



FARMERS
BRANCH

Dangerous Animals

Farmers Branch Animal Services

Miguel Gauna

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At Large and Running At Large

- 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.
- 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.
- Feral cats in the TNR program are not considered at large.

Dangerous Animal Means

Unprovoked Attack outside of its enclosure

(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.

Unprovoked acts outside of its enclosure

(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.



Unprovoked Attack in an enclosure

(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.



Unprovoked attack on a Domestic animal

(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.



Farmers Branch Animal Services

- Since the amended ordinance we have had one (1) dangerous dog investigation
- The residents of Farmers Branch must hold the owners accountable for their actions and their animals actions by calling Animal Services and reporting all incidents
 - Including a loose dog
 - Especially to report dangerous animals and attacks
- Depending on each case an Animal Services Officer when responding to a call can write a warning notice, issue citations, and/or impound an animal
- Residents can be provided a Dog at Large Affidavit or a Dangerous Dog Affidavit if the Animal Services Officer did not witness the violation/incident and the officer does not have enough evidence to proceed with the case



Complaint is Filed & The Determination

- The animal services manager may receive a sworn, written complaint by any person over the age of 18 years charging that a particular domestic animal in the city is a dangerous animal as defined in this article
- 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
- 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:
 - a. Removal of the dangerous animal from the city;
 - b. Humane destruction of the dangerous animal; or
 - c. Allow the dangerous animal to remain in the city, provided the owner is in compliance with the requirements set forth in subsection (i).

(i) **Requirements for owner of a dangerous dog.**

- The animal must be sterilized
- The animal must be microchipped and registered
- A secured enclosure must be built and inspected
- At least a \$300,000.00 liability insurance policy per occurrence must be obtained and presented
- Must provide a current rabies vaccination
- Must pay an annual \$100.00 dangerous animal registration
 - Dangerous dog tags are issued
- The animal must have a muzzle when out for a walk with a leash no more than four(4) feet in length and restrained/held by a person of sufficient strength to restrain the animal from biting a person or another animal
- Required to allow Animal Services to do periodic inspections on the enclosure and the liability insurance policy

Secure Enclosure or Enclosure

- An animal housing enclosure that meets all of the following:
 - Capable of preventing the entry of the general public, including children;
 - Capable of preventing escape or release of an animal in the enclosure;
 - Clearly marked as containing a dangerous animal;
 - Has an attached, secure roof;
 - Has a concrete floor, or sides buried not less than 2' into the ground and constructed to prevent the animal from digging under the secure enclosure and escaping;
 - Is no closer than 4' to any property line;
 - Is locked with a key or combination lock when such animals are within the enclosure; and
 - Complies with all additional requirements as established and provided in writing to the owner by the animal services manager, his designee, or this chapter.
- A secure enclosure or enclosure does not mean a residential home or commercial building unless specifically allowed by the animal services manager.

(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 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 \$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 subsections (g), (h), or (i), whichever is applicable.
- (6) The owner shall pay all assessed costs before the animal is released to the owner.

Non-compliance

- If the owner of a dangerous dog is in non-compliance a search and seizure warrant is executed to impound said animal by Animal Services
 - A court hearing is set to hold the owners and the animal accountable
- Any dangerous animal found running at large may be destroyed by any animal services officer or peace officer in the interest of public safety.



City Attorney/Prosecutor Recommendations

- The prosecutor will provide his recommendations to improve the ordinance regarding dangerous animals.



Questions