



ORDINANCE NO. 3518

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERS BRANCH, BY AMENDING IN ITS ENTIRETY CHAPTER 18, “ANIMALS” PROVIDING FOR REGULATIONS RELATING TO THE KEEPING OF ANIMALS WITHIN THE CITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Farmers Branch, Texas, finds it to be in the public interest and necessary for the protection and preservation of the health, safety, and welfare of the City’s residents to amend the City’s regulations relating to the keeping of animals within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Farmers Branch, Texas, be and the same is hereby amended by amending Chapter 18, “Animals” in its entirety, to read as follows:

CHAPTER 18 – ANIMALS

ARTICLE I. – IN GENERAL

Sec. 18-1. - 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:

Animal services facility means an establishment operated by the City for the temporary confinement, safekeeping, and control of animals which come into the custody of the City.

Animal services officer means a person certified as an animal control officer by the Texas Department of State Health Services and designated by the City to represent and act for the City in the impounding of animals, controlling of animals running at large, and enforcing the provisions of this chapter and all regulations relating to animals as authorized by state or federal law.

At large and *running at large* means:

- (1) On the premises of owner, any animal not confined to the premises of the owner by some physical means of sufficient height, strength, length, and/or manner of construction to preclude the animal from leaving the premises of the owner;

- (2) Off the premises of owner, any animal which is not physically and continually restrained by some person by means of a leash or chain of proper strength and length that precludes the animal from making an unsolicited contact with any person, his/her clothing, his/her property, and/or his/her premises; provided, however, that any animal confined within an automobile or other vehicle of its owner shall not be deemed at large.
- (c) Feral cats that have been sterilized, vaccinated for rabies, ear notched or otherwise permanently marked, and returned to locations within the City by the City in order to reduce the population of feral cats through sterilization shall not be considered to be at large or running at large.

Backyard chicken means a female chicken (hen) which is possessed or harbored for providing organic egg production in compliance with this chapter.

Cat means a member of the domestic feline species.

Chicken coop means an enclosed structure which meets the construction standards set forth in section 18-302. A chicken coop is not an accessory structure for purposes of Chapter 94, Comprehensive Zoning Ordinance of the City of Farmers Branch.

Control means owning, possessing, keeping, maintaining or harboring an animal.

Dangerous animal means:

- (1) An animal that makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or
- (2) An animal that commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain 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; or
- (3) An animal that commits an unprovoked attack on a human being that causes serious bodily injury or death and occurs in an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own unless the person who was attacked was trespassing or otherwise violating the law by being within the enclosure; or
- (4) An animal that is at large and commits an unprovoked attack on a domestic animal that causes serious bodily injury or death to the attacked animal death of the attacked animal.

- (5) The term *dangerous animal* does not include an animal that commits an unprovoked attack on a human being in an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure where the person who was attacked was trespassing or otherwise violating the law by entering the enclosure.

Dog means a member of the domestic canine species.

Exercise yard means the enclosure attached to the chicken coop that provides exercise for the backyard chickens and prohibits the backyard chickens from escaping such enclosure.

Feral cat means any cat without a permanent, indoor home, stray, abandoned or truly feral that does not have a microchip implanted or a collar with a current rabies tag displayed.

Impound means to take into custody or to place in the animal shelter of the City or other authorized confinement area.

Leash means a strong cord or chain attached to a strong collar fully capable of restraining the animal on which it is used and which is being held by the owner or other person.

Local rabies control authority (LRCA) means animal services manager or his designee.

Local rabies control incident (LRCI) means any bite, scratch, or other injury to a person caused by a warm-blooded animal that breaks the victim's skin and/or causes him or her to bleed and potentially come into contact with the injuring animal's saliva and could therefore allow the rabies virus to be transmitted from the animal to the person.

Owner means any person, group, firm, homeowners association, or corporation that owns, harbors, keeps, possesses or controls or causes to permit to be harbored, fowl or animals on or about his/her premises.

Primary enclosure means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch.

Prohibited animal means an animal not normally considered domesticated including, but not limited to, venomous lizards, venomous snakes, venomous spiders, venomous insects, venomous frogs, boas, pythons, crocodiles, alligators, owls, hawks, falcons, eagles, vultures, ocelots, tigers, leopards, cougars, panthers, lions, lynx, bobcats, wolves, coyotes, weasels, mink, raccoons, skunks, foxes, bears, elephants, kangaroos, opossum, bats, armadillos, monkeys, chimpanzees, antelopes, deer, goats, sheep, pigs, horses, mules, donkeys, cattle, oxen, llamas, buffalo, or any other wild animal capable of, or inclined to do serious bodily harm to humans or other animals defined as a "dangerous wild animal" in Texas Health and Safety Code, § 822.101, as amended.

Prohibited fowl means roosters, chickens, turkeys, pheasants, quail, guineas, geese, ducks, pigeons, peacocks, emu, ostriches and other similar feathered animals regardless of age or sex which are kept on property within the City but which shall not include backyard chickens kept in accordance with article VI of this chapter.

Rabbit means *Oryctolagus cuniculus*, which is a long-eared mammal, related to hares.

Registered/registration means the process the owner of existing, legal fowl or animals must complete in order to keep legal fowl or animals. This process requires the owner legal fowl or animals to contact the City; identify the property where the fowl or animals are being kept; identify the legal owner of the fowl or animals; and permit an animal services officer to inspect the property to verify compliance with City laws.

Secure enclosure or enclosure means an animal housing enclosure that meets all of the following criteria:

- (1) Is capable of preventing the entry of the general public, including children;
- (2) Is capable of preventing the escape or release of an animal in the enclosure;
- (3) Is clearly marked as containing a dangerous animal;
- (4) Has an attached, secure roof;
- (5) Has a concrete floor, or sides buried not less than two (2) feet into the ground and constructed to prevent the animal from digging under the secure enclosure and escaping;
- (6) Is no closer than four feet to any property line;
- (7) Is locked with a key or combination lock when such animals are within the enclosure; and
- (8) Complies with all additional requirements as established and provided in writing to the owner by the animal services manager, his designee, or this chapter.
- (9) A *secure enclosure or enclosure* does not mean a residential home or commercial building unless specifically allowed by the animal services manager.

Serious bodily injury means an injury characterized by severe bite wounds or severe ripping or tearing of flesh that would cause either a) a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment, or b) a reasonably prudent person to seek treatment from a veterinarian professional for an injured animal and would require hospitalization without regard to whether the person actually sought medical treatment for said animal

Sterilization means the surgical removal of the reproductive organs of a dog or cat by a veterinarian to render the animal unable to reproduce.

Unprovoked means an action by an animal that is not:

- (1) in response to being tormented, abused, or assaulted by any person;
- (2) in response to pain or injury;
- (3) in protection of itself or its food, kennel, immediate territory, or nursing offspring; or
- (4) in response to an assault or attempted assault on a person

Veterinarian means a person licensed to practice veterinary medicine by the state board of veterinary medical examiners.

Sec. 18-2. - Keeping of prohibited animals or fowl unlawful.

It shall be unlawful for any person to keep, stable, board, possess, harbor or house any prohibited animal or prohibited fowl on premises under the person's control within the City limits, except as provided by Article VI of this Chapter.

Sec. 18-3. - Existing, legal fowl.

(a) Properties where existing, legal fowl were kept prior to December 31, 2004, may keep a maximum number of six fowl.

(b) Existing, legal fowl shall be kept in a secure pen or enclosure that is at least 30 feet from any inhabited dwelling other than the residence of the person keeping the fowl. The pen or enclosure shall also be at least five feet from any adjoining property line.

(c) Manure, droppings and waste material shall be removed from pens, enclosures, shelters, yards or areas, at least once each day and be disposed of in such a manner as to prevent the congregation of flies and the cause of a nuisance such as odor and unsightly matter.

(d) It shall be unlawful for any person to keep more than six existing, legal fowl or a crowing rooster at any location within the City unless the enclosure or pen for the fowl is located at least 200 feet from any inhabited dwelling other than the residence of the person keeping the existing, legal fowl.

Sec. 18-4. - Keeping of prohibited animals unlawful.

It shall be unlawful for any person to keep any prohibited animal or fowl as defined in Section 18-1 within the City limits except in a medical research project under institutional supervision, veterinarian clinic, circus, amusement parks or zoo.

Sec. 18-5. - Regulations pertaining to rabbits.

(a) It shall be unlawful for any person residing within the City limits to keep more than two adult rabbits (any rabbit over the age of four months) unless the enclosure or

pen for the rabbits is located at least 200 feet from any inhabited dwelling other than the residence of the person keeping the rabbits.

(b) All rabbits shall be kept in a secure pen or enclosure that is at least 30 feet from any inhabited dwelling other than the residence of person keeping the rabbits. The pen or enclosure shall also be located at least five feet from any adjoining property line.

(c) Manure, droppings and waste material shall be removed from pens, enclosures, shelters, yards or areas, at least once each day and be disposed of in such a manner as to prevent the congregation of flies and the cause of a nuisance such as odor and unsightly matter.

Sec. 18-6. - Penalty.

Any owner violating any of the provisions of this Chapter shall be subject to a fine, upon conviction in the municipal court, of at least \$500.00 but not more than \$2,000.00 for each and every day that the prohibited fowl or animal remains and each day shall constitute a separate offense. Such fines shall be in addition to and accumulative of the provisions for the abatement of a nuisance and obtaining of injunctive relief.

Sec. 18-7. - Fees

(a) All fees for this chapter shall be reviewed, set and adopted by a resolution of the City council and published in Appendix A of this Code. The following is not intended to be an exhaustive listing of fees that shall be assessed: owner surrender fees, redemption fees, rabies vaccination fee, impoundment fee; microchip fee; adoption fee; sterilization fee; dangerous animal registration fee; shelter quarantine fee; and home quarantine fee

(b) The animal services director or his designee shall have the authority to reduce, refund, or waive fees under this chapter and/or enter into a payment arrangement agreement with the person to allow payments.

Sec. 18-8. - Filing of False Claims and Reports

(a) A person commits an offense if he knowingly initiates, communicates or circulates a claim of ownership for an animal with the Animal Services Manager that he knows is false or baseless.

(b) A person commits an offense if he knowingly initiates, communicates or circulates a report of a violation of any provision of this Chapter or State law with the Animal Services Manager that he knows is false or baseless.

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 1: GENERALLY

Sec. 18-41. – Animal Services Manager; Enforcement officers; issuance of citations.

(a) The animal services manager shall be responsible for supervising all animal services officers in the City.

(b) It shall be the responsibility of the animal services manager and officers to enforce this chapter. Any animal services officer shall have the authority to issue citations for any violation of this chapter. The animal services manager and officers shall be empowered to make whatever inquiry is deemed necessary to ensure compliance with its provisions; provided, however, that nothing in this chapter shall authorize any party enforcing the terms of this chapter to enter upon private property without a search or arrest warrant where the federal or state constitution or statutory laws require such a search or arrest warrant. The animal services manager and officers shall have the authority to issue citations for any violation of this chapter

Sec. 18-42. - Interference with Animal Services Manager or animal services officers.

It shall be unlawful for any person to interfere with any animal services manager or officer in the performance of his duties.

Sec. 18-43. - Right of entry by animal services to determine violations; presentation of credentials.

(a) Animal Services Officers shall have the power to search, seize and impound an animal without a warrant or court order, with probable cause under the following conditions:

(1) On public property, in all cases;

(2) On private property, if:

(a) The consent of the resident or property owner, or someone with apparent authority to consent, is obtained; or

(b) Exigent circumstances exist, the animal services officer reasonably believes that there is imminent danger of serious bodily injury or death to a human being, another animal, or the animal in question, and there is insufficient time to obtain a warrant.

(3) Upon the request of a peace officer if the owner is not available and there is no one seventeen (17) years of age or older to accept responsibility for the animal.

(b) Animal services officers are authorized to seek a warrant or order from a court of competent jurisdiction to enforce this chapter, pursuant to all applicable local, state, and federal laws.

(c) Animal services officers shall have the power to search, seize and impound an animal with a warrant or court order under one (1) or more of the following conditions:

(1) When the animal services officer has probable cause to believe that the animal creates a nuisance as described in Article VIII of this chapter;

(2) When the animal services officer has probable cause to believe that the animal has been abandoned or is being treated inhumanely as described in this chapter;

(3) When the animal services officer has probable cause to believe that the animal has rabies or has been exposed to rabies;

(4) When the animal services officer has probable cause to believe that the animal is not being quarantined for rabies observation under appropriate conditions as defined in this chapter;

(5) When the animal services officer has probable cause to believe that the animal meets the definition of a dangerous animal as defined in this chapter;

(6) When animal services officer has probable cause to believe that the animal has been involved in a local rabies control incident; or

(7) When the animal services officer has probable cause to believe that the animal is being possessed or harbored in violation of this chapter.

(d) All animal services officers exercising the powers set forth in this Section shall present proper credentials to the occupant of the premises and explain his reasons therefor.

Sec. 18-44. - Warrants to be issued upon refusal to admit officers.

(a) *Required.* Whenever any animal services manager or officer is denied admission to inspect any premises under this article and the animal services officer cannot determine whether violations exist on suspected premises from an adjoining premises, inspection of the suspected premises shall be made only under authority of a warrant issued by a magistrate authorizing the inspection.

(b) *Affidavit of belief of violation; issuance of warrant by magistrate.* In applying for such a warrant, the animal services manager or officer shall submit to the magistrate an affidavit setting forth his belief that a violation of this chapter or other animal services ordinances exist with respect to the place sought to be inspected and the reasons

for such belief. Such affidavit shall designate the location of such place and the name of the person believed to be the occupant thereof. If the magistrate finds that probable cause exists for an inspection of the premises in question, he may issue a warrant authorizing the inspection. Such warrant shall describe the premises with sufficient certainty to identify the premises. Any warrants issued will constitute the authority for the animal services officer to enter upon and inspect the premises described therein.

Sec. 18-45. - Powers and Duties of Citizens

(a) Any citizen of the City is hereby authorized to take control of and deliver to the office of the animal services manager any animal that may be found running at large within the territorial limits of the City, other than prohibited animals or animals suspected of being rabid, subject to the applicable provisions of law. The owner surrender fee also does not apply to citizens delivering animals found running at large within the territorial limits of the City of Farmers Branch to the animal services manager within seventy-two (72) hours of taking control of said animal.

(b) A person commits an offense if he takes control of an animal under this subsection (a) herein and fails to deliver it to the animal services manager within seventy-two (72) hours of taking control of said animal.

(c) It is a defense prosecution under this section if the person has received written or emailed permission to keep said animal from an animal services officer and said person has provided the animal services officer the following;

- (1) Person's name, phone number, and valid state identification number;
- (2) Address of the location of where said animal will be kept; and
- (3) A picture of the animal.

(c) Any citizen of the City of Farmers Branch who owns an animal residing within the territorial limits of the City of Farmers Branch may offer to surrender ownership of the animal to the animal services manager. The animal services manager may accept or refuse the animal in accordance with written procedures to be established and set forth by the animal services manager. For each owner surrendered animal accepted by and released to the animal services manager, the owner shall pay to the animal services manager at the time of release an owner surrender fee, which shall be set by resolution of City Council. Furthermore, when an adult nursing female animal is surrendered and accompanied by a litter of unweaned animals, the owner surrender fee does not apply to the litter of unweaned animals.

DIVISION II: IMPOUNDMENT

Sec. 18-66. - Officers authorized to impound, euthanize or kill animals. The chief of police, any police officer, animal services manager, or any animal services officer or other persons designated by the chief of police, animal services manager or City manager shall have the authority to:

- (1) seize and impound any animal running at large in the City;
- (2) Impound any animal which is diseased or endangers the health of a person or another animal;
- (3) Kill an animal which poses an imminent danger of bodily harm to a person or property or a real or apparent immediate necessity exists for destruction of the animal;
- (4) impound and quarantine any animal that he has probable cause to believe was exposed to or infected with rabies. Any animal that exhibits symptoms of the rabies disease during quarantine shall be humanely euthanized;
- (5) Kill any animal suspected of having rabies when such animal is found at large, after having made a reasonable, but unsuccessful effort to capture the animal;
- (6) impound any animal at the request of a peace officer, member of the fire department, or owner of property where the animal is located when the owner of the animal has been arrested, hospitalized, is missing, has died, or when the owner is being lawfully evicted from his premises and there is no person seventeen (17) years of age or older present who will assume responsibility for the animal.
- (7) Seize and impound any dangerous animal, as set forth in Article V of this chapter regarding Dangerous Animals;
- (8) Seize and impound an animal if probable cause exists to believe the animal has been inhumanely treated as defined by this chapter; or
- (9) Euthanize an impounded animal at the designated animal shelter if the animal services manager, animal services officer, or a veterinarian determines that recovery of the animal from injury, disease, or sickness is unlikely.

Sec. 18-67. -Confinement of strays; notice to officers; duty of impoundment.

If any animal is found upon the premises of a person not the owner of the animal, the owner or occupant of such premises shall have the right to confine such animal until he can notify the chief of police, the animal services manager, or their designees to come and impound such animal, provided that the impoundment is done in a reasonable time. When so notified, it shall be the duty of such police or animal services officers to at once cause such animal to be impounded in the City shelter.

Sec. 18-68. - Shelter to be established.

The City council shall select and establish a place within the City for the impounding of animals found running at large.

Sec. 18-69. - Redemption period.

(a) Impounded animals shall be held at the shelter for not less than 72 hours, excluding Sunday, unless earlier reclaimed by the owner or the owner's agent, or euthanized as allowed by this chapter.

(b) An animal impounded at the request of a peace officer, member of the fire department, or property owner as set forth in section 18-66(f) herein shall be held at the shelter for not less than ten (10) business days, unless earlier reclaimed by the owner or the owner's designee or euthanized as allowed by this chapter.

(c) An impoundment period is not applicable for the following animals or situations:

- (1) any animal whose owner has voluntarily released to the City in writing;
- (2) wild animals;
- (3) Injured or diseased animals;
- (4) Cats that are determined by the animal services manager or his designee to be feral cats. Said cats may be sterilized, vaccinated for rabies, have its ears surgically tipped to identify it as a sterilized and vaccinated cat, and returned to locations within the City after a 24-hour holding time at the animal shelter.

(d) Any impounded animal, with or without traceable identification, which appears to be suffering from serious bodily injury or disease and which is in severe pain or suffering and may not recover or which appears to have an infectious disease which is an immediate danger to humans or to other animals may be euthanized.

(e) Any animal that is not displaying any type of identification, and which due to its violent or feral nature poses a substantial risk of bodily injury to the safety of animal shelter staff may be euthanized.

Sec. 18-70. Requirements for Redemption of Impounded Animals; redemption fee.

(a) Conditions for redemption of animals. Any person who wishes to redeem an impounded animal shall meet the following requirements:

- (1) Proof of rabies vaccination of the animal is required.

- (i) Sufficient proof of an animal's current rabies vaccination shall be a rabies vaccination certificate issued by a licensed veterinarian.
 - (ii) If the owner cannot prove that the animal has a current rabies vaccination, the owner shall pay a fee to have a rabies vaccination given prior to the release of the animal, if a veterinarian is on staff at that time. If a vaccination cannot be given at the time of release, a rabies vaccination voucher shall be provided upon receipt of payment of the rabies vaccination fee.
 - (iii) If a vaccination cannot be given at the time of the redemption, the owner shall have seven (7) business days after the animal's release to provide written proof of obtaining a current rabies vaccination to the animal services officer.
 - (iv) If, in the opinion of a licensed veterinarian, the rabies vaccination should not be given within the seven (7) business day period, the owner must provide a signed statement from the veterinarian stating why the vaccine should be temporarily delayed and when the vaccine may be given. The owner shall provide written proof of the administering of the vaccination to a animal services officer within forty-eight (48) hours of the time stated for appropriate administration in the veterinarian's statement.
- (2) A microchip implant in the animal is required. If the animal is not already identifiable by microchip, the owner shall pay a fee to have a microchip implanted into the animal prior to release.
- (3) Sterilization of the animal is required.
- (i) The owner shall submit written proof of having the animal sterilized within thirty (30) days of its release. The proof shall be a completed sterilization certification form provided by the animal services facility that is signed by the sterilizing veterinarian.
 - (ii) Subsection (i) herein shall not apply if the owner provides proof at the time of redemption that the animal has a current rabies vaccination, the animal is identified by microchip and visible identification, and the owner can provide written verification (the sufficiency of which may be determined by the animal services manager or his designee) that one (1) or more of the following conditions is met at the time of impoundment:
 - (a) Either the animal is registered with a national registry; or the animal is a sporting dog, livestock dog, or working dog, and the owner was a member of a national breed club, local breed club, or sporting or hunting club; or

- (b) The animal was a professionally trained assistance or police service animal; or
- (c) The animal was at large due to forces of nature, fire, or the reported criminal act of a third party who was not residing at the animal owner's residence; or
- (d) Nothing in this subsection shall be construed as permitting sterilized dogs and cats to run at large.

(iii) A pet owner whose animal qualifies for exemption from the sterilization requirements pursuant to Subsection (ii) herein shall pay an unsterilized animal redemption fee as established by the City Council and set forth in appendix A of this Code and impoundment fees to the City pursuant to section 18-160, prior to reclaiming the animal

(4) *Payment of fees.* The owner must pay a redemption fee in an amount established by the City and listed in Appendix A of this Code, any other applicable fees, and any expense incurred by the City for the care of the animal (example, veterinarian costs) prior to release of the impounded animal.

(b) Wild animals. Impounded wild animals kept in violation of this chapter may not be redeemed and may be placed with a wildlife rehabilitator or wildlife educational center or euthanized at the animal services manager's discretion.

(c) A person commits an offense if he fails to provide the proof of rabies vaccination required in subsection (a)(1)(iii) or (iv) herein.

(d) A person commits an offense if he fails to provide the proof of sterilization required in subsection (a)(3)(i) herein.

(e) This section shall not apply if the animal was impounded:

- (1) For being inhumanely treated as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal;
- (2) As a dangerous animal as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal;
- (3) For investigation of rabies and the quarantine period has not expired.

Sec. 18-71. City ownership of Impounded Animals not timely redeemed or voluntarily released.

In the event that a person has not redeemed an animal as required by the expiration of any required impoundment period or immediately after being voluntarily released by its owner, the animal shall become the property of the City, all ownership rights for the animal shall transfer to the City, and the animal services manager may dispose of the animal by any of

the following methods; Adoption, humane euthanasia, or transfer to another agency, taking into consideration factors that may include, but not be limited to, the animal's behavior, aggressive tendencies, feral characteristics, health, and housing space availability, within the sole discretion of the animal services manager.

Sec. 18-72. - Impoundment records.

The animal services manager shall keep records giving descriptions of all animals impounded by him, the date of impounding, the date of sale, the amount realized for such animal and the name and address of the purchaser.

Sec. 18-73. - Contracts and agreements.

The City Manager is authorized to enter into contracts with approved animal shelters or organizations for the humane treatment of animals to provide for direct transfer of animals impounded by the City to such shelter or organization. The City manager is further authorized to enter into agreements with individuals who will provide for the transport of impounded animals to shelters or organizations approved by the animal services manager.”

ARTICLE III – DOGS AND CATS

DIVISION 1. - GENERALLY

Sec. 18-106. - Microchipping of dogs and cats.

- (a) An owner of a dog or cat commits an offense if the dog or cat does not have a microchip.
- (b) It is a defense to prosecution under Subsection (a) that:
 - (1) the dog or cat was under four months of age;
 - (2) the dog or cat was being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization;
 - (3) the owner of the dog or cat has resided in the City for fewer than 30 days;
 - (4) the dog or cat qualifies for a medical exception from a licensed veterinarian;
 - (5) the dog or cat owner is a not a resident of the City and is staying in the City for fewer than 60 days; or
 - (6) the person charged produces to the court proof of a registered microchip showing the dog or cat was implanted with a microchip at the time the citation was issued or not later than 20 days after the citation was issued.

(c) The owner of a dog or cat shall maintain his or her current contact information with a microchip registration company.

(1) If the owner's contact information changes, the owner shall update the microchip registration company not later than 30 days after the change in the contact information.

(2) If the ownership of a dog or cat changes, the new owner shall provide the microchip registration company with his or her contact information not later than 30 days after the change in ownership.

(3) It is a defense to prosecution under this subsection that the person charged produces to the court proof that the contact information was current and the correct owner was listed at the time the citation was issued or the contact information was corrected and made current not later than 20 days after the citation was issued.

DIVISION 2. - DOGS AND CATS

Sec. 18-126. - Requirements for harboring.

No owner shall keep or harbor any dog or cat four months of age or over within the City limits unless such dog or cat is vaccinated against rabies as provided in section 18-127, and the owner has a rabies vaccination certificate and a tag for the dog or cat.

Sec. 18-127. - Rabies vaccination required.

Any owner of any dog or cat four months of age or over and which shall at any time be kept within the limits of the City shall have such dog or cat immunized with an anti-rabies vaccine by a duly licensed and practicing veterinarian. All dogs or cats initially vaccinated at four months of age or older shall be revaccinated not later than one year after the initial vaccination and thereafter either annually with one-year anti-rabies vaccine or every three years with three-year anti-rabies vaccine. Such owner shall procure from such veterinarian a certificate stating the date of the vaccination, date the next rabies vaccination is due, name and address of the owner and the approximate age, name, sex and breed of the dog or cat.

Sec. 18-128. - Collar and rabies tag required; exception.

Every owner shall be required to provide each dog or cat with a collar or harness which such dog or cat must wear at all times and to which shall be securely attached the tag issued for such dog or cat by a veterinarian, licensed to practice veterinary medicine in the state, showing that the dog or cat has been, within the last 12 months, vaccinated against rabies. The provisions of this section shall not apply to dogs or cats less than four months of age.

Sec. 18-129. - Prima facie evidence of non-vaccination.

All cats four months old or older, within the limits of the City, which do not have affixed thereto a tag as required by section 18-128, shall be and hereby are presumed not to have been vaccinated for rabies, which presumption may be rebutted by the owner or person having control of the dog or cat by the presentation of a certificate of a duly licensed and practicing veterinarian showing that such dog or cat has been vaccinated for rabies on a date not more than 12 months before the date such dog or cat was impounded by the chief of police, animal services manager, or any other person designated by the chief of police, animal services manager, or City council.

Sec. 18-130. - Number allowed.

(a) It shall be unlawful to keep or harbor more than four dogs four months of age or older and more than four cats four months of age or older on any premises used or zoned for residential purposes. However, bona fide raisers and breeders of dogs or cats strictly for a hobby may make application with animal services manager or his duly delegated employee for permission to keep or harbor more than four dogs of four months of age or older and more than four cats of four months of age or older. Upon payment of a breeder fee, the animal services manager, or his duly designated employee, shall issue a permit for one year to the applicant upon the following information being furnished and the listed conditions being satisfied:

- (1) The maximum number of dogs and cats to be kept or housed.
- (2) The purpose for the keeping or harboring of the dogs and cats.
- (3) The dogs and cats are to be housed in cages or pens inside a residence or completely enclosed structure.
- (4) The dogs and cats are kept or harbored so as not to be a nuisance or detriment to any adjoining or adjacent neighbors.
- (5) The owner or custodian of a dog shall not permit such dog to 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 not to create any hazards to the general health and welfare of the community.

(b) The animal services manager, or his duly delegated employee, upon being satisfied that the information in subsection (a) of this section has been furnished and the conditions satisfied, 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.

Sec. 18-131. – Dogs and cats not to run at large.

(a) No owner of any dog or cat shall allow any dog or cat to run at large or be outside of or off the owner's premises, whether vaccinated or not. All dogs or cats on the owner's premises shall be securely kept behind an adequate fence or shall be kept on a chain

adequate to restrain such dog or cat from leaving the owner's premises in violation of the terms of this article.

(b) A person commits an offense if the person causes a dog or cat not owned by him to be at large by intentionally, knowingly, or recklessly releasing a confined dog or cat.

(c) A person commits an offense if the person is the owner of a dog and the dog makes an unprovoked attack on a human, domestic animal or domestic fowl while said dog is at large, and the attack causes bodily injury or death to the human, domestic animal or domestic fowl.

Sec. 18-132. - Barking dogs.

(a) No owner shall keep or possess in the City any barking or howling dog which disturbs the peace or comfort of other citizens within the City.

(b) Prior to issuing a citation or filing a complaint in the Farmers Branch Municipal Court, the animal services manager and animal services officers may require the receipt of a sworn, written complaint by any person over the age of eighteen (18) years charging that a particular dog in the City is barking or howling to a degree that it is disturbing the peace or comfort of other citizens within the City, prior to issuing a citation for violation under Subsection (a) herein.

(c) To be considered valid, a sworn, written complaint shall contain at least the following information:

(1) Name, address and telephone number of complainant(s) and other witnesses;

(2) A description of the dog and the address where it resides, and, if known, the name and telephone number of the owner of the dog;

(3) A statement describing the facts upon which the complaint is based including: a description of the incident or incidents and how the dog's barking or howling is disturbing the peace or comfort of other citizens within the City; specific dates and times when said dog has been barking or howling; and duration of barking or howling.

(4) the names and contact information for witnesses who were present for the incident, if any;

(5) Any other facts that the complainant believes to be important.

(d) The animal services manager or animal services officer may reject or return complaints that are incomplete or do not contain the information required in subsection 18-132(c) herein. The animal services manager shall cause to have investigated all complaints containing the information required in subsection 18-132(c) herein that are submitted to the City.

Sec. 18-133. - Entering places where food is sold or served.

No owner or other person having control of a dog shall allow such dog to enter or be in any place of any kind or character where food is sold or served for human consumption. This section shall not apply to assistance dogs used by blind or disabled persons.

Sec. 18-134. - Waste.

- (a) The owner of a dog or person having control of a dog shall be responsible for the removal of any feces deposited by such dog on public or private property not owned by the person having control of such dog.
- (b) Feces deposited by a dog upon public property or upon the property of any person other than the dog's owner shall be collected and removed at once by the dog's owner or person having control of such dog.
- (c) Feces collected and removed must be disposed of in a sanitary manner and placed in a solid waste receptacle.

Sec. 18-135. - Penalty for violation of division.

Any owner or other person violating any provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished according to the provisions of section 1-14.

DIVISION 3. – STERILIZATION

Sec. 18-151. - Purpose and scope of division.

- (a) *Purpose.* The purpose of this division is to prevent the production of offspring by dogs and cats that are adopted from the animal shelter and to increase the number of animals in the City vaccinated for the rabies virus.
- (b) *Scope.* The sterilization requirements of this division shall apply only to dogs and cats that are adopted from the animal shelter and shall not apply to dogs and cats already owned and kept on private properties within the City.

Sec. 18-152. - As requirement for adoption.

Animal services may not offer a dog or cat for adoption from the animal shelter unless the animal has been sterilized and vaccinated for the rabies virus. Exceptions to the requirements of this division include:

- (1) Dogs or cats under the age of six months shall have an agreement pursuant to section 18-153;
- (2) An agency or humane organization, with required vaccination and sterilization policies for the adoption of animals approved by animal services, are exempt from the requirements and fees established by this division;

(3) A new pet owner shall agree to, in writing, provide written proof of sterilization of the animal signed by a veterinarian licensed in the State of Texas, within 30 days of redemption of the animal from the animal shelter. Failure to provide written proof of sterilization within 30 days of redemption shall constitute a violation of this division and the animal services manager may impose a fine of up to \$2,000.00 and seek civil remedies in accordance with state law.

Sec. 18-153. - Agreement.

(a) The sterilization agreement used by animal services must contain the following:

- (1) The date of the agreement;
- (2) The name, current address, date of birth, current business and residential telephone numbers, state driver's license number or other government issued picture identification and signature of the new or existing owner;
- (3) A description of the dog or cat adopted; and
- (4) Signature of the animal services manager.

(b) The new owner, who signs an agreement under this section, shall have the dog or cat sterilized by a veterinarian before the sterilization completion date stated in the agreement.

(c) A new pet owner shall pay a sterilization agreement deposit in the amount established by the City and listed in appendix A of this Code which payment shall be in the form of cash, credit card or debit card.

(d) If written proof of sterilization signed by a veterinarian licensed in the State of Texas has not been provided to the animal services manager within three days after the time frames set forth in the sterilization agreement, the deposit shall be forfeited and the animal services manager shall surrender it to the City treasurer.

(e) It shall be unlawful for any person who adopts an animal hereunder to fail to comply with this section, and the forfeiture of the deposit shall not prevent a prosecution hereunder.

Sec. 18-154. - Confirmation.

Except as provided in section 18-155, each new or existing owner who signs a sterilization agreement shall deliver to the animal services manager a receipt or statement signed by a veterinarian who performed the sterilization surgery as proof that the dog or cat has been sterilized. This proof must be delivered in person or by mail to the animal services manager no later than the date set forth in the agreement.

Sec. 18-155. - Loss of adopted dog or cat by new or existing owner.

If an adopted dog or cat dies, is lost or is stolen before the sterilization completion date established in the agreement, the new or existing owner must deliver a written statement, no later than the seventh day after the disappearance or death of the dog or cat, to the animal services manager, describing the circumstances of the animal's disappearance or death. The

written statement may be accepted by the animal services manager in lieu of the proof of sterilization required by section 18-154.

Sec. 18-156. - Failure of new or existing owner to deliver proof.

It shall be the presumption that failure of the new owner to deliver to the animal services manager proof, as required under section 18-154 or a letter as required under section 18-155, is the result of the new or existing owner's refusal to have the adopted dog or cat sterilized. Such failure shall cause animal services to file a court complaint against the new or existing owner.

Sec. 18-157. - Reclamation.

If the Animal Services Manager does not receive a written statement as required under section 18-154 or 18-155, after the expiration of the seventh day after the sterilization completion date established in the agreement described in section 18-153, the animal services manager may reclaim the animal from the new owner. A person may not prevent, obstruct or interfere with a reclamation under this section.

Sec. 18-158. - Responsibility for enforcement of division.

Animal services shall have the primary enforcement responsibility for this division and shall be empowered to make whatever inquiry is deemed necessary to ensure compliance with its provisions; provided, however, that nothing in this division shall authorize any party enforcing the terms of this division to enter upon private property without a search or arrest warrant where the federal or state constitution or statutory laws require such a search or arrest warrant.

Sec. 18-159. - Adoption and microchipping fees.

(a) A person shall pay the fee established by the City in the amount set forth in appendix A of this Code for the following services:

- (1) The adoption of animals from the animal adoption center shelter by residents or non-residents;
 - (2) The microchipping of animals placed by the City, excluding animals owned by the City which are to be adopted, rescued, transferred, or fostered.
- (b) The City manager or his designee are authorized to temporarily reduce the fee for adoption of animals in association with a special animal adoption event or upon the determination of the director of environmental health that such reduction is necessary to increase adoption rates in order to reduce overcrowding or capacity issues at the animal adoption center.
- (c) The animal services manager or his designee is authorized to reduce or not charge the fee authorized by section 18-159(a), above, with respect to the adoption of an animal that has remained impounded for a period of more than 12 consecutive days upon a finding of Animal Services Manager that such reduction is necessary to create an incentive to adopt

said animal in order to reduce overcrowding or capacity issues at the animal adoption center.

Sec. 18-160. - Impoundment fees.

(a) A person shall pay the fee established by the City in the amount set forth in appendix A of this Code for the following services:

- (1) Redemption of an animal by the owner or person authorized to act on behalf of the owner of the animal from the animal adoption center;
- (2) Housing an animal at the animal adoption center, which shall be a per day fee; and
- (3) Surrender of ownership of an animal by its owner to the City through the animal adoption center.

(b) The fees under subsection (a)(1) and (a)(2) of this section shall be in addition to any expenses for animal maintenance incurred by the City during the period the animal is in possession of the City.

ARTICLE IV – TREATMENT OF ANIMALS

Sec. 18-221.- Inhumane treatment of animals prohibited.

(a) A person commits an offense if, either through his action or omission, he:

- (1) Docks the tail or removes the dew claws of an animal over five (5) days of age, or crops the ears of an animal of any age, unless he is licensed to practice veterinary medicine in the state;
- (2) Transfers ownership or otherwise physically removes from its mother any dog, cat, ferret, or rabbit less than six (6) weeks old, or any other animal that is not yet weaned, except as advised by a licensed veterinarian;
- (3) Dyes or otherwise artificially colors any animal;
- (4) Displays, transfers ownership, or offers to transfer ownership of any dyed or otherwise artificially colored animal;
- (5) Abandons any animal that he or she has possession or ownership of at the animal services facility, at any other place of business, on public property, or with any person that has not consented or has revoked consent to be responsible for the care of the animal;
- (6) Fails to reclaim any animal that he owns from the animal services facility or any person who had temporary possession of the animal;

- (7) Fails to notify Animal Services within twenty-four (24) hours after a motor vehicle being operated by him strikes an animal;
- (8) Euthanizes, kills or attempts to euthanize or kill an animal in a manner other than one (1) allowed in this chapter;
- (9) Carries or transports an animal in any motor vehicle, conveyance, or trailer and fails to effectively restrain the animal so as to prevent the animal from leaving or being accidentally thrown from the vehicle, conveyance, or trailer;
- (10) Places or confines an animal, or allows an animal to be placed or confined, in a motor vehicle, conveyance, or trailer without providing adequately for the necessities of life, including air, food, potable water, sanitary conditions, shelter, or protection from the heat, cold, or other environmental condition, or under other circumstances that may cause bodily injury, serious bodily injury, or death of the animal;
- (11) Causes or allows an animal to remain in its own filth;
- (12) Owns or has care, custody, or control of an animal having an infestation of ticks, fleas, or other parasites, without having the animal treated by a veterinarian or following a proper commercially available treatment regimen for the infestation;
- (13) Owns or has care, custody, or control of an animal having an obvious or diagnosed illness, injury, or communicable illness transmittable to animal or human, without having the animal treated by a veterinarian or following a proper treatment regimen for the injury or illness;
- (14) Fails to provide basic grooming for an animal;
- (15) Causes, allows, or trains an animal to fight another animal or possesses animal fighting paraphernalia or training equipment;
- (16) Transfers ownership or offers to transfer ownership of any chicken, duckling, or rabbit younger than sixteen (16) weeks of age in quantities of less than twelve (12) to a single purchaser;
- (17) Mutilates or allows to be mutilated any dead animal for reasons other than food preparation or taxidermy. Dissection in compliance with medical or veterinary research, medical or veterinary necropsy, and bona fide educational use of dead animals shall not be considered mutilation;
- (18) Attaches or allows to be attached a collar or harness to an animal that is of an inadequate size so that it restricts the animal's growth or causes damage to the animal's skin;

- (19) Attaches or allows to be attached a tether that is not appropriately sized for the animal or so heavy as to restrict or burden the animal's movements; or
- (20) Teases, taunts, or provokes an aggressive reaction from an animal.
- (b) Animals seized pursuant to this section may be impounded and the animal services officer may petition the municipal court for a hearing to determine whether the animal was inhumanely treated and to determine the disposition of the animal. The petition shall be filed within forty-eight (48) hours of the seizure. If the court is not open during this 48-hour period, the petition shall be filed the next day the court is open for business. If a hearing is not requested, then the animal shall be returned to the owner upon request of the owner.
- (c) This section shall not be interpreted to restrict the lawful activities and legitimate operations of rodeos, 4H Clubs, or FFA Clubs.
- (d) Nothing in this section shall prevent a peace officer or animal services officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
- (e) A peace officer or animal services officer who removes an animal from a motor vehicle shall take it to the animal facility or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.
- (f) A peace officer or animal services officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.
- (g) A peace officer or animal services officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal as set forth in this Chapter herein.

Sec. 18-222. - Animal housing enclosure requirements

- (a) This section shall not apply to enclosures for rabbits kept pursuant to Section 18-6 of this chapter or enclosures for backyard chickens kept pursuant to Article VI of this chapter

(b) All animal housing pens and enclosures must be securely built, adequately sized for the kind, size, and number of animals housed, maintained in a sanitary condition so that flies or mosquitoes are not allowed to breed and odors are not offensive to adjacent residences or businesses, in compliance with all other requirements of this chapter, City zoning laws, and the following minimum standards:

(1) Enclosures housing fewer than five (5) animals must be at least twenty (20) feet from any adjacent building, excluding any building owned by the owner of the animals;

(2) Enclosures housing five (5) or more animals must be at least fifty (50) feet from any adjacent building, excluding any building owned by the owner of the animals;

(3) Enclosures used as an area for a dog to regularly eat, sleep, drink, and/or eliminate must have at least one hundred (100) square feet of space for each dog six (6) months of age or older that is housed there; and

(4) Enclosures shall be located so that the animals being housed are protected from inclement weather, harassment, stings and bites from insects, and attacks by other animals.

(c) A person commits an offense if he fails to provide an enclosure or enclosures meeting the criteria set forth in this section.

(d) Dangerous animal enclosures shall also meet the requirements of a secure enclosure as set out in this chapter.

ARTICLE V. - DANGEROUS ANIMALS

Sec. 18-256. - Purpose of article.

The purpose of this article is to provide a greater degree of safety and protection for citizens by establishing rules and regulations regarding the keeping and harboring of dangerous or aggressive animals within the jurisdictional boundaries of the City.

Sec. 18-257. - Penalty for violation of article.

Any person violating any of the provisions of this article shall, upon conviction, be punished as provided in section 1-14.

Sec. 18-258. - Injunctive relief.

In addition to and cumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this article.

Sec. 18-259. - Enforcement of article.

Animal services officers shall have the primary enforcement responsibility for this article and shall be empowered to make whatever inquiry is deemed necessary to ensure compliance with its provisions; provided, however, that nothing in this section shall authorize any party enforcing the terms of this section to enter upon private property without a search or arrest warrant where the federal or state constitution or statutory laws require such a search or arrest warrant.

Sec. 18-260. - Dangerous animals.

(a) Any dangerous animal found running at large may be destroyed by any animal services officer or peace officer in the interest of public safety.

(b) For purposes of this article, a person learns he/she is the owner of a dangerous animal when:

(1) The owner knows of an attack described in the definition of "dangerous animal"; or

(2) The owner is notified by the animal services manager that the animal is a dangerous animal.

(c) Complaint.

(1) The animal services manager may receive a sworn, written complaint by any person over the age of eighteen (18) years charging that a particular domestic animal in the City is a dangerous animal as defined in this article. To be considered valid, a sworn, written complaint shall contain at least the following information:

(i) Name, address and telephone number of complainant(s) and other witnesses;

(ii) A description of the animal and the address where it resides, and, if known, the name and telephone number of the owner of the animal;

(iii) A statement describing the facts upon which the complaint is based including: a description of the incident or incidents which cause the complainant to believe the animal is a dangerous animal; the date, time and location of the incident; a description of the injuries sustained and whether medical assistance was sought and the outcome of that treatment;

(iv) the names and contact information for witnesses who were present for the incident, if any;

(v) Any other facts that the complainant believes to be important.

(2) The animal services manager may reject or return complaints that are incomplete or do not contain the information required in subsection 18-260(c)(1)

herein. The animal services manager shall cause to have investigated all complaints containing the information required in subsection 18-260(c)(1) herein that are submitted to the City.

(d) Determination.

(1) Within ten (10) days of receiving a valid complaint, the animal services manager shall determine if the animal described in the complaint is a dangerous animal.

(2) If the animal services manager determines that the subject animal of a valid complaint is not a dangerous animal, he/she shall provide written notice of said determination to the owner of the animal and the individual who submitted the complaint under subsection 18-260(c)(1) herein.

(3) If the animal services manager determines that the animal is a dangerous animal, he/she shall make a disposition determination based on the necessity to preserve the public health, safety, and welfare of the community. This determination shall be one of the following:

(i) Removal of the dangerous animal from the City; or

(ii) Humane destruction of the dangerous animal; or

(iii) Allow the dangerous animal to remain in the City, provided the owner is in compliance with the requirements set forth in Subsection 18-260(i).

(e) Notification.

(1) The animal services manager shall provide notice of his/her determination regarding an animal that is subject to a complaint and the ordered disposition of an animal determined to be a dangerous animal to the owner of the animal, the individual who submitted the complaint, as well as any known victim of a dangerous animal.

(2) The notice shall be in writing and shall contain a statement that the owner has a right to appeal the determination that the animal is a dangerous animal to the Farmers Branch Municipal Court as set forth in Subsection 18-260(v) herein.

(3) Notice shall be hand delivered or mailed certified mail, return receipt requested, to the owner's last known mailing address. A notice that is mailed is deemed received three (3) days after it is placed in a mail receptacle of the United States Postal Service.

(f) Impoundment pending disposition of a dangerous animal.

(1) Within twenty-four (24) hours of receiving notice from the animal services manager that an animal is a dangerous animal, the owner of said dangerous animal shall cause said animal to be impounded and boarded at the owner's expense at the animal services facility pending the disposition of the animal in conformance with the animal service manager's notice or appeal. If the animal that is the subject of the hearing was already impounded for being an animal at large, was seized

pursuant to this chapter, or was abandoned at the animal services facility, the animal shall remain impounded until the conclusion of the hearing.

(2) A person commits an offense if he interferes with the lawful seizure or impoundment of an animal by an animal services officer.

(3) A person commits an offense if he harbors, hides, transports, or secures the transport for any animal for the purpose of preventing its required impoundment under this section.

(g) Removal from City.

(1) In the event that the animal services manager determines that the dangerous animal must be removed from the City, the owner of said dangerous animal shall remove said dangerous animal from the City limits within fifteen (15) days of notification from the animal services manager. Animal services may humanely destroy the dangerous animal if the owner of the dangerous animal has not submitted an appeal of the determination in accordance with Section 18-260(v) and does not remove such dangerous animal from the City within fifteen (15) days of notification by the animal services manager.

(i) Prior to removal from the City, the owner of a dangerous animal must submit proof that the dangerous animal has been microchipped and registered with a national registry.

(ii) Prior to removal to another jurisdiction, the owner of a dangerous animal must submit proof that the receiving jurisdiction is aware that an animal, which has been declared dangerous by the City of Farmers Branch, will be residing within their jurisdiction and that the owner or person who will be harboring the animal has met all of the local requirements for harboring a dangerous animal within the receiving jurisdiction.

(iii) Prior to removal from the City, the owner of a dangerous animal must report the disposition and exact address for relocation of such animal to the animal services manager in writing.

(h) Humane destruction.

(1) In the event that the animal services manager determines that the dangerous animal must be humanely destroyed, animal services may humanely destroy the dangerous animal if the owner of the dangerous animal has not submitted an appeal of the determination in accordance with Section 18-260(v).

(i) Requirements for owner of a dangerous dog.

(1) No later than thirty (30) days after notification from the animal services manager that an animal has been determined to be a dangerous animal and is permitted to remain within the City, the owner of a dangerous animal shall comply with the following requirements:

- (i) Prior to reclaiming the animal from animal services, present proof that the owner has purchased a current liability insurance policy with coverage amounts of at least \$300,000.00 per occurrence for personal injury, death and property damage to cover injury, death, or damage caused by a dangerous animal. The owner or keeper shall maintain such insurance as long as the dangerous animal is kept within the City;
- (ii) Prior to reclaiming the animal from animal services, present proof of a current rabies vaccination of the dangerous animal if it is a dog or a cat. In the event that the animal is provided a rabies vaccination by animal services, the owner shall be responsible for said expense and shall reimburse the City for these costs prior to retaining custody of such animal;
- (iii) Prior to reclaiming the animal from animal services, present proof satisfactory to the animal services manager that the enclosure in which the animal will be kept is a secure enclosure;
- (iv) Prior to reclaiming the animal from the animal services division, present written permission from the property owner allowing the animal to return to the property if the owner of a dangerous animal rents or leases the property where the animal will be living;
- (v) Prior to reclaiming the animal from the animal services division, present proof that said animal has been implanted with a microchip and registered with a national registry maintained by a recognized organization, such as AVMA or UKC, on a national basis. In the event that the animal is microchipped by animal services, the owner shall be responsible for said expense and shall reimburse the City for these costs prior to retaining custody of such animal;
- (vi) Prior to reclaiming the animal from the animal services division, pay an annual registration fee in the amount set forth in Appendix A of this Code;
- (vii) Keep the dangerous animal in a secure enclosure as defined in section 18-1 at all times when its owner is not present;
- (viii) Require that the dangerous animal, when exercised outdoors on property owned or leased by the animal's owner, be conducted in an enclosed area with a fence or wall not less than six feet in height and with the dangerous animal secured by a leash no longer than four feet in length held by a person of sufficient strength to restrain the animal;
- (ix) Except as provided in paragraph (viii) above, require that a dangerous animal not be removed from a secured enclosure unless it is secured by a leash no longer than four feet in length held by a person of sufficient strength to restrain the animal, and muzzled by a muzzling device sufficient to prevent the animal from biting a person or another animal;

(x) Require that the City's animal services officer be admitted to the location and premises of all dangerous animals to periodically inspect for compliance with all sections of this article; and

(xi) Require the dangerous animal be sterilized.

(2) The animal services manager shall provide to the owner registering a dangerous animal a dangerous animal registration tag. Such tag shall be of a bright distinguishing color, shall contain the year of registration engraved on its tag face, and shall be larger than a normal license tag issued to dogs and cats. A dangerous animal registration shall be valid for one year from the date of issuance.

(3) The owner of a registered dangerous animal shall attach the tag to the animal's collar or similar device and shall place such collar or device on the animal.

(4) If the owner of a registered dangerous animal sells or gives away the animal or moves the animal to a new address, the owner, prior to the date of the sale, gift, or move, shall notify the animal services manager of the animal's new address and owner, and receive written permission by the animal services manager for the move.

(5) If a new owner keeps a dangerous animal within the City, the new owner shall register the dangerous animal with the animal services manager prior to receiving the animal.

(6) Not less than thirty (30) days prior to the expiration of the annual registration of a dangerous animal, the owner of the dangerous animal shall deliver to the animal services manager proof that the owner is continuing to maintain the required liability insurance, vaccination, and secure enclosure along with an annual re-registration fee of \$100.00.

(7) The animal services manager may request proof of liability insurance and the maintenance of a secure enclosure as deemed necessary to assure compliance with this article.

(j) The owner of an animal that has been determined to be dangerous by another jurisdiction is prohibited from having such animal within the City limits.

(k) The owner of a dangerous animal shall immediately notify the animal services manager of all attacks made by the animal on humans or domestic animals, or if the animal is at large. For the purposes of this chapter, immediate shall mean within ten (10) minutes of the owner becoming aware of the attacks or the animal being at large. Notification shall be made to the City's emergency dispatch system (911).

(l) The owner of a dangerous animal shall notify the animal services manager of the death of such animal by providing satisfactory proof to the local rabies control authority.

(m) 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 outside the animal's enclosure, and the attack causes bodily injury to the other person.

(n) A person commits an offense if the person is the owner of a dangerous animal and the animal makes an unprovoked attack on a domestic animal or domestic fowl while such

animal is at large, and the attack causes bodily injury or death to the domestic animal or domestic fowl.

(o) A person who owns or keeps custody or control of a dangerous animal commits an offense if the person fails to comply with requirements for owners of dangerous animals set forth in Section 18-260(i) herein.

(p) A person commits an offense if he owns or keeps custody or control of a dangerous animal without having such animal currently registered as a dangerous animal with the City animal services division.

(q) The owner of a dangerous animal commits an offense if he fails to comply with Section 18-260(k) herein.

(r) The owner of a dangerous animal commits an offense if he sells or gives the animal to another person and fails to notify the other person at the time of the sale or gift that the animal is a registered dangerous animal.

(s) The owner of a registered dangerous animal commits an offense if he fails to display on such animal a current dangerous animal registration tag issued by the City's animal services division.

(t) If a person is found guilty of an offense under this section, the court shall order the animal services manager to impound and humanely destroy the animal immediately.

(u) The animal services manager shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this section are being violated.

(v) Appeal

(1) Orders of the animal services manager pertaining to a dangerous animal may be appealed to the City municipal court. Appeals to the court shall be made by the owner filing a written notice of appeal with the court not later than the fifteenth (15th) day after receiving notice that the animal has been determined to be dangerous. During the pendency of the appeal, the order of the animal services manager shall be suspended, and the animal shall remain impounded at the owner's expense at the animal services facility. The decision of the municipal court may be appealed as set forth in Texas Health and Safety Code Section 822.0424, as amended.

(2) The appeal before the municipal court shall be a trial de novo. The standard procedures for trial settings in the municipal court shall be used for these appeals. The appeal is limited to a hearing under the substantial evidence rule and is a civil proceeding for the purpose of affirming or reversing the animal services manager's determination of dangerousness or affirming, reversing, or modifying the manager's decision regarding disposition of the dangerous animal.

(3) The owner filing the appeal shall file an appeal bond in the amount of three hundred dollars (\$300.00) with the municipal court. The bond shall be used to cover the cost of daily care of the animal. Should the judge or jury determine the animal

is not dangerous the appeal bond may be returned if the amount has not been assessed as costs of daily care.

(4) The owner shall be responsible for any costs beyond feeding, including but not limited to: veterinary care, immunizations, medications, and care for other animals or employees injured by the animal.

(5) The judge or jury may render a verdict in the appeal regarding the disposition of the dangerous animal that conforms to the requirements set forth in Sections 18-260 (g), (h), or (i), whichever is applicable.

(6) The owner shall pay all assessed costs before the animal is released to the owner.

(w) Non-compliance.

(1) Upon receipt of a sworn, written complaint by any person that the owner of a previously determined dangerous animal has failed to comply with Subsection 18-260(i) herein or has failed to remove the dog from the City as required by order of the animal services manager or the municipal court, the municipal court shall conduct a hearing to determine whether the owner is in compliance with Subsection 18-260(i) herein or with an order of removal, whichever applies. The hearing must be conducted within thirty (30) days after receipt of the complaint, but, if the dog is already impounded, not later than ten (10) days after the date on which the dog was seized or delivered. The municipal court shall provide, either in person or by mail, written notice of the date, time, and location of the hearing to the animal owner and to the complainant. Any interested person may present evidence at the hearing.

(2) At the conclusion of the hearing, the municipal court shall:

(i) find that the owner of a dangerous dog is in compliance with Subsection 18-260(i) herein or with an order of removal, whichever applies, and, if the animal is impounded, order the animal services manager to waive any impoundment fees incurred and release the animal to its owner; or

(ii) find that the owner of a dangerous dog is not in compliance with Subsection 18-260(h) herein or with an order of removal, whichever applies, and order the animal services manager to seize and impound the dog (if the animal is not already impounded) and to:

(a) humanely destroy the animal if the animal services manager determines that the owner has not complied with Subsection 18-260(i) of this section by the 11th day after the date the municipal court issues an order under this subsection or the animal is seized and impounded, whichever occurs later, or release the animal to the

owner if the animal services manager determines that the owner has complied with Subsection 18-260(i) before the 11th day;

(b) release the animal to the owner if the animal services manager determines that the owner will permanently remove the animal from the City before the 11th day after the date the municipal court issues an order under this subsection or the animal is seized and impounded, whichever occurs later, and re-seize, impound, and humanely destroy the animal if the owner has not permanently removed the dog from the City by the 11th day; or

(c) humanely destroy the animal if:

(1) the animal services manager determines that the owner will not comply with Subsection 18-260(i) of this section by the 11th day after the date the municipal court issues an order under this subsection or the animal is seized and impounded, whichever occurs later;

(2) the animal services manager determines that the owner will not permanently remove the animal from the City before the 11th day after the date the municipal court issues an order under this subsection or the animal is seized and impounded, whichever occurs later; or

(3) the owner of the animal cannot be located before the 15th day after the date the municipal court issues an order under this subsection or the animal is seized and impounded, whichever occurs later.

(3) The owner of the dangerous animal is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the animal will be released to the owner.

Sec. 18-261. - Burden of proof regarding identification.

It is a rebuttable presumption, rebuttable by a preponderance of the evidence, that a declaration by the City's animal services manager of an animal as a dangerous animal, and a party as an owner, pursuant to this article, establishes that fact as a matter of law. The burden to rebut that legal presumption lies with the owner of the animal.

Sec. 18-262. - Listing of registered dangerous animals

The animal services manager shall publish a list available to any citizen that states the identifying information of all animals deemed dangerous. The dangerous animal's address, description, and pictures shall be included as well as any other information deemed

pertinent. The list shall be available at the animal services facility and on the City's webpage.

ARTICLE VI – BACKYARD CHICKENS

Section 18-300. - Backyard Chickens Allowed; Permits.

(a) A person may harbor or possess not less than three (3) and not more than six (6) backyard chickens on residential property or on property owned or leased by the City, a school, or an educational facility within the City after first having obtained a permit from the City for such location and payment of a non-refundable application fee set forth in Appendix A of this Code.

(b) *Permit Application.* A person who desires to harbor or possess backyard chickens on residential property within the City on which the person identifies as the person's primary residence shall:

(1) submits an application for a permit to Animal Services on a form provided by the City accompanied by a site plan showing the proposed location for the chicken coop on the property, and a floor plan and side elevations for the chicken coop to be located on the property;

(2) pay a non-refundable application fee in the amount set forth in Appendix A of this Code;

(3) if the applicant is a person other than the owner of the property on which the backyard chicken(s) will be kept, submit with the permit application written authorization from the property owner to keep three or more backyard chickens on the property identified in the permit application, which authorization must bear the property owner's signature;

(4) successfully attend and complete an education program offered by the City for the keeping of back yard chickens and submit the certificate of completion of the program with the application for permit.

(c) Not more than one permit may be issued for an individual property, tract or residential lot.

(d) The permit is non-transferable and shall be valid and effective until the permit holder no longer resides at the property for which the permit was issued, in the event the person ceases to harbor or keep backyard chickens on the property, or the permit is otherwise revoked pursuant to this Article.

(e) The permit shall not supersede, replace or control over any recorded deed restrictions, covenants or other restrictions applicable to such residential property.

Section 18-301. - Standards for Keeping Backyard Chickens.

A person keeping three or more backyard chickens on residential property or on property owned or leased by the City, a school, or an educational facility within the City shall comply with the following:

- (a) Not less than three (3) and not more than six (6) backyard chickens may be kept on an individual property, tract or residential lot;
- (b) Backyard chickens shall be kept within a secure chicken coop constructed with three (3) or more sides with a roof or other cover capable of allowing the chickens within the coop to remain dry and protected from the elements and which provides for direct access by an enclosed passage between the roosting area and exercise yard. Backyard chickens shall be kept within the chicken coop and exercise yard except when being removed to be transported off the property, or returned from a location off the property; provided, however, backyard chickens under the direct supervision and control of, and in the presence of, an adult may be allowed to roam in the rear yard outside of the chicken coop and exercise yard if the entire rear yard is secured by an enclosed perimeter fence;
- (c) No more than one (1) chicken coop and one (1) exercise yard shall be allowed on the property and must be located in the rear half of the lot not less than five (5) feet from any property line;
- (d) The height of the chicken coop shall not exceed the greater of six (6) feet or the lowest height of the existing fence enclosing the rear yard where the chicken coop is located, but in no case greater than eight (8) feet in height;
- (e) The chicken coop shall provide at least five (5) square feet of area per backyard chicken, but in no case, exceed a total of eighty (80) square feet of area;
- (f) The exercise yard shall be not less than fifteen (15) square feet in area per backyard chicken not exceed a total one hundred twenty (120) square feet in area;
- (g) The chicken coop and exercise yard must be maintained in a sanitary condition and the accumulation of backyard chicken waste on the property is prohibited;
- (h) Nuisance odors or excessive noise shall not be allowed to travel beyond the property line and disturb neighbors of ordinary sensibilities;
- (i) Adequate food, shelter, water, and care shall be provided in a humane manner to the backyard chicken(s);
- (j) No backyard chicken or backyard chicken byproducts, including but not limited to eggs, may be sold by, under the direction of, or with the consent of the permit holder;

(k) Medical treatment from a Texas-licensed veterinarian must be timely obtained by the permit holder and provided to any backyard chicken(s) showing symptoms of illness or injury; and

(l) Any processing of deceased backyard chickens shall not occur in any area visible from the public right-of-way.

Section 18-302. - Construction Standards for Chicken Coops and Exercise Yards

(a) *Chicken coops.* Chicken coops shall be constructed in accordance with the following requirements:

(1) The chicken coop must be constructed in a workmanship like manner of naturally decay-resistant wood, or wood that has been pressure treated to resist decay or galvanized steel or aluminum;

(2) Exposed wood material of the chicken coop shall be stained, sealed or painted to provide additional weather protection to the material.

(3) The chicken coop may be located above the exercise yard; and

(4) The tallest part of the chicken coop shall not exceed the greater of six (6) feet above grade or the lowest height above grade of the existing fence enclosing the rear yard where the chicken coop is located, but in no case greater than eight (8) feet in height above grade, measured at the lowest elevation property line in the rear yard, even if located on top of the exercise yard.

(b) *Exercise Yard Construction:* Exercise yards shall be constructed in accordance with the following requirements:

(1) The exercise yard shall be constructed in a workmanship like manner of a frame of naturally decay resistant wood, wood that has been pressure treated to resist decay, galvanized steel or aluminum;

(2) Any wood used on the exercise yard frame shall be stained, sealed or painted;

(3) The exercise yard frame shall be maintained in good and sound condition; and,

(4) The exercise yard frame shall securely hold the wire enclosure on all edges of the enclosure.

Section 18-303. - Roosters Not Authorized.

- (a) A permit issued pursuant to this article does not authorize the possession or keeping of a rooster on any property within the City. It is an offense for any person to keep, harbor or possess a rooster within the City. A person convicted of such offense shall be subject to a penalty of fine in the amount of not less than One Thousand Dollars (\$1,000.00).
- (b) It shall be a defense to a violation of this Section 18-303 if on the date of the offense the rooster was sixty (60) days old or younger.

Section 18-304. - Keeping Excess Chickens

A person commits an offense if the person possesses or keeps more than six (6) backyard chickens on any property within the City. Each day that a person keeps or possesses more than six (6) backyard chickens on property within the City shall constitute a separate offense. A person convicted of an offense under this Section 18-304 shall be subject to a penalty or fine in the amount of not less than One Hundred Dollars (\$100) for each backyard chicken in excess of six that the person has possessed or kept on property within the City.

Section 18-305. - Revocation of Permit.

- (a) A permit issued by the City pursuant to this article may be revoked upon a finding by the Animal Services Manager after written notice to the permit holder that the permit holder has violated any provision of this article. The permit holder may appeal the revocation to the City Manager, or designee whose decision shall be final. The permit holder shall have until 5:00 p.m. of the second business day following receipt of the notice of revocation to appeal the permit revocation to the City Manager by submitting such appeal in writing to the City Manager. The appeal shall be heard by the City Manager within ten (10) business days following receipt of a timely notice of appeal at a hearing at which the Animal Services and permit holder may submit oral and documentary evidence and testimony, and are provided an opportunity to ask questions of witnesses. No rules of evidence will apply to the conduct of such hearing. The City Manager, or designee, shall make a final determination to either repeal or uphold the permit revocation, which decision shall be final. If the permit holder fails to timely file an appeal of the permit revocation, or if the City Manager, or designee upholds the permit revocation following an appeal, the permit holder will have seventy-two (72) hours to remove the backyard chickens from the City following the date the notice of revocation is delivered to the permit holder or the date the City Manager, or designee denies the appeal of the permit revocation, whichever is later.
- (b) A permit issued by the City pursuant to this article shall be revoked upon a finding by Animal Services that the permit holder has been convicted of three (3) or more violations of the Code of Ordinances including this article. A permit revoked pursuant to this section 18-305 (b) is not appealable and such person (and such premises while owned or occupied by such person) shall not be eligible for a permit for back yard chickens under this article.

ARTICLE VII – RABIES AND ZONOSIS CONTROL

Sec. 18-326. – State regulations adopted.

(a) The City hereby adopts by reference the Texas Rabies Control Act of 1981, as amended, (Chapter 826 of the Texas Health and Safety Code, as amended) and the standards established by the appropriate state agency or Texas Board of Health as minimum standards for rabies control and quarantine provisions within the City.

Sec. 18-327. - Local rabies control authority.

(a) *Designation of local rabies control authority.* The animal services manager and his designees are hereby designated as the local rabies control authority for purposes of enforcement Texas Health and Safety Code Chapter 826, as amended.

(b) *Duties.* Among other duties, as the local rabies control authority, the animal services manager, either directly or through the City's animal services officers, shall enforce:

(1) Chapter 826 of the Texas Health and Safety Code, as amended, and the rules adopted by the Texas Board of Health that comprise the minimum standards for rabies control and any other applicable state and federal laws related to zoonotic diseases;

(2) City ordinances governing the control of rabies within the City; and,

(3) The rules adopted by the Texas Board of Health under the area rabies quarantine provisions of Texas Health and Safety Code, Section 826.045, as amended, and any other applicable state and federal laws related to zoonotic diseases.

Sec. 18-328. – Notification of local rabies control incidents or zoonotic disease.

(a) Any licensed veterinarian or technician working for a veterinarian who diagnoses, examines, or treats any animal diagnosed to have, or suspected to have, rabies, a non-natural infection of anthrax, avian influenza, brucellosis, campylobacteriosis, Escherichia coli 0157:H7, hantavirus, Lyme Disease, monkey pox, plague, Q-fever, rabies, Rocky Mountain Spotted Fever, Salmonellosis, Tularemia, West Nile virus, or any other zoonotic encephalitis, or other zoonotic diseases transmissible to humans, shall immediately report their findings to the animal services manager.

(b) Any physician or other medical or veterinary practitioner having knowledge of a local rabies control incident shall notify the animal services manager of the names, addresses and phone numbers of persons or animals treated.

(c) Any person owning or possessing an animal which has been involved in a local rabies control incident, or any other person having knowledge of the local rabies control incident, shall notify the animal services manager within twenty (24) hours of said incident.

(d) A person commits an offense if he has knowledge of a local rabies control incident and fails to notify the animal services manager within twenty-four (24) hours of said incident.

(e) A person commits an offense if he has knowledge that an animal within the City carries any of the diseases listed in this section and fails to notify the animal services manager of said animal within twenty-four (24) hours of first obtaining knowledge of said infection.

(f) A person commits an offense if he has knowledge of a local rabies control incident and fails to provide the following information to the animal services manager within twenty-four (24) hours of said incident:

(1) the name and contact information (telephone number or address) of the victim of said local rabies control incident; or

(2) the name and contact information (telephone number or address) of the owner of the animal involved in a local rabies control incident, provided that the owner's name and contact information should be reasonably known to that person.

Sec. 18-329. - Quarantine.

(a) Any animal that an animal services officer has probable cause to believe was exposed to or is infected with rabies, or that the agent has probable cause to believe has been involved in a local rabies control incident, shall be placed under quarantine. Animals shall be quarantined according to state law and rules. Owners of animals being quarantined at the Animal Services facility shall pay an Animal Services quarantine fee.

(b) Any animal that is required to be quarantined under Subsection (a) herein that is concurrently required to take medication for any medical condition shall be quarantined at a licensed veterinarian facility or in a home quarantine in accordance with Subsection (c) herein.

(c) Upon request by the owner, a home quarantine may be allowed if the animal services officer determines all state requirements for a home quarantine are met and the owner complies with all of the following requirements:

(1) Isolates the animal from all people and pets other than those that lived with the biting animal at the quarantining residence prior to the local rabies control incident;

(2) Agrees to allow an animal services officer to inspect the animal and residence at any reasonable time during the quarantine period;

- (3) Agrees to contact the animal services manager immediately if the animal escapes from the residence, dies, attacks any other person or animal, exhibits any change in behavior, or exhibits any sign of illness;
 - (4) Confines the animal inside a residence or dwelling at all times other than times for evacuation of waste material. During evacuation, the animal shall be kept on a tether not more than six (6) feet in length and must remain under the direct physical control of an adult at all times;
 - (5) Agrees to keep the animal at the approved residence or dwelling throughout the quarantine period unless prior written approval to move the animal is obtained from the animal services officer;
 - (6) Agrees to keep the animal under quarantine until the animal is cleared by the animal services officer;
 - (7) Implants a microchip in the animal in compliance with this chapter;
 - (8) Agrees to immediately turn the animal over to a state-approved rabies quarantine facility for the duration of the quarantine period as ordered by the animal services manager if any section of this chapter is violated; and,
 - (9) Pays the home quarantine fee as set by this chapter.
- (d) Should a potential outbreak of rabies within the City be suspected and the danger to the public safety from rabid animals be reasonably imminent, the animal services manager is hereby authorized to issue a quarantine proclamation, ordering persons owning, keeping, or harboring dogs, cats or other warm-blooded animals to muzzle the same or confine them for the time as may be specified in the quarantine proclamation. Upon the publication of the proclamation by local newspapers, persons owning or harboring animals addressed by the proclamation shall confine them to premises unless they are effectively muzzled and under the control of an adult person by a tether not more than six (6) feet in length. After publication of the proclamation, an animal found to be in violation of the order or at large may be impounded or destroyed by an animal services agent if such agent is unable, with reasonable effort, to apprehend the animal for impoundment.
- (e) A person commits an offense if the person fails or refuses to immediately comply with the animal services manager's order to quarantine an animal in response to a potential outbreak of rabies.

ARTICLE VIII – PUBLIC NUISANCES

Sec. 18-336. - Nuisances.

(a) A person commits an offense if the person is an owner of an animal and the person permits, or by insufficient control allows, any of the following to occur:

(1) Creation of any condition on the owner's property, or that carries over to an adjacent property, that renders the ground, the water, the air or the food hazardous or injurious to animal life or health or that is offensive to the senses or that is detrimental to the public health;

(2) Allowing any female animal in estrus to be on any public property, or any private property not owned by the animal's owner, except to transport said animal to a veterinarian for treatment or to a planned breeding in compliance with all other provisions of this chapter; or

(3) Feeding of a cat(s) (feral or not) or wildlife not belonging to the person by setting food in the open outside of a building, whether said food is left attended or unattended.

(b) A person commits an offense if the person is the owner of an animal and the person fails to immediately remove and dispose of any excreta the animal produces.

(c) It is an affirmative defense to prosecution under Subsection (b) of this section if the owner proves by preponderance of the evidence that:

(1) The property where the animal defecated was owned, leased, or controlled by the owner of the animal at the time it defecated;

(2) The animal was an assistance animal, and at the time it defecated, the animal was in the presence of its disabled person or was present on the property of its disabled person;

(3) The owner of the property or person in control of the property had given prior written consent for the animal to defecate on the property;

(4) The animal is a police service animal being used in official law enforcement activities; or

(5) The animal is under the direction and control of a non-profit search and rescue organization participating in an authorized search and rescue activity.

(d) After the third offense resulting in conviction, as defined in this chapter, of any person with care, custody, or control of an animal, for violating any provision of this Article VIII Section 18-336 or Section 18-337 in any twelve (12) consecutive month period, the animal services manager or officer may petition the City's municipal court for a hearing to

determine if such animal is a continuing public nuisance. Within twenty-four (24) hours of receiving notice from the animal services manager that an animal a petition has been filed under this subsection, the owner of said animal shall cause said animal to be impounded and boarded at the owner's expense at the animal services facility pending the disposition of the animal in conformance with the municipal judge's order. The subject animal may be seized and impounded by an animal services officer if the owner does not comply with the impoundment requirements herein. After the hearing, which shall be held within twenty (20) days of the court's receipt of a petition, a City municipal court judge may order the subject animal be:

- (1) humanely euthanized;
- (2) excluded from the City limits of Farmers Branch of the animal;
- (3) released to the ownership of the animal services facility; or
- (4) returned to the owner.

(e) After an order in Subsection (d) herein is issued by the municipal court, the owner shall comply with the order or within the time specified in the court order, or if no time for compliance is specified in the order, within forty-eight (48) hours after the order is signed by the judge.

(f) If a judge orders that the animal is to be removed from the City limits, the owner shall provide the address of the location of the animal to the animal services manager in writing within seventy-two (72) hours of the signing of the order.

Sec. 18-337. - Running at large prohibited.

It shall be unlawful and a nuisance for any person raising or keeping any animal to fail to prevent any such animal from running at large within the City, or to fail to prevent any such animal from going upon the premises of another.

SECTION 2. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so

decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be a misdemeanor offense subject to a fine in accordance with Section 1-14 of the City Code of Ordinances; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 21ST OF AUGUST 2018.

APPROVED:

Robert C. Dye, Mayor

ATTEST:

Amy Piukana, City Secretary

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(JPD:8-14-18:TM 101837)