensities in past conduct, if known.

(e) **Investigation.** After a sworn complaint is filed with the police officer, the police officer shall investigate the complaint, and if there be sufficient evidence to believe the animal is dangerous, the police officer may file a complaint with the municipal court of the city and request the judge of the municipal court to set a time and place for a hearing for a determination.

(f) **Hearing.**

- (1) **Jurisdiction.** The jurisdiction for the determination of a dangerous animal in a proceeding brought under this chapter shall be vested in the municipal court.
- (2) **Notice.** If a complaint is filed by an enforcement officer with the municipal court, the clerk of the court shall set the case for a hearing and shall give notice of the hearing to the owner of the animal in the complaint by personal service or certified mail, return receipt requested, at least ten (10) days prior to the hearing date. The enforcement officer may complete personal service.
- (3) **Purpose of hearing.** The purpose of the hearing is for the court to determine if the animal specified in the complaint is a dangerous animal.

(g) **Result of hearing.**

- (1) If the court finds that the animal is a dangerous animal:
  - (i) The court shall order that the animal be destroyed or permanently removed from the city, based on the least restrictive means necessary to protect the public health, safety, and welfare of the community according to all of the evidence presented.
  - (ii) If the owner is not present at the hearing, the clerk shall notify the owner of that decision as well as the ordered disposition of the animal by personal service or certified mail, return receipt requested. The enforcement officer may complete personal service.
- (2) If the court orders the removal of the animal from the city, the owner shall have five (5) days from the date of the order to remove the animal. The owner must provide proof of the removal to the court within five (5) days after the deadline to remove. If adequate

proof is not provided to the court within the required time, an enforcement officer shall investigate and, if the animal is found within the city, the police officer shall be authorized to immediately seize and impound the animal. Upon impoundment of such animal, the animal becomes the property of the city and it shall be humanely destroyed. If the animal has been previously removed from the city or is not present in the city on the date of the hearing, the court shall order that animal shall be permanently banned from the city and not be allowed to return.

(h) **Failure to obey court order.** It shall be unlawful for a person to possess and fail to release an animal that has been ordered destroyed or removed by the court to a police officer.

(i) **Law enforcement defense.** It is a defense to enforcement under this section that the person is an employee of the institutional division of the state department of criminal justice or of a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; provided, however, that for any person to qualify for this defense, that person must be acting within the course and scope of his or her official duties with regard to the dangerous animal.

(j) **Other defenses.** It is a defense to enforcement under this section 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 animal; provided, however, that for any person to qualify for this defense, that person must be acting with the course and scope of his or her official duties with regard to the dangerous animal. (*Ordinance 584, sec. 2, adopted 8/29/05*)

**Sec. 14.01.020 Sale of animals prohibited in certain places.** It shall be unlawful for any person to sell, trade, barter, lease, rent, raffle, give away or display for commercial purposes a live animal on a roadside, public right-of-way, sidewalk, street, parkway or any other public property or any property dedicated to public use, on a commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale or similar event. This section does not apply to a sale held on privately owned property with the written permission of the owner of the property, on a parking lot where the seller has the parking lot owner's written permission, or on the seller's own property.

## *ARTICLE II. IMPOUNDMENT*

**Sec. 14.02.001 Seizure and Impoundment.** In addition to any other remedies provided in this chapter, an enforcement officer or a police officer may seize, impound, and humanely confine to an animal shelter or hospital any of the following animals:

- (a) Any dog or cat without a valid vaccination tag;
- (b) Any animal at large;
- (c) Any animal constituting a public nuisance or considered a danger to the public;

- (d) Any animal that is in violation of any quarantine or confinement order of the city's local rabies control authority;
- (e) Any unattended animal that is ill, injured, or otherwise in need of care;
- (f) Any animal that is reasonably believed to have been abused or neglected;
- (g) Any animal that is reasonably suspected of having rabies;
- (h) Any animal that is charged with being potentially dangerous or dangerous where a police officer determines that there is a threat to public health and safety;
- (i) Any animal that a court of competent jurisdiction has ordered impounded or destroyed;
- (j) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has moved, has been arrested or has been evicted from his regular place of residence;
- (k) Any exotic or wild animal that is kept illegally; or
- (l) Any animal that is in violation of this chapter or whose owner is in violation of this chapter; and

**Sec. 14.02.002 Issuance of citation.** In addition to, or in lieu of, impounding an animal found at large, a police officer may issue to the known owner of such animal a citation for a violation of this chapter.

**Sec. 14.02.007 Warrants.** An enforcement officer or peace officer may apply for and obtain a warrant or other legal writ from the municipal judge or justice court to seize any animal alleged to be in violation of this chapter. The municipal judge or justice of the peace shall have the authority to issue such warrant.