

Chapter 6

ANIMALS

ARTICLE I. IN GENERAL

Sec. 6-1. Animal Services Division established.

To protect the public health and welfare, to provide for the public safety, to promote a safe and healthy environment for both animals and people, and to more effectively control, regulate, and provide for animals within the City of Temple, the Animal Services Division is established (hereinafter called "Animal Services"). Animal Services will consist of upper level management and their designees, including Animal Services officers, and all others designated by the City Manager. The Temple Police Department will oversee Animal Services.

Sec. 6-2. Enforcement.

- (a) The provisions of this Chapter may be enforced by Animal Services, the Temple Police Department, and any other persons designated by the City Manager. The City Manager and the Chief of Police have the authority to designate hearing officers to hear appeals under this Chapter.
- (b) In carrying out their official duties, Animal Services officers and police officers have the authority to protect themselves, to protect a third person, and to protect any animal from attack or threat of imminent bodily injury and to prevent any animal from enduring further pain or suffering due to disease or injury.
- (c) It is unlawful for any person to interfere with, obstruct, resist, or oppose any Animal Services officer, police officer, or other person authorized to enforce provisions of this Chapter while such person is apprehending an animal or performing any other duties as required for the enforcement of this Chapter or other state or local law. It is unlawful to take or attempt to take any animal from a vehicle used by the City or its designee to transport any animal or take or attempt to take any animal from a City animal shelter or other kennel or confinement area used to impound an animal.
- (d) It is unlawful for a person to make a false complaint or a false report of an alleged violation under this Chapter.

Sec. 6-3. Definitions.

For the purposes of this Chapter, and as used herein, the following terms will have the meanings as given in this Section:

Aggressive dog. A dog that:

- (a) makes an unprovoked attack on another domestic animal that causes bodily injury to that animal and occurs in a place other than an enclosure in which the dog was being kept;
- (b) on more than one occasion, when unprovoked, bites one or more persons who were lawfully inside the dog's enclosure;
- (c) repeatedly attempts, successfully or unsuccessfully, to climb over, dig under, chew through, break or otherwise escape from its enclosure in an attempt to attack, chase, or harass a person or another domestic animal;
- (d) commits unprovoked acts in an enclosure in which the dog was being kept, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or
- (e) commits unprovoked acts in a place other than an enclosure in which the dog was being kept, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to another domestic animal.

Animal. Any living, vertebrate creature, domestic or wild, other than a human.

At large. Any animal not under restraint as defined by this Section. An animal inside a vehicle parked in a public place will be considered at large unless it is restrained in such a manner that it cannot exit the vehicle on its own volition.

Bodily injury. Physical pain, illness, or any impairment of physical condition.

Cat. A commonly domesticated member of the Felidae (feline) family, other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar, or other prohibited animal.

Chief of Police. The chief of the City of Temple Police Department (Temple Police Department) and their designees.

City. The City of Temple, Texas, the City Council of Temple, Texas, or its representatives, employees, agents, and designees.

City animal shelter. An impound or adoption services facility owned, operated, leased, or contracted for by the City.

City Council. The City's elected governing body.

City Manager. The City's city manager or their designee.

Dangerous dog. A dog that:

- (a) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (b) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dog. A commonly domesticated member of the Canidae (canine) family, other than a wolf, jackal, fox, dingo, coyote, or other prohibited animal.

Domestic animal. Includes livestock, caged or penned fowl, other than birds of prey, and normal household pets, including, but not limited to, cats and dogs, ferrets, rabbits, cockatiels, parakeets, hamsters, guinea pigs, gerbils, fish, or small, non-poisonous reptiles, snakes, or amphibians.

Fowl. A bird of any kind.

Guard dog. Any dog which has been trained for the purpose of protecting property by a guard dog company which is required to be licensed pursuant to Tex. Occ. Code Ch. 1702, as amended.

Handle. Having charge, care, custody, or control of an animal.

Harbor. To feed, shelter, protect, provide for, care for, bear the expense of, or otherwise maintain an animal.

Hen. A female domestic chicken, not including guinea hens.

Impoundment fee. The fee charged for the impoundment of animals impounded under Sec. 6-9 (Cruelty to Animals), Article VII (Dangerous Dogs), or Article VIII (Aggressive Dogs) of this Chapter.

Livestock. Includes, regardless of age, sex, or breed, horses and all equine species, including mules, donkeys and jackasses; cows and all bovine species; sheep and all ovine species; llamas; goats and all caprine species; and pigs and all porcine species.

Keep. To retain on a property by any means, control, own, or have custody or possession of an animal.

Miniature swine. Any breed of swine weighing one hundred fifty (150) pounds or less at full maturity.

Owner. Any person who owns, shelters, keeps, handles, harbors, or has temporary or permanent custody of an animal, or who knowingly allows an animal to remain on any property over which the person has control.

Person. Any natural person, corporation, partnership, association, firm, or legal entity.

Pet. Any animal kept for pleasure or companionship rather than utility or as a service or emotional support animal.

Prohibited animal.

- (a) Any wild or exotic animal or any animal not normally born and raised in captivity, including, but not limited to, the following:
- (1) a dangerous wild animal as defined by Section 822.101 of the Texas Health and Safety Code, as amended;
 - (2) reptiles: venomous lizards, venomous snakes, crocodiles, alligators, caimans, and gharials;
 - (3) mammals:
 - (A) felines (such as lions, tigers, bobcats, jaguars, leopards, pumas, and cougars), except commonly domesticated cats;
 - (B) canines (such as wolves, dingos, coyotes, foxes, and jackals and any hybrid of a canine, including hybrids of canines and commonly domesticated dogs), except commonly domesticated dogs;
 - (C) mustelids (such as weasels, skunks, martins, minks, badgers, and otters), except ferrets;
 - (D) procyonids (such as raccoons and coati);
 - (E) bears;
 - (F) marsupials (such as kangaroos, opossums, koala bears, wallabies, bandicoots, and wombats);
 - (G) bats;
 - (H) sloths, anteaters, armadillos, and related species;
 - (I) elephants;
 - (J) primates (such as monkeys, chimpanzees, orangutans, and gorillas);
 - (K) rodents (such as beavers and porcupines), except commonly domesticated rodents kept as pets including hamsters, gerbils, guinea pigs, rats, mice, and chinchillas; and
 - (4) amphibians: poisonous frogs.
- (b) This term does not include livestock, fowl, or normal household pets, such as, but not limited to, dogs, cats, cockatiels, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, non-poisonous reptiles, snakes, or amphibians.

Properly fitted collar. A collar that measures the circumference of an animal's neck plus at least one inch.

Properly fitted harness. A harness that is of an adequate size, design, and construction as appropriate for an animal's size and weight.

Public nuisance. A condition that is or threatens to be detrimental or dangerous to the public's health, safety, or welfare.

Quarantine fee. The fee charged for the quarantine of animals impounded under Sec. 6-41.

Reclamation fee. The fee for the reclamation of an impounded animal, except as otherwise provided by this Chapter.

Repeatedly at large animal. An animal that is at large more than four times in a one-year period.

Restraint. An animal either (a) kept in a secure enclosure; or (b) kept under the direct physical control of a responsible person by a leash, cord, or other type of lead and obedient to that person's commands.

Rooster. A male domestic chicken.

Serious bodily injury. An injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause 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.

Shelter. A clean, sturdy, and dry structure with a roof and three (3) sides and an entryway that is protected from the elements and is large enough to allow the animal to stand erect, sit, turn around, and lie down in a normal manner.

Sterilization. Surgical or chemical treatment of the reproductive organs of a dog or cat to render the animal unable to reproduce.

Unprovoked means an action by a dog that is not:

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

Veterinarian. Any person duly licensed to practice veterinary medicine by the Texas State Board of Veterinary Medical Examiners.

Veterinary hospital, clinic, or office. Any establishment maintained and operated by a veterinarian for surgery, diagnosis of, and treatment of diseases and injuries of animals.

ARTICLE II. CARE AND CONTROL

Sec. 6-4. Restraint; animals at large.

- (a) All owners must keep their animals under restraint except as otherwise provided by this Section.
- (b) An animal not under restraint is at large, except if the animal is:
 - (1) on the premises of its owner's property and is under the immediate personal supervision and the control of a responsible person and obedient to that person's commands;
 - (A) It is an exception to the supervision and control requirements of Subsection (b)(1), above, if the animal is a cat and is on the premises of its owner;
 - (2) wearing a functioning electronic collar and is under the control of a responsible person and obedient to that person's commands;
 - (3) if a dog, is in a designated dog park;
 - (4) accompanied by its owner or trainer at a bona fide animal show, field trial, or exhibition;
 - (5) a service animal in the performance of its duty under the Americans with Disabilities Act of 1990, 42 U.S.C.S. § 12101 et seq., as amended and is under the immediate control of a responsible person and obedient to that person's commands; or
 - (6) an animal used for law enforcement purposes by a law enforcement agency.
- (c) It is unlawful for an animal to be at large.
- (d) All animals at large are subject to impoundment by Animal Services. Animal Services officers, police officers, and their designees have the authority to impound at large animals as provided below:
 - (1) on public property, in all cases;
 - (2) on private property, if the consent of the resident or property owner is obtained;

(3) on private property, in all cases except fenced rear yards of residences, if the officer reasonably believes that the animal will run at large if not impounded, except for cats on the premises of their owner; and

(4) when authorized by appropriate courts of law.

Sec. 6-5. Animal defecation.

(a) If an animal defecates on any public or private property other than the property of its owner, the owner of the animal must immediately remove the feces and dispose of it as required by state and local law.

(b) Failure of an owner to comply with this Section is an offense under this Chapter.

Sec. 6-6. Public nuisances.

(a) Every owner is responsible for the behavior and conduct of their animal at all times. An owner must:

(1) prevent their animal from damaging or destroying public or private property other than the owner's private property;

(2) prevent their animal from causing noise that unreasonably disturbs or interferes with the peace, comfort, and quiet enjoyment of a neighboring person of ordinary sensibilities;

(3) restrain their animal while it is in heat;

(4) prevent their animal from chasing, attacking, or otherwise interfering with pedestrians or passersby, regardless of whether the animal is on the owner's property;

(5) prevent their animal from chasing, attacking, or otherwise interfering with a motor vehicle, bicycle, scooter, or other vehicle, regardless of whether the animal is on the owner's property;

(6) not tie or stake their animal within fifteen (15) feet of any street, sidewalk, park, or other public land when tied or staked on an open or unfenced property;

(7) not tie or stake their animal at a location or in a manner that allows the animal to graze on or reach public property; and

(8) prevent their animal from being repeatedly at large.

(b) Failure of an owner to comply with any of the duties listed in Subsection (a), above, is a public nuisance and an offense under this Chapter.

(c) If Animal Services determines that a public nuisance exists under this Chapter, or an owner is violating any other provision of this Chapter, Animal Services may, at its discretion, issue an order requiring

that the owner perform certain remedial requirements to remedy the nuisance or violation of this Chapter.

- (d) To appeal an order or decision of Animal Services made under this Section or Subsection 6-23(f), the owner of the animal at issue must file a written notice of appeal with Animal Services within fifteen (15) days of the date the order or decision was made. If the owner fails to timely file a proper appeal, the Animal Services' order or decision will be final.
- (e) A hearing on an appeal under this Section will be held within ten (10) days of the date the appeal was filed.
- (f) Notice of the hearing must be given to the appellant at least seventy-two (72) hours in advance of the hearing, unless the appellant waives their right to notice. Notice of a hearing must also be given to Animal Services at least seventy-two (72) hours in advance of the hearing date unless they waive their right to notice. If the appellant fails to appear at the hearing, the order or decision of Animal Services will be final.
- (g) The burden of proof in an appeal will be upon the appellant. This burden may be met by a preponderance of evidence.
- (h) At any hearing, the hearing officer is not restricted to the rules of evidence applicable in a court of law but may rely upon that evidence which a reasonable man would rely upon in reaching a decision. Any person having knowledge of relevant or material facts will be allowed to appear and testify.
- (i) Upon the close of the hearing, the hearing officer must issue a written statement of their findings and decisions, and may sustain, modify, or rescind Animal Services' order or decision. A hearing officer's decision will be final. A copy of this written statement will be sent to the appellant and to Animal Services within five (5) days of the date the statement is written.
- (j) All services of notice and statements under this Section must be provided to the owner in person or by mail.
- (k) Remedial measures.
 - (1) As provided by Subsection (c) or Sec. 6-23(f), Animal Services or a hearing officer may require an owner to take any of the below remedial measures:
 - (A) Leash. Securely leash the animal with a leash no longer than four feet in length and keep the animal in the physical control of a person eighteen (18) years of age or older when not securely confined indoors or in a kennel, pen, or fenced-in area. The animal may not be leashed to inanimate objects, such as trees, posts, buildings, etc.
 - (B) Muzzle. Muzzle the animal by a muzzling device sufficient to prevent the animal from biting persons or other animals when the animal is in a public place.

- (C) Secure Confinement. Securely confine the animal in a kennel, pen, or fenced-in area or repair or install a kennel, pen, or fence to securely confine the animal.
- (D) Relocation of confinement area. Relocate on their property the area where the animal is kept, so that the animal does not unreasonably disturb or interfere with the peace, comfort, or quiet enjoyment of a neighboring person of ordinary sensibilities.
- (E) Confinement indoors. Confine the animal indoors, prohibit the animal from being kept on a porch, patio, or part of a house or structure where the animal can exit on its own volition, or otherwise restrict the confinement of the animal so that the animal cannot escape from its confines.
- (F) Restitution. Pay restitution for damages or injury caused by the animal.
- (G) Training. Take the animal to training.
- (H) Spay or neuter. Spay or neuter the animal.
- (I) Animal enclosure. Provide a clean, safe, and healthy area in which the animal will be kept as required by this Chapter.
- (J) Removal from City. Require a prohibited animal to be removed from the City, unless the owner is exempted by Section 822.102, Subchapter E, Dangerous Wild Animals, Texas Health and Safety Code, as amended.
- (K) Take other remedial requirements that under the circumstances Animal Services or a hearing officer finds will serve the interests of the owner in keeping the animal and promote the peace, safety, and welfare of the public as well as the health and welfare of the animal.
- (l) If remedial requirements are ordered under this Chapter, Animal Services or a hearing officer will state a time frame within which the owner must comply with the required actions. For good cause, the period to comply may be extended by Animal Services or the hearing officer.
- (m) Animal Services and a hearing officer have the authority to inspect the premises in which the owner's animal is kept at reasonable times to ensure continued compliance with the remedial requirements during the prescribed time frame provided by Subsection (l), above.
- (n) It is unlawful for an animal owner to violate or fail to comply with the remedial requirements ordered by a hearing officer or Animal Services under this Chapter.

Sec. 6-7. Pens and enclosures; sanitary requirements; minimum cage size; overcrowding.

- (a) An owner of any animal must maintain and keep all animal cages, pens, coops, kennels, fenced-in areas, and other enclosures of any kind in a sanitary condition. The owner must:
 - (1) promptly dispose of all animal wastes;
 - (2) keep the enclosures clean and free from noxious odors; and
 - (3) keep the enclosures free of flies, mosquitoes, ticks, fleas, and other vectors as feasible.
- (b) Cages, pens, coops, kennels, fenced-in areas, and other enclosures used to confine animals must be of sufficient size to maintain all animals within such enclosure comfortably and in good health. Each animal must have enough space to allow it to turn freely and easily stand, sit, stretch, move its head without touching the top of the enclosure, and assume a comfortable posture for eating and drinking. An enclosure must be large enough to allow all animals within the enclosure to move and lay down without lying on excrement.

Sec. 6-8. Abandoned animal; impoundment.

- (a) Any animal left without proper food, water, or shelter for more than three (3) days or any animal left in conditions that endanger the health, life, and safety of the animal will be deemed abandoned.
- (b) Animal Services, a police officer, or any other authorized agent of the City may impound any abandoned animal.

Sec. 6-9. Cruelty to animals.

- (a) Cruelty to non-livestock and livestock animals, excluding uncaptured wild living creatures, is a violation of the Texas Penal Code and depending on the circumstances, is a Class A misdemeanor, state jail felony, or a felony of the second or third degree.
- (b) Cockfighting is a violation of the Texas Penal Code and depending on the circumstances is a state jail felony or a Class A or Class B misdemeanor.
- (c) Dogfighting is a violation of the Texas Penal Code and depending on the circumstances is a state jail felony or a Class A misdemeanor.
- (d) Animals Services and the Chief of Police have the full authority granted by Section 821.022, Texas Health & Safety Code, as amended, to seize and impound any animal that has been or is being cruelly treated. If Animal Services or the Chief of Police has reason to believe that an animal has been or is being cruelly treated, pending a hearing before any justice of the peace or magistrate in Bell County or any municipal court judge on the issues of cruelty and disposition of the animal, the seizure of the subject animal prior to receiving a warrant is hereby authorized if such a delay endangers the life of the animal, or if it would unreasonably prolong the suffering of the animal needing immediate attention.

Sec. 6-10. Standard of care.

- (a) An owner of an animal is required to provide to their animal humane care and treatment, including:
- (1) access to an adequate supply of fresh air;
 - (2) species-specific food;
 - (3) fresh water;
 - (4) exercise;
 - (5) shelter, as defined by this Chapter;
 - (6) access to adequate natural or artificial shade from direct sunlight at all times that is large enough to contain all outdoor pets at one time and is separate from any shade created from the designated shelter; and
 - (7) veterinary care when needed to prevent suffering.
- (b) In case of dispute over adequacy of care and treatment, Animal Services or the Chief of Police will be the final authority.

Sec. 6-11. Tethering of dogs.

- (a) It is unlawful for a person to use a chain, rope, tether, leash, cable, or other like device to attach a dog to a stationary object or trolley system (hereinafter called "tethering") except as provided by this Section.
- (b) A person may tether a dog in the following circumstances:
- (1) during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity;
 - (2) if tethering is required to protect the safety or welfare of a person or the dog and the owner maintains immediate control of the dog;
 - (3) in the immediate control of the owner in a public park; or
 - (4) on the owner's property, if the dog is tethered in such a way as to prevent the dog from:
 - (A) advancing to within fifteen (15) feet of the edge of any public right-of-way; and

(B) moving outside the owner's property.

(c) If a dog is lawfully tethered as provided by Subsection (b)(4), the following conditions must be met:

(1) the chain, rope, tether, leash, cable, or other like device used to tether:

(A) must be attached to a properly fitted collar or harness worn by the dog;

(B) must not be used with a pinch-type, prong-type, or choke-type collar;

(C) must not be placed directly around the dog's neck;

(D) must not exceed one-twentieth of the dog's body weight;

(E) must have a length: (i) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or (ii) 10 feet, whichever is greater;

(F) must not be in an unsafe condition;

(G) must not cause injury to the dog; and

(H) must allow the dog, by design and placement, a reasonable and unobstructed range of motion without entanglement;

(2) the dog must have access to adequate shelter, dry ground, shade from direct sunlight, and clean and wholesome water;

(3) the dog must not be tethered outside in extreme weather conditions, including, but not limited to, conditions in which:

(A) the actual or effective outdoor temperature is below 32 degrees Fahrenheit;

(B) a heat advisory has been issued by a local or state authority or jurisdiction; or

(C) a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service;

(4) if the dog is female, the dog must not be in heat; and

(5) the dog must not be sick or injured.

(d) A person commits an offense if they do not comply with all applicable provisions of this Section.

Sec. 6-12. Safety of animals in motor vehicles.

- (a) Animal in Vehicle. No person may leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety, or welfare. Any Animal Services officer, police officer, or firefighter is authorized to use reasonable force to remove an animal from a vehicle whenever it appears the animal's health or safety is endangered. Any animal removed from a vehicle in this way will be impounded.
- (b) Transportation of Animal. No person may transport any animal in a motor vehicle on any public roadway unless:
 - (1) the animal is safely confined within the vehicle in such a way as to prevent the animal from falling or jumping from the vehicle or from strangling on a single leash; or
 - (2) if traveling in an unenclosed vehicle, which includes, but is not limited to, convertibles, pick-up truck beds, unenclosed jeeps, and flatbed trailers, the animal is safely confined by:
 - (A) a vented container or cage that is secured in such a way as to prevent the release of the animal and the container or cage from sliding around or falling from the vehicle; or
 - (B) a multi-point tether that prevents the animal from falling or jumping from the vehicle or from strangling on a single leash.
- (c) Distracted driving. The operator of a vehicle may not allow an animal to freely move about the interior of their vehicle in such as a manner as to:
 - (1) obstruct the operator's view to the front, back, or sides of the vehicle; or
 - (2) interfere with the operator's control of the vehicle.

Secs. 6-13 - 6-19. Reserved.

ARTICLE III. IMPOUNDMENT

Sec. 6-20. Seizure of animals.

- (a) Animal Services, any police officer, or any designated agent of the City is authorized to seize, impound, and humanely confine to a City animal shelter or a veterinary clinic any animal:
 - (1) at large;
 - (2) for protective custody;
 - (3) required to be quarantined under Article V of this Chapter;

- (4) displaying signs and symptoms of extreme injury or illness;
- (5) seized pursuant to a warrant or court order;
- (6) reasonably suspected of having inflicted bodily harm on any human being or animal or posing a threat to public safety;
- (7) that is a prohibited animal;
- (8) not cared for in violation of Sec. 6-10; or
- (9) abandoned as defined by Sec. 6-8.

(b) The City is authorized to give impounded animals appropriate immunizations, administer any parasite treatment, and perform any other medical procedure or treatment a veterinarian recommends or determines is necessary.

(c) If the City has paid for veterinary care for an impounded animal, the animal may not be released to its owner unless the owner reimburses the City for the cost of the veterinary care regardless of whether an owner has paid a reclamation, impoundment, or quarantine fee or any other costs or fees imposed under this Chapter.

Sec. 6-21. Notification to City.

Any person finding an animal at large upon their property may hold the animal in their own possession and notify Animal Services or the Temple Police Department.

Sec. 6-22. Owner notification.

If an animal is impounded, Animal Services will make a reasonable effort to locate the animal's owner by using any contact information from the animal's vaccination tag, microchip, or other identification and notify the owner of the animal's impoundment.

Sec. 6-23. Domestic animals; time; disposition; reclamation.

(a) Impounded domestic animals must be kept for three (3) days from the date of impoundment. If the owner of an impounded animal does not reclaim the animal within three (3) days after the date of impoundment, the animal will become the sole property of the City and is subject to disposition as Animal Services deems appropriate. The animal may be humanely euthanized prior to the expiration of the three (3) day period if, in the professional opinion of Animal Services or a veterinarian, disposition is necessary to avoid the unnecessary suffering of a sick or injured animal or to prevent the spread of communicable disease. All reasonable steps to contact the owner as provided by Sec. 6-22 must be taken by Animal Services. However, if immediate disposition is necessary prior to the

owner being contacted or before the owner reclaims the animal, the animal may be humanely euthanized.

- (b) The City will not be liable for damages for the destruction of any animal authorized under this Chapter.
- (c) An impounded domestic animal may be available for reclamation by the animal's owner upon the owner presenting their appropriate identification such as a government issued license, identification card, passport, handgun license, etc., of which the City will keep a copy, and paying the reclamation fee to the City.
 - (1) Possession of a vaccination certificate describing the animal or bearing the same serial number that appears on a vaccination tag worn by the animal will be accepted as prima facie proof of ownership.
 - (2) An impounded domestic animal seized under Sec. 6-9 (Cruelty to Animals), Sec. 6-41 (Quarantine), Article VII (Dangerous Dogs), and Article VIII (Aggressive Dogs) of this Chapter may not be released from impoundment under this Subsection.
 - (3) A repeatedly at large animal may only be released as provided by Subsection 6-23(f), below.
- (d) A dog or cat unvaccinated against rabies may not be reclaimed unless the owner signs a redemption contract agreeing to vaccinate the animal within a prescribed period. The procedure for rabies vaccination for adopted animals described in Sec. 6-38 applies to animals reclaimed after impoundment.
- (e) No impounded domestic animal suffering from disease, ailment, or injury may be reclaimed by its owner until Animal Services is provided with sufficient information by the owner to determine that arrangements have been made for proper treatment of the animal by a veterinarian.
- (f) Impoundment of animals repeatedly at large; release; appeal.
 - (1) A repeatedly at large animal may not be released to its owner without the written approval of Animal Services. If released upon approval by Animal Services, the owner must pay double the reclamation fee. If Animal Services denies the animal's release, the animal will become the sole property of the City and is subject to disposition as Animal Services deems appropriate unless the owner successfully appeals this denial as provided by this Subsection.
 - (2) An owner may appeal Animal Services' denial of an animal's release by using the same appeals procedure provided in Sec. 6-6.
 - (3) If a hearing officer reverses Animal Services' denial of an animal's release on an appeal, the hearing officer may require the owner to take any remedial measure described in Sec. 6-6(k) as a condition of the animal's release and pay double the reclamation fee.

Sec. 6-24. Prohibited animals; seizure; impoundment; time; disposition; reclamation.

- (a) Impounded prohibited animals must be kept for three (3) days from the date of impoundment. If the owner of an impounded prohibited animal does not reclaim the prohibited animal within three (3) days after the date of impoundment, the animal will become the sole property of the City and is subject to disposition as Animal Services deems appropriate. Such animal may be humanely euthanized prior to the expiration of such time if, in the professional opinion of Animal Services or a veterinarian, disposition is necessary to avoid the unnecessary suffering of a sick or injured animal or to prevent the spread of communicable disease. All reasonable steps to contact the owner as provided by Sec. 6-22 must be taken by Animal Services. However, if immediate disposition is necessary prior to the owner being contacted or before the owner reclaims the animal, the animal may be humanely euthanized.
- (b) If a prohibited animal cannot be seized or confined in a manner that ensures human safety, the animal may be destroyed during the seizure or confinement.
- (c) Impounded prohibited animals may be available for reclamation by the owner upon the owner presenting their appropriate identification such as a government issued license, identification card, passport, handgun license, etc., of which the City will keep a copy, and paying to the City all applicable fees and costs, which may include the cost of seizure and the actual costs to the City of housing, transporting, and feeding the prohibited animal, and signing an agreement with the City stipulating that the owner:
 - (1) must, within seventy-two (72) hours, lawfully remove from the City limits the prohibited animal and must not allow the prohibited animal to return to the City; and
 - (2) consents to the City humanely destroying the prohibited animal if the animal is found again within the City limits.
- (d) If the owner of a prohibited animal fails to sign or comply with the agreement provided in Subsection (c), the prohibited animal may be either euthanized or removed from the City as determined by Animal Services.
- (e) No impounded prohibited animal suffering from disease, ailment, or injury may be reclaimed by its owner until Animal Services is provided with sufficient information by the owner to determine that arrangements have been made for proper treatment of the animal by a veterinarian.
- (f) No prohibited animal impounded pursuant to this Section may be returned to its owner unless the owner has complied, as applicable, with Subchapter E, Dangerous Wild Animals, of the Texas Health and Safety Code, as amended.

Sec. 6-25. Impoundment and reclamation fees.

- (a) Impoundment and reclamation fees will be set by resolution of the City Council.

- (b) No animal may be released to its owner until all impoundment and reclamation fees and any other applicable fees and costs have been paid, except as otherwise provided by this Chapter.
- (c) An impoundment or reclamation fee may be charged for every day and any part of the day that the animal is in the custody of Animal Services.

Secs. 6-26 - 6-30. Reserved.

ARTICLE IV. ADOPTION

State law reference — Dog and Cat Sterilization, V.T.C.A., Health & Safety Code § 828.001 et seq.

Sec. 6-31. Placement of animal for adoption.

- (a) The decision to place an animal for adoption is at the sole discretion of Animal Services.
- (b) No person seeking to adopt an animal will be discriminated against on the basis of race, color, sex, religion, national origin, gender identity, or sexual orientation.

Sec. 6-32. Fees for adoption.

- (a) An adopter must pay any applicable adoption fees to Animal Services to adopt an animal from Animal Services.
- (b) Adoption fees will be set by resolution of the City Council.
- (c) Animal Services may, from time to time, designate and advertise promotional adoption periods during which the adoption fees payable under Subsection (a) will be reduced or waived.

Sec. 6-33. Adoption of two or more animals.

If an adopter adopts two or more animals from Animal Services on the same date and as part of the same transaction, the adopter will be deemed to be the owner of all the animals adopted in the transaction and will be responsible for complying with all the requirements of this Chapter that relate to the adopted animals.

Sec. 6-34. Sterilization.

- (a) Before an unsterilized dog or cat may be released from Animal Services for adoption, the adopter must sign a sterilization agreement with Animal Services that complies with Section 828.003 of the Texas Health and Safety Code, as amended, agreeing to:

- (1) have the dog or cat spayed or neutered within fourteen (14) days of the date of adoption or by the date the animal attains six (6) months of age, whichever is later; and
 - (2) deliver to Animal Services in person, by mail, or by e-mail, within seven (7) days after the date of sterilization, written confirmation of sterilization complying with Section 828.005 of the Texas Health and Safety Code, as amended, that the animal was spayed or neutered by the completion date required in Subsection (a)(1).
- (b) An adopter who signs a sterilization agreement under Subsection (a) commits an offense if they fail to:
- (1) have the adopted dog or cat spayed or neutered within the period required under Subsection (a)(1);
or
 - (2) furnish written confirmation of sterilization as required under Subsection (a)(2).
- (c) It is a defense to prosecution under Subsection (b), if by the seventh (7th) day after the sterilization completion date required in Subsection (a)(1), the adopter delivers to Animal Services in person, by mail, or by e-mail:
- (1) a written letter complying with Section 828.006 of the Texas Health and Safety Code, as amended, stating that the animal is dead, describing the cause of death, if known, and providing the date of death; or
 - (2) a written letter complying with Section 828.007 of the Texas Health and Safety Code, as amended, stating that the animal is lost or stolen, describing the circumstances surrounding the disappearance, and providing the approximate date of the disappearance.
- (d) The adopter is solely responsible for ensuring that Animal Services timely receives the written confirmation of sterilization required under Subsection (b)(2) or any written letter described in Subsection (c). The veterinarian is not responsible for providing to Animal Services written confirmation of sterilization. Telephone calls notifying Animal Services of sterilization or possible defenses to this Section will be insufficient proof of sterilization or defenses and do not meet the requirements of this Section.
- (e) If an adopter of a dog or cat violates Subsection (b), Animal Services may reclaim the animal, and ownership of the animal will automatically revert to the City. In such case, there will be no refund of the adoption fee.
- (f) A person may not prevent, obstruct, or interfere with the reclamation of an animal under this Section.

Sec. 6-35. Refusal of adoption.

- (a) Animal Services may refuse to release any animal for adoption for any reason, including, but not limited to, any of the following reasons:
- (1) the prospective adopter or adoption agency has previously violated a provision of this Chapter or has been convicted of animal cruelty or dogfighting;
 - (2) the prospective adopter or adoption agency has inadequate or inappropriate facilities for confining the animal or is unable to provide proper care to the animal as required by this Chapter; or
 - (3) Animal Services determines that the health, safety, or welfare of the animal or of the public would be endangered by allowing the adoption.

ARTICLE V. RABIES CONTROL

State law reference — Rabies Control Act of 1981, V.T.C.A., Health & Safety Code § 826.001 et seq.; 25 Tex. Admin. Code § 169.21 et. seq.

Sec. 6-36. State law incorporation; local rabies control authority designated.

- (a) The City of Temple hereby incorporates by reference the Texas State Rabies Control Act of 1981, as amended, and the standards established by the appropriate state agency or rule-making board as minimum standards for rabies control and quarantine provisions within the City of Temple. In addition, all the rabies control provisions of this Chapter, which are adopted pursuant to the Texas Health and Safety Code, apply within the City.
- (b) Animal Services is designated as the local rabies control authority for purposes of Chapter 826 of the Texas Health and Safety Code, as amended, and is authorized to perform the duties required of a local rabies control authority under this Chapter and state and other local laws.

Sec. 6-37. Vaccination required for a dog or cat.

An owner of a dog or cat must have the dog or cat vaccinated against rabies as required by state law.

Sec. 6-38. Rabies vaccination for adopted dogs and cats; proof required.

- (a) A person adopting a dog or cat that is four (4) months old or older from a City animal shelter must vaccinate the adopted dog or cat against rabies within seven (7) days of the date of adoption if the adopted animal is unvaccinated against rabies. If the dog or cat is younger than four (4) months old and unvaccinated against rabies at the time of adoption, the adopting person must vaccinate the adopted dog or cat against rabies by a date provided by Animal Services, which must be no earlier than the date by which the dog or cat turns four (4) months old.

- (b) It is presumed that the person failed or refused to have the animal vaccinated against rabies if the adopting person fails to provide written proof of rabies vaccination within seven (7) days of the date of adoption or by the date required by Animal Services, whichever is later. Proof must be in the form of a written receipt from the veterinarian administering the vaccination or the written certificate of rabies vaccination provided by the veterinarian administering the vaccination. Telephone calls notifying Animal Services of rabies vaccination by the adopter will be insufficient proof of rabies vaccination and do not comply with the requirements of this Section.
- (c) It is the adopter's sole responsibility to provide written proof of rabies vaccination for the adopted animal to Animal Services. The veterinarian administering the vaccination will not be responsible for providing written proof of rabies vaccination to Animal Services.
- (d) Failure to timely provide written proof of rabies vaccination as required by this Section is an offense. This is in addition to an offense under Section 826.022, Texas Health and Safety Code, as amended, for failure or refusal to vaccinate.
- (e) The City may reclaim the adopted animal from an adopter if Animal Services does not receive written proof of rabies vaccination within seven (7) days of the adoption date or by the date required by Animal Services, whichever is later. In such case, there will be no refund of the adoption fee, and ownership of the animal will revert to the City.
- (f) A person may not prevent, obstruct, or interfere with the reclamation of an animal under this Section.

Sec. 6-39. Vaccination tag as evidence.

- (a) It is unlawful for an owner to allow a dog or cat the age of four (4) months or older to be in a public place without wearing a current vaccination tag issued by a veterinarian.
- (b) It will be a rebuttable presumption that any dog or cat not wearing a current vaccination tag attached to its collar or harness does not have a current rabies vaccination.

Sec. 6-40. Unlawfully displaying false tag.

It is unlawful for any person to attach to a dog's or cat's collar a vaccination tag issued to any other dog or cat.

Sec. 6-41. Quarantine.

- (a) An animal required to be quarantined under the Texas Rabies Control Act of 1981, as amended, and any applicable state agency rules, must be placed in a Texas Department of State Health Services-licensed facility specified by Animal Services or in a veterinary clinic, except as otherwise provided by Subsection (b).

- (b) Home Quarantine. Animal Services, at its sole discretion, may allow an owner to home quarantine an animal if all the following criteria are met:
- (1) the owner signs a home quarantine agreement and agrees to abide by the conditions of the agreement;
 - (2) the owner has not previously violated a home quarantine agreement;
 - (3) the owner has not provided false information to Animal Services in the past;
 - (4) a secure enclosure is approved by Animal Services and is used to prevent escape;
 - (5) the animal was vaccinated against rabies at the time of the potential exposure and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an unvaccinated animal is not over four (4) months old at the time of the potential exposure, the City may allow home confinement at its discretion;
 - (6) the animal was not at large at the time of the potential exposure;
 - (7) the owner monitors the animal's behavior and health status and immediately notifies Animal Services if any change is noted;
 - (8) Animal Services or a veterinarian observes the animal at least on the first and last day of the home quarantine; and
 - (9) the animal was not a stray as defined in the Texas Health and Safety Code, § 826.002, as amended, at the time of the potential exposure.
- (c) Animal Services may revoke its permission to allow home quarantine if Animal Services finds that an owner provided false information to Animal Services to obtain approval for home quarantine or violated any condition of their home quarantine agreement.
- (1) If permission for home quarantine is revoked, the owner of the animal must immediately deliver the animal required to be quarantined to Animal Services. Failure to immediately deliver an animal for quarantine when home quarantine permission is revoked as required by this Subsection is an offense.
 - (2) Providing false information to Animal Services is an offense.
 - (3) Failure of an owner to abide by the conditions of their home quarantine agreement is an offense.
- (d) Animal Services has the authority to euthanize an animal that has inflicted multiple bite wounds, punctures, or lacerations to a person under 25 Tex. Admin. Code § 169.27, as amended.

- (e) A person may not give or cause to be given any rabies vaccination, anti-rabies treatment, or other treatment to an animal required to be quarantined under the Texas Rabies Control Act of 1981, as amended, and rules adopted thereto that could interfere with the clinical or laboratory diagnosis of rabies or modify the course of the disease in the animal. Failure to comply with this Subsection is an offense.
- (f) The owner of an animal that is quarantined under suspicion of rabies by the City must pay to the City a quarantine fee and, if the animal is required to be euthanized, the actual cost of disposing of the animal. The City has the authority to bring suit to collect such costs. If the animal is quarantined by the animal's owner at a veterinary clinic or at home, the owner must pay for all costs of the quarantine.

Sec. 6-42. Release of quarantined animals.

- (a) An animal that has been quarantined may be released by Animal Services to its owner at the end of the quarantine period if the quarantined animal does not show clinical signs of rabies upon the following conditions:
 - (1) the owner provides an unexpired rabies vaccination certificate for the animal or proof that the animal was vaccinated against rabies by a veterinarian to Animal Services prior to release from quarantine;
 - (2) the owner pays the quarantine fee; and
 - (3) the animal is not being held for legal proceedings, including dangerous dog or aggressive dog proceedings as provided by this Chapter.

Secs. 6-43 - 6-50. Reserved.

ARTICLE VI. ADDITIONAL REGULATIONS

Sec. 6-51. Disposal of animals.

- (a) An owner of an animal that is infected or afflicted with a disease that is contagious or a threat to the life or health of other animals or humans must humanely destroy the animal and dispose of the carcass as directed by Animal Services.
- (b) An owner of a dead animal that was not infected or afflicted with a disease described in Subsection (a) must dispose of its carcass as provided under applicable local, state, and federal laws and regulations within twenty-four (24) hours of its death, unless otherwise allowed a longer period under any local, state, or federal law or regulation.

- (1) An owner of a dead animal may dispose of their animal at the City's landfill if the landfill approves of the disposal and the owner pays the landfill's applicable fees for disposal. An owner of a dead animal must contact the landfill for approval prior to disposing of a dead animal at the landfill and, if approved, dispose of their animal during the times specified by the landfill.
- (2) An owner of a dead animal may take their animal to a veterinarian for disposal.
- (3) An owner of a dead animal may not place their dead animal in a City furnished waste or recycling receptacle.
- (4) An owner may only bury a dead animal within the City if the following conditions are met:
 - (A) The dead animal:
 - (i) is buried on the owner's property or on private property with the private property owner's consent or is buried on public property with the City's written consent;
 - (ii) is not buried in a flood plain;
 - (iii) is buried at least two (2) feet deep;
 - (iv) weighs less than fifty (50) pounds; and
 - (B) The owner of the dead animal calls and receives instructions from Texas811 before digging a grave for the dead animal and follows Texas811's instructions on where to dig and locations to avoid.

Sec. 6-52. Sale of animals.

- (a) A person commits an offense if the person sells, trades, barter, leases, rents, gives away, conveys ownership of, or displays for a commercial purpose any animal on a roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, commercial parking lot, festival, community center, at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event, or any outdoor public place.
- (b) It is an affirmative defense to prosecution under Subsection (a) that the person is an employee of or is acting in their capacity as an employee of: a veterinary clinic; an animal hospital; a business that has a certificate of occupancy from the City authorizing the occupancy of the property for purposes of operating a business selling pets; an animal shelter; an animal welfare, rescue, or adoption agency that is a registered non-profit entity; a bona fide zoological park; an educational institution; a museum; an event being conducted primarily for the sale of agricultural livestock such as hoofed animals or animals or fowl commonly raised for food, dairy, or fiber products; a licensed laboratory; a publicly owned nature center; a bona fide member of an educational or scientific association or society approved by Animal Services; persons holding permits from an agency of the state or the United States

for the care and keeping of animals for rehabilitative purposes; a hatchery; a business dealing in farm or ranch supplies; or a person caring for animals in their private residence in compliance with this Chapter.

Sec. 6-53. Dyed animals.

It is unlawful to sell or offer for sale, raffle, offer, or give as a prize, premium, or advertising device or display in any store, shop, carnival, or other public place an animal or fowl of any kind that has been dyed or otherwise colored artificially, including rabbits, goslings, chickens, and ducks.

Sec. 6-54. Keeping of specific animals.

(a) Restrictions on owning rabbits. A person may not own more than two (2) total rabbits or hares within the City of Temple as pets (e.g., a person may not own as a pet one (1) rabbit and two (2) hares or two (2) rabbits and two (2) hares, etc.).

(1) All rabbits must be kept in a clean, dry, sanitary, and odor-free cage.

(2) Rabbits must not be kept within twenty-five (25) feet of any residence, excluding the residence of the animal's owner.

(3) All rabbit feed must be stored in rodent-proof containers.

(b) Keeping of Swine. A person may not own any swine within the limits of the City of Temple, unless the swine are kept in a pen or enclosure on a tract of land at least ten (10) acres in size that is zoned as agricultural, except as otherwise provided by this Chapter.

(1) The swine's pen or enclosure must be located a distance of at least five hundred (500) feet from any residence.

(2) All pens and enclosures for swine must be kept in a clean and sanitary condition.

(3) No swine may be permitted or allowed to have access to enter or to drink water from any public body of water, including a creek, stream, or lake, within the City.

(c) Keeping of miniature swine.

(1) Notwithstanding Subsection (b), above, a person may keep a miniature swine in the City in accordance with the provisions set forth below:

(A) The person obtains a miniature swine permit from the City for the swine and pays the applicable permit fee.

(B) The swine weighs no more than one hundred fifty (150) pounds;

- (C) The swine is kept indoors;
 - (D) The person keeps no more than two (2) swine per household;
 - (E) The person does not keep the miniature swine on the premises of a business open to the public;
 - (F) The miniature swine is spayed or neutered;
 - (G) The person provides to Animal Services a health certificate from a veterinarian documenting that the swine has been spayed or neutered;
 - (H) The person does not engage in the propagation or breeding of miniature swine within the City limits;
 - (I) The person keeps all areas in which the swine is kept in a clean and sanitary condition and cleaned of swine excrement daily;
 - (J) The person annually vaccinates the swine against erysipelas; and
 - (i) Miniature swine must receive their first vaccination against erysipelas before they are four (4) months of age;
 - (K) The person does not permit or allow the miniature swine to have access to enter or to drink water from any public body of water, including a creek, stream, or lake, within the City.
- (2) Animal Services may deny a person's request for a miniature swine permit if the requestor:
- (A) has been convicted of animal cruelty or dogfighting or convicted of violating any provision of this Chapter; or
 - (B) does not pay to the City the miniature swine permit fee.
- (3) Permit term.
- (A) A permit issued under this Section is valid for one year but may be revoked for violating any condition of the miniature swine permit or state or local law related to animals or becoming convicted of a crime as provided in Subsection (c)(2)(A), above. If Animal Services determines that any of the permit holder's swine pose a danger or are detrimental to the health, safety, or welfare of the public, the permit may also be revoked.
 - (B) A person wishing to renew a miniature swine permit must reapply at least thirty (30) days prior to the date of the permit's expiration. Failure to timely reapply may result in the permit renewal being denied.

- (4) The fee for the miniature swine permit will be set by resolution of the City Council.
 - (5) If Animal Services revokes a miniature swine permit, Animal Services must notify the permittee by mailing or providing in person a written permit revocation notice with the following information:
 - (A) the permittee's miniature swine permit was revoked;
 - (B) the reason the miniature swine permit was revoked;
 - (C) the permittee has fifteen (15) days from the date the revocation notice is issued to remove the swine from where they are currently being held to a pen or enclosure on a tract of land at least ten (10) acres in size that is zoned as agricultural or outside the City limits, unless the permittee timely appeals the permit revocation; and
 - (D) the permittee has the right to appeal the permit revocation.
 - (6) If Animal Services revokes the permittee's miniature swine permit, the permittee will have fifteen (15) days from the date the revocation notice is issued to remove the swine from where they are currently being held to a pen or enclosure on a tract of land at least ten (10) acres in size that is zoned as agricultural or outside the City limits, unless the permittee timely appeals the permit revocation. Failure of a permittee to timely remove the swine as required by this Subsection is unlawful.
 - (7) The appeals procedure provided in Subsections 6-61(l)-(r) and Subsections 6-61(t)-(u) will apply to appeals of the revocation of a miniature swine permit.
 - (8) If the hearing officer sustains the miniature swine permit revocation or modifies the conditions of the miniature swine permit, the appellant must remove the swine from where they are currently being held to a pen or enclosure on a tract of land at least ten (10) acres in size that is zoned as agricultural or outside the City limits or come into compliance with the modified conditions of the miniature swine permit ordered by the hearing officer, as applicable, within the period specified by the hearing officer. Failure to do so is an offense.
- (d) Regulations to owning livestock and fowl.
- (1) A person may not own any horses, mules, donkeys, cattle, goats, sheep, or other livestock, excluding swine, or guinea fowl, peacocks, chickens, turkeys, geese, ducks, pigeons, or other fowl kept in any pen, yard, enclosure, barn, building, structure, or other location within the City of Temple unless such location is no less than one hundred fifty (150) feet from the residence of any person, excluding the residence of the animal's owner.
 - (A) All locations in which these animals are kept must be kept in a clean and sanitary condition.

- (2) Notwithstanding Subsection (d)(1), a person may own no more than six (6) hens within the City if the pen, coop, or other enclosure for housing the hens is no less than fifty (50) feet from the nearest residence, excluding the residence of the animal's owner, provided the following conditions are met:
 - (A) the hens are only kept in a back yard;
 - (B) the pen, coop, or other enclosure in which the hens are kept is clean, secure, ventilated, large enough for the hens to move freely, and meets any applicable City standards or permit requirements;
 - (C) all locations in which the hens are kept are maintained in a clean and sanitary condition; and
 - (D) the hens do not pose a health hazard.
- (3) The exception to the distance requirements required in Subsection (d)(1) for the keeping of hens under Subsection (d)(2) does not apply to roosters.
- (e) Bees. A person may not maintain or keep any beehives in any pen, yard, enclosure, barn, building, structure, or other location that is located less than three hundred (300) feet of the residence of any person other than the person maintaining or keeping the beehives.
 - (1) A person maintaining or keeping any beehives must provide a source of water to a colony to prevent the bees from congregating at a water source used by a human, bird, or domestic pet.
- (f) Subsections (a)-(e), above, do not apply if the person meets any of the exceptions provided in Sec. 6-52(b) or any of the of the following exceptions:
 - (1) the animals are being kept, harbored, or used in the course of medical, educational, or scientific research and such research complies with all applicable local, state, and federal laws and regulations;
 - (2) circuses, traveling shows, zoos, and auctions operating under a permit or sanction of the City and complying with all applicable local, state, and federal laws and regulations;
 - (3) the animals, because of injury or age, require temporary care, provided that the animal is kept for not more than thirty (30) days and is not kept or raised for sale, barter, or consumption and is not a prohibited animal; or
 - (4) the animals are domesticated and marketable for human consumption, such as baby chickens, rabbits, pigeons, and ducks, and are kept at an established place of business dealing in farm and ranch supplies and such business complies with all applicable local, state, and federal laws and regulations.

- (g) A person may not keep or harbor any animal, including fowl, in a pen, cage, or enclosure in, near, or on a public body of water, including a creek, stream, or lake, within the City and permit drainage of fecal matter or urine from such pen, cage, or enclosure into the body of water.
- (h) It is unlawful to violate any provision of this Section.

Sec. 6-55. Prohibited animals.

It is unlawful for a person to sell, offer for sale, trade, keep, own, harbor, use, or have in a person's possession or on property under such person's control any prohibited animal unless that person is exempted by Section 822.102, Subchapter E, Dangerous Wild Animals, Texas Health and Safety Code, as amended.

Sec. 6-56. Injury and destruction of wild birds.

Any person who kills or injures any wild bird, removes the eggs or young from the nest of a wild bird, or in any manner destroys the eggs or young of a wild bird, except as authorized under local, state, and federal law, commits an offense.

Sec. 6-57. Humane traps.

- (a) A person may set up, allow, or cause to be set up humane traps used to capture dogs, cats, and other animals alive on their own property.
- (b) A person may not set up or cause to be set up a humane trap outside of their own property without the consent of the owner of the property on which trap is set.
- (c) A person setting up or allowing humane traps to be set up on his property must check the traps at least once every eight (8) hours during the hours of 8 a.m. to 10 p.m. The person must provide humane care to any trapped animals including the provision of food, water, and protection from extremes of the environment including heat, cold, and precipitation.
- (d) A person who has set up or caused to be set up a humane trap must notify Animal Services as soon as they become aware that an animal is caught in the trap.

- (e) It is unlawful for a person not to comply with this Section.

Sec. 6-58. Tampering with traps.

- (a) It is unlawful for any person to tamper with, destroy, damage, spring, or cause to malfunction any trap set by the City or to release any animal from any such trap.

- (b) The City may assess the cost of a repair or replacement against a person who damages or destroys a trap owned by the City.

Sec. 6-59. Dangerous traps.

- (a) No person may set up or allow to be set up on their property within the City limits steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, snares, or any type of trap with a holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing, or otherwise traumatizing of the entrapped prey, unless the use of such trap is specifically deemed necessary by Animal Services. This Section is not to be construed to include those traps designed to kill common rodents, e.g., rats, mice, gophers and groundhogs, except that the owner is responsible for taking care that any of the above said "rodent" traps are not placed or used on or about their property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal, or of a human.
- (b) It is unlawful for a person to fail to comply with this Section.
- (c) It will be a rebuttable presumption that the person owning, leasing, occupying, or controlling the property on which a trap prohibited under Subsection (a), above, was located set up the trap.

Sec. 6-60. Limitation on number of dogs and cats.

- (a) A person may own up to three (3) dogs and three (3) cats, plus a litter of puppies and a litter of kittens, if the litters are younger than three (3) months.
- (b) A person may keep or harbor more dogs and cats than allowed under Subsection (a), if the person:
 - (1) meets any of the exceptions provided in Subsection 6-52(b) or 6-54(f); or
 - (2) has a valid multi-pet permit issued to them under Sec. 6-61 and is compliant with its terms.

Sec. 6-61. Multi-pet permit.

- (a) A person must make a written request to Animal Services to own on any one property within the City limits, and over which a person has control, more dogs or cats than allowed under Sec. 6-60.
- (b) In a written request for a multi-pet permit, the requestor must provide to the City the requestor's name, address, and telephone numbers and the number, gender, sterilization status, size, and species of dogs and cats currently housed on the property and that will be housed on the property, the number of dogs and cats the requestor is asking to keep at the property, information on the type and size of the property and any residence on the property where the animals will be kept, the area the animals will be kept, and the distance that area is from abutting residences.

- (c) The requestor must allow Animal Services to inspect the area in which the animals will be kept and, for animals currently owned, the animals themselves.
- (d) The requestor must demonstrate that they are able to properly care for the number of the animals requested without the animals creating noise or odor nuisances or otherwise creating a public nuisance and that they can properly provide and care for the dogs or cats, including providing clean water, adequate shelter, species-specific food, and proper veterinary care.
- (e) Animal Services may deny a person's request for a multi-pet permit if the requestor:
 - (1) has not met the requirements of Subsections (a)-(d) above;
 - (2) has been convicted of animal cruelty or dogfighting or convicted for violating any provision of this Chapter;
 - (3) does not currently have all dogs and cats currently on the property vaccinated and all requested animals to be kept on the property vaccinated in accordance with this Chapter; or
 - (4) does not pay to the City the multi-pet permit fee.
- (f) If Animal Services determines that an applicant is not able to properly care for the number of dogs or cats requested without the creation of a noise or odor nuisance or without being detrimental to the health, welfare, or safety of the requestor, the public, or the animals, Animal Services may modify the request and approve the keeping of more than the number of dogs and cats allowed under Sec. 6-60, but fewer than the number requested, or may deny the request for a multi-pet permit.
- (g) A person issued a multi-pet permit must comply with any conditions deemed necessary by Animal Services, which may include, but are not limited to:
 - (1) notifying Animal Services in writing prior to changing addresses, moving permitted animals to new locations, or transferring ownership of the permitted animals;
 - (2) complying with this Chapter and all other local and state laws, rules, and regulations related to animals;
 - (3) allowing Animal Services to inspect the property, residence, structure, or other location in which the permitted animals are kept or harbored;
 - (4) sterilizing all permitted dogs and cats unless the dog or cat qualifies for a certified medical exemption by a veterinarian or is under six (6) months old;
 - (5) not owning any more than the number of animals allowed under the multi-pet permit; and
 - (6) complying with all other reasonable conditions placed upon the permittee by Animal Services.

(h) Permit term.

(1) A permit issued under this Section is valid for one year but may be revoked for violating any condition of the permit or state or local law related to animals or becoming convicted of a crime as provided in Subsection (e)(2). If Animal Services determines that any of the permittee's dogs are dangerous or aggressive, the permit may also be revoked.

(2) A person wishing to renew a multi-pet permit must reapply at least thirty (30) days prior to the date of the permit's expiration. Failure to timely reapply may result in the permit renewal being denied.

(i) The fee for the multi-pet permit will be set by resolution of the City Council.

(j) If Animal Services revokes a multi-pet permit, Animal Services must notify the permittee by mailing or serving in person a written permit revocation notice with the following information:

(1) the permittee's multi-pet permit was revoked;

(2) the reason the permittee's multi-pet permit was revoked;

(2) the permittee has fifteen (15) days from the date the revocation notice is issued to come into compliance with the number of dogs or cats allowed under Sec. 6-60 unless the permittee timely appeals the permit revocation; and

(3) the permittee has the right to appeal the permit revocation.

(k) If Animal Services revokes the permittee's multi-pet permit, the permittee will have fifteen (15) days from the date the revocation notice is issued to come into compliance with the number of dogs or cats allowed under Sec. 6-60, unless the permittee timely appeals Animal Services' permit revocation. Failure of a permittee to come into compliance with Sec. 6-60 within this period as provided by this Subsection is unlawful.

(l) If the permittee wishes to appeal their permit revocation, they must file a written appeal of the permit revocation with Animal Services on or before the fifteenth (15th) day after the revocation notice is issued. If no timely appeal is received by Animal Services within this period, the permit revocation will be final.

(m) A hearing on an appeal under this Section will be held within ten (10) days of the date the appeal was filed.

(n) Notice of the hearing must be given to the appellant at least seventy-two (72) hours in advance of the hearing, unless the appellant waives their right to notice. Notice of a hearing must also be given to

Animal Services at least seventy-two hours in advance of the hearing date unless they wave their right to notice.

- (o) If the permittee fails to appear at the permit revocation hearing, the permit revocation will be final.
- (p) After the hearing, the hearing officer must make a written determination to sustain the multi-pet permit revocation, rescind the multi-pet permit revocation, or rescind the permit revocation and modify the conditions of the multi-pet permit.
- (q) The burden of proof in an appeal will be upon the permittee as to why the multi-pet permit should not be revoked. This burden may be met by a preponderance of evidence.
- (r) At the hearing, the hearing officer is not restricted to the rules of evidence applicable in a court of law but may rely upon the evidence which a reasonable person would rely upon in reaching a decision. Any person having knowledge of relevant or material facts will be allowed to appear and testify.
- (s) If the hearing officer sustains the multi-pet permit revocation or modifies the conditions of the multi-pet permit, the appellant must come into compliance with the number of cats and dogs allowed under Sec. 6-60 or the modified conditions of the multi-pet permit ordered by the hearing officer, as applicable, within the period specified by the hearing officer. Failure to do so is an offense.
- (t) A hearing officer's decision is final and non-appealable.
- (u) Revocation of a permit will not result in the refund of any multi-pet permit fee.

Sec. 6-62. Guard dogs; warning signs required.

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

Secs. 6-63 - 6-75. Reserved.

ARTICLE VII. DANGEROUS DOGS

Sec. 6-76. State law; authority.

- (a) The provisions of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, are incorporated into this Article, and a violation of any provision of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, is an offense under this Article.
- (b) Animal Services will serve as the animal control authority for the City for purposes of administering and enforcing this Article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended.
- (c) Seizure, impoundment, and humane destruction of a dog that has caused death or serious bodily injury to a person is governed by Subchapter A, Chapter 822 of the Texas Health and Safety Code, as amended.
- (d) The City hereby elects to be governed by Section 822.0422 of the Texas Health and Safety Code, as amended.

Sec. 6-77. Owner notification of dangerous dog determination.

- (a) An owner is deemed to have been notified by the animal control authority of a dangerous dog determination:
 - (1) for personal service, on the date that the determination was provided to the owner; and
 - (2) for mail, three (3) days after the date the determination was deposited in the mail or given to the carrier.

Sec. 6-78. Impounded dangerous dogs.

- (a) An impounded dog determined by Animal Services to be dangerous must remain impounded, or confined at a location approved by Animal Services, and may not be released to the owner until the owner pays all costs and fees related to seizure, quarantine, and impoundment of the dog and complies with all requirements for ownership of a dangerous dog set forth in this Article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended.
- (b) Animal Services may extend the thirty (30) day compliance period by written request of the owner if documentation of the need for an extension is provided (e.g. building permits, building plans, building contracts, correspondence from insurance company, veterinary letters). During the extension period the dog must remain in the custody of Animal Services and impoundment fees will continue to accrue.

Sec. 6-79. Requirements for ownership of a dangerous dog.

- (a) In addition to complying with the requirements of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, a dog owner must no later than the thirtieth (30th) day after the date the dog owner learns that they are the owner of a dangerous dog:

- (1) have an unsterilized dangerous dog spayed or neutered;
- (2) register the dangerous dog with the City and pay to the City an annual dangerous dog registration fee;
- (3) keep their dangerous dog under restraint in a manner approved by Animal Services at all times;
- (4) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept;
- (5) when taken outside of its enclosure, securely muzzle the dangerous dog in a manner that will not cause injury to the dog or interfere with its vision or respiration. The muzzle must prevent the dangerous dog from biting any person or animal;
- (6) place and maintain on the dangerous dog a collar or harness with a current dangerous dog registration tag securely attached to it;
- (7) have the dangerous dog injected with a microchip implant and registered with a national registry for dogs;
- (8) post a legible "Dangerous Dog" sign on all sides of the secure enclosure where the dog is kept that must be purchased from Animal Services; and
- (9) comply with all other requirements of this Chapter.

Sec. 6-80. Annual registration of dangerous dog.

A dangerous dog owner must annually register a dangerous dog with Animal Services as provided under Section 822.043, Texas Health and Safety Code, as amended.

Sec. 6-81. Registration.

- (a) Registration by new owner. If a person becomes the new owner of a dog determined to be dangerous and keeps or harbors a dog determined to be dangerous within the City limits, the new owner must register the dangerous dog with Animal Services within fourteen (14) calendar days after the date the new owner assumes custody or control over the dangerous dog.
- (b) Validation of re-registration. A re-registration by a new owner or an owner moving from another jurisdiction will be valid only for the time remaining on the prior registration.

Sec. 6-82. Dangerous dog notifications.

- (a) The owner of a dangerous dog must notify Animal Services within twenty-four (24) hours if the dangerous dog is at large, unconfined, has attacked a human being or another domestic animal, has died, or has been sold or given away.
- (b) An owner of a dangerous dog must comply with all requirements of Section 822.043(c), Texas Health and Safety Code, as amended, if the owner sells, gives away, or moves the dog to a new address. Upon selling, giving away, or moving the registered dangerous dog to a new address, that owner must notify the new owner(s) of the dog, if any, that the dog has been determined dangerous.

Sec. 6-83. Violations.

- (a) A person who owns a dangerous dog commits an offense if the person fails to comply with any section of this Article or any state law related to dangerous dogs.
- (b) It is a violation of this Article for any person to refuse or fail to deliver a dog subject to this Article to Animal Services or harbor, hide or secrete, or transport or secure the transport of a dog subject to this Article to prevent its impoundment.

Secs. 6-84 - 6-91. Reserved.

ARTICLE VIII. AGGRESSIVE DOGS

Sec. 6-92. Aggressive dog determination.

- (a) Animal Services has the authority to determine whether any dog is an aggressive dog, as defined by this Chapter. This determination must be based upon an investigation that includes observation and testimony about the dog's behavior on the date of the incident, including the owner's control of the dog, and any other relevant evidence as determined by Animal Services. Observations and testimony can be provided by an Animal Services officer or by other witnesses who personally observed the dog's actions on the date of the incident. Animal Services officers and other witnesses must sign an affidavit attesting to the observed actions on the date of the incident and agree to provide testimony regarding the dog's actions on the date of the incident if necessary.
- (b) Animal Services has the discretionary authority to refrain from determining a dog is an aggressive dog, even if the dog meets the definition of an aggressive dog, based upon relevant circumstances.
- (c) Animal Services may seize and impound the dog, at the owner's expense, pending investigation and determination of whether the dog is an aggressive dog. If the owner of the dog has not been located before the fifteenth (15th) day after seizure and impoundment, the dog will become the sole property of the City and is subject to disposition as Animal Services deems appropriate.
- (d) At the conclusion of the investigation required by this Section, Animal Services must:

- (1) determine that the dog is not aggressive and, if the dog was impounded, release the dog to its owner and may waive the costs and fees related to the seizure, quarantine, and impoundment; or
 - (2) determine that the dog is aggressive and order the owner to comply with the requirements of ownership of an aggressive dog set forth in this Article, and if the dog is impounded, release the dog to its owner after compliance with all the applicable requirements of Subsection (g) of this Section.
- (e) If a dog is determined to be an aggressive dog, Animal Services must notify the dog owner in writing in person or by mail:
- (1) that the dog has been determined to be an aggressive dog;
 - (2) what the owner must do to comply with the requirements for ownership of an aggressive dog and to reclaim the dog, if impounded; and
 - (3) that the owner has the right to appeal the aggressive dog determination.
- (f) An owner is deemed to have been notified by Animal Services of an aggressive dog determination:
- (1) for personal service, on the date that the determination was provided to the owner; and
 - (2) for mail, three (3) days after the date the determination was deposited in the mail or given to the carrier.
- (g) An impounded dog determined by Animal Services to be aggressive must remain impounded or confined at a location approved by Animal Services and may not be released to the owner until the owner pays all costs and fees related to the seizure, quarantine, and impoundment of the dog and complies with all requirements for ownership of an aggressive dog set forth in this Article.
- (h) If the owner of an impounded dog has not complied with Subsection (g) of this Section within thirty (30) days after the dog is determined to be aggressive and no appeal of the determination is timely filed, the dog will become the sole property of the City and is subject to disposition as Animal Services deems appropriate.

Sec. 6-93. Appeals.

- (a) If under Sec. 6-92, Animal Services determines that a dog is aggressive, the determination is final unless the dog owner files a written appeal with the municipal court within fifteen (15) days after the date of being notified that a dog owned by the owner was determined to be an aggressive dog.

- (b) The owner of a dog determined to be aggressive must, during the course of an appeal if the dog is not impounded, keep the dog on a leash in the direct physical control of a person or in a secure enclosure approved by Animal Services. Failure to comply with this Subsection is an offense.
- (c) To file an appeal under Subsection (a), the owner must:
 - (1) file a notice of appeal of Animal Services' determination with the City's municipal court;
 - (2) attach a copy of the determination from Animal Services; and
 - (3) serve a copy of the notice of appeal on Animal Services by mailing notice.
- (d) This hearing is a civil proceeding. The City's municipal court may only reverse Animal Services' determination if the court finds the decision arbitrary or capricious or characterized by an abuse of discretion.
- (e) If the municipal court reverses Animal Services' determination that the dog is an aggressive dog and the dog is impounded, the Court will order Animal Services to release the dog to its owner.
- (f) If the municipal court affirms Animal Services' determination that the dog is an aggressive dog, the court must order Animal Services to seize and impound the dog and issue a warrant authorizing this seizure, or if the dog is already impounded, order the dog to remain impounded. The court may not order the release of the dog from impoundment until the owner complies with Sec. 6-94 and any additional requirements as deemed appropriate by the court within a period determined by the court. Failure to comply with the court's additional requirements, if any, and Sec. 6-94 within the period determined by the court will result in the aggressive dog becoming the sole property of the City and being subject to disposition as Animal Services deems appropriate.
- (g) The owner of a dog must pay any costs and fees related to the seizure, impoundment, or destruction of the dog, unless these costs are waived by the court.
- (h) The decision of the municipal court will be final and non-appealable.

Sec. 6-94. Requirements for ownership of an aggressive dog.

- (a) An owner of an aggressive dog must no later thirty (30) days after the dog is determined to be aggressive:
 - (1) have an unsterilized aggressive dog spayed or neutered;
 - (2) register the aggressive dog with Animal Services and pay to Animal Services an aggressive dog registration fee;
 - (3) keep their aggressive dog under restraint in a manner approved by Animal Services at all times;

- (4) when taken outside of its the enclosure, securely muzzle the dog in a manner that will not cause injury to the dog or interfere with its vision or respiration. The muzzle must prevent the aggressive dog from biting any person or animal;
 - (5) place and maintain on the aggressive dog a collar or harness with a current aggressive dog registration tag securely attached to it;
 - (6) have the aggressive dog injected with a microchip implant and registered with a national registry for dogs;
 - (7) post a legible "Aggressive Dog" sign on all sides of the secure enclosure where the dog is kept that must be purchased from Animal Services; and
 - (8) comply with all other requirements of this Chapter.
- (b) The owner of the aggressive dog must renew the registration of the aggressive dog with Animal Services annually and pay an annual aggressive dog registration fee at renewal.
- (c) A person commits an offense if they fail to comply with any requirement of this Section.

Sec. 6-95. New owner registration; new dog in City jurisdiction registration.

- (a) Registration by New Owner. If a person becomes the new owner of an aggressive dog and keeps or harbors the dog within the City limits, the owner must register the aggressive dog with Animal Services within fourteen (14) calendar days after the date the new owner assumes custody or control over the aggressive dog.
- (b) Re-registration. When the owner of an animal who has registered a dog as aggressive or vicious in another jurisdiction moves into the City limits, they must register the dog with Animal Services within fourteen (14) days of living within the City's jurisdiction.
- (c) Validation of Re-registration. A re-registration by a new owner or an owner moving from another jurisdiction will be valid only for the time remaining on the prior registration.

Sec. 6-96. Attack by an aggressive dog; non-compliance with requirements; hearing.

- (a) If a previously determined aggressive dog makes an unprovoked attack on a domestic animal outside of the dog's enclosure and injures or kills the domestic animal, Animal Services may seize and impound the aggressive dog, at the owner's expense, pending a hearing before the municipal court in accordance with this Section.
- (b) Upon receipt of a report by any person, including Animal Services, of an attack described in Subsection (a) or on the application to the court by a person that an owner of an aggressive dog has failed to

comply with Sec. 6-94, the municipal court will conduct a hearing to determine whether the aggressive dog committed such an attack or if the owner of the aggressive dog failed to comply with Sec. 6-94. The hearing must be conducted within thirty (30) days after receipt of the report or application, but if the dog is already impounded, not later than ten (10) days after the date on which the dog was seized. The municipal court will provide, by mail, written notice of the date, time, and location of the hearing to the owner of the aggressive dog and the complainant. Any interested party may present evidence at the hearing.

- (c) At the conclusion of the hearing, the court may:
- (1) find that the aggressive dog did commit an attack described in Subsection (a), and order Animal Services to seize and impound the dog if the dog is not already impounded; if so ordered, the aggressive dog will become the sole property of the City and will be subject to disposition as Animal Services deems appropriate;
 - (2) find that the aggressive dog did not commit an attack described in Subsection (a), and order Animal Services to release the dog to its owner if the dog is impounded;
 - (3) find that the aggressive dog owner failed to comply with Sec. 6-94 and order the dog to be seized and impounded by Animal Services and:
 - (A) order the dog to remain impounded until the owner complies with Sec. 6-94 and additional requirements as deemed appropriate by the court within a period determined by the court; or
 - (i) failure to comply with the requirements of Sec. 6-94 and by the court within the period determined by the court will result in the aggressive dog becoming the sole property of the City and being subject to disposition as Animal Services deems appropriate;
 - (B) order Animal Services to seize and impound the dog if the dog is not impounded, and the aggressive dog will become the sole property of the City and will be subject to disposition as Animal Services deems appropriate; or
 - (4) find that the aggressive dog owner did not fail to comply with requirements of Sec. 6-94 and order Animal Services to release the dog to its owner if the dog is impounded.
- (d) The owner of a dog must pay the costs and fees related to the seizure, quarantine, and impoundment of the dog, unless these costs or fees are waived by the court.
- (e) The decision of the municipal court will be final and non-appealable.
- (f) If a dog commits an act by a dangerous dog under the dangerous dog definition of this Chapter, the dangerous dog determination process outlined in Article VII of this Chapter applies.

Sec. 6-97. Aggressive dog owner notifications.

- (a) The owner of an aggressive dog must notify Animal Services within twenty-four (24) hours if the aggressive dog is at large, unconfined, has attacked a human being or another domestic animal, has died, or has been sold or given away.
- (b) If an owner of an aggressive dog sells, gives away, or moves the dog to a new address, the owner, no later than the fourteen (14th) day after the date of the sale, gift, or move, must notify Animal Services. Upon selling, giving away, or moving the registered aggressive dog to a new address, that owner must notify the new owner(s) of the dog, if any, that the dog has been determined aggressive.

Sec. 6-98. Attack by an aggressive dog; criminal penalty.

- (a) A person commits an offense if the person is the owner of an aggressive dog, and the dog makes an unprovoked attack on a person or domestic animal outside of the animal's enclosure and causes bodily injury to the person or domestic animal.
- (b) If a person is found guilty of an offense under this Section, the court may order the owner of an aggressive dog to comply with additional requirements as deemed appropriate by the court.

Sec. 6-99. Violations.

- (a) A person who owns an aggressive dog commits an offense if the person fails to comply with the requirements of owning an aggressive dog found in this Article and any additional requirements imposed by the municipal court, if applicable.
- (b) It is a violation of this Article for any person to refuse or fail to deliver a dog subject to this Article to Animal Services or harbor, hide or secrete, or transport or secure the transport of a dog subject to this Article to prevent its impoundment.

Sec. 6-100. Defenses; aggressive dogs.

- (a) It is a defense to prosecution under this Article that the person is a veterinarian, a licensed police officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position; provided, however, that for any person to claim a defense under this Section, such person must be acting within the course and scope of their official duties with regard to the aggressive dog.
- (b) It is a defense to prosecution under this Article that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; provided, however, that for any person to claim a defense under this section, such person must be acting within the course and scope of their official duties with regard to the aggressive dog.

- (c) It is a defense to prosecution under this Chapter that the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Occupations Code; provided, however, that for any person to claim a defense under this Section, such person must be acting within the course and scope of their official duties with regard to the aggressive dog.
- (d) It is a defense to prosecution under this Article that the dog at issue is a trained guard dog in the performance of official duties while confined or under the control of its handler.

ARTICLE IX. ENFORCEMENT

Sec. 6-101. Criminal prosecution.

- (a) It is unlawful for any person to intentionally, knowingly, recklessly, or with criminal negligence commit a prohibited act or fail to perform a required act as required by this Chapter or violate any provision of this Chapter. Each day a violation under this Chapter exists, each separate animal, and each condition in violation of any provision of this Chapter will constitute a separate offense.
- (b) Upon conviction of a violation committed under this Chapter, the maximum amount a person may be fined per a violation is two thousand dollars (\$2000.00). A person may be fined not less than one hundred dollars (\$100.00) for a first conviction under this Chapter. In the event a defendant has been convicted once previously under this Chapter, the defendant may be fined an amount not less than two hundred dollars (\$200.00) and not less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter.

Sec. 6-102. Civil Remedies.

- (a) The City may seek a warrant or order from a court of competent jurisdiction to enforce this Chapter, pursuant to all applicable local, state, and federal laws.
- (b) Prosecution for an offense under Sec. 6-101, or any other provision of this Chapter or state or local law, does not prevent the use of civil enforcement remedies or procedures applicable to enforcement of this Chapter.