

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARROLLTON, TEXAS, BY AMENDING CHAPTER 91, “ANIMAL REGULATIONS”, TO ADD AND AMEND DEFINITIONS; REVISING ARTICLE VI OF CHAPTER 91 IN ITS ENTIRETY TO REVISE REGULATIONS AND PROCECURES RELATED TO ANIMALS; ESTABLISHING SPECIFIC VIOLATIONS; PROVIDING FOR A PENALTY OF UP TO \$2000 PER DAY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, the City of Carrollton, Texas (the “City”) is a Home Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter;

WHEREAS, Section 54.004 of the Texas Local Government Code provides that a home rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants;

WHEREAS, Section 822.047 of the Texas Health and Safety Code expressly permits local regulation of dangerous dogs and states in part that a municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions are not breed specific and are more stringent than restrictions provided by this subchapter;

WHEREAS, the City desires to regulate animals that pose a serious risk to the life and health of other animals or people;

WHEREAS, the City Council of the City of the City of Carrollton, Texas (“City Council”) desires to enact an ordinance which regulates animals and preserves the process for such regulations; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City to adopt regulations to provide the health and safety of animals and people.

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

SECTION 1

All the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

The Code of Ordinances of the City of Carrollton, Texas, chapter 91 “Animal Regulations,” is hereby amended, in part, by amending Section 91.001. “Purpose and scope”, Section 91.002 “Administration”, Section 91.003 “Definitions”, 91.007 “Keeping of animals; limitations”, Section 91.008 “Animal care”, Section 91.010 “Public nuisance”, Section 91.011 “Keeping animals or fowl in residential areas constituting a nuisance”, Section 91.012 “Nuisance on public sidewalks, parkways and other places open to the public, to be prevented by the owner”, Section 91.014 “Poisoning, killing, or trapping animals”, amending Section 91.021 “Registration and tags for dogs and cats”, Section 91.022 “Duty of persons performing vaccinations”, Section 91.023 “Requirement; duplicate tags, fee, non-transference”, Section 91.028 “Veterinarians to report rabies”, Section 91.029 “Quarantine of animals”, Section 91.036 “Impoundment”, Section 91.039 “Euthanasia of certain animals”, Section 91.042 “Redemption of animals”, Section 91.043 “Disposition of animals”, Section 91.050 “Dangerous dog determination”, Section 91.051 “Seizure of a dangerous dog”, Section 91.052 “Hearing”, Section 91.054 “Release of dangerous dog”, Section 91.055 “Keeping of wild animals”, Section 91.056 “Maximum number permitted”, Section 91.057 “Care and keeping of livestock; general regulations”, Section 91.059 “Potbellied pigs; requirements”, Section 91.060 “Exceptions”, Section 91.070 “Notice of violations”, Section 91.071 “Additional authority”, Section 91.072 “Penalty”, repealing Section 91.044 “Animal rescue”, and adding Section 91.016 “Duty of person striking animal”, Section 91.044 “Adoption of animals”, and Section 91.073 “Conflicts” and Chapter 91, in its entirety, is hereby amended and restated to read as follows:

“CHAPTER 91 ANIMAL REGULATIONS

ARTICLE 1. IN GENERAL

Sec. 91.001. Purpose and scope.

- (A) This chapter shall be known as the City of Carrollton Animal Regulations.
- (B) It is the purpose of this chapter to: protect public health and safety; prevent disease and injury to humans and/or animals; and ensure animals are treated in accordance with state law.
- (C) This chapter establishes the permit and registration standards and processes for all dogs, cats, chickens, bees and potbellied pigs.
- (D) This chapter establishes the penalties and remedies necessary to achieve the public health and safety purposes set forth herein.

Sec. 91.002. Administration.

- (A) The City Manager, or designee, shall administer, implement, and enforce the provisions of this chapter. Any powers granted to, or duties imposed upon the City Manager, or designee, may be delegated to other city personnel or authorized representatives.

- (B) In accordance with state law, there is hereby created the Animal Shelter Advisory Committee comprised of the Animal Services Manager, a veterinarian, a resident of the city who is a member of an animal welfare organization, and two members of the Neighborhood Advisory Commission. The committee shall meet as prescribed by Chapter 823 (Animal Shelters), of the Texas Health and Safety Code, as amended.
- (1) At the request of the DCO, the Animal Shelter Advisory Committee may hear and decide appeals for a denial or revocation of a chicken or beekeeping permit.
 - (2) A majority of the members of the committee shall be present to hear an appeal under section 91.006 of this ordinance.
 - (3) The concurring vote of a majority of the committee members present is necessary to determine the final outcome of an appeal under section 91.007 of this ordinance.
 - (4) The Animal Services Manager shall not cast a vote during a hearing to determine the final outcome of an appeal under section 91.007 of this ordinance.
 - (5) The decision of the Animal Shelter Advisory Committee on the appeal for the denial or revocation of a chicken or beekeeping permit shall be final.

Sec. 91.003. Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Abandon. To leave any animal without proper care or supervision on public or private property for a period of time exceeding twelve (12) hours, or to leave an animal in the care, custody, or control of another person without his or her consent. An animal not reclaimed from the city animal shelter within three (3) calendar days from the date of impoundment shall also be considered abandoned.

Animal. Any living, vertebrate creature, domestic or wild, including but not limited to mammals, reptiles, amphibians, birds, and fish, but specifically excluding human beings.

Animal fighting paraphernalia. Any item or equipment that is designed, adapted, or used for animal fighting purposes, including, but not limited to, instruments designed, adapted, or used in a manner that attaches to the leg of an animal, such as a knife, gaff, or other sharp instrument, or items used to train or condition animals to fight, including, but not limited to, training pens, hot walkers, or “break sticks”.

Animal Services. The Animal Services Division of the City of Carrollton.

Animal Services Manager. The staff member in the position of Animal Services Manager or the Environmental Services Director.

Animal shelter. Any facility operated by a county or municipal agency or its authorized agents for the purpose of collecting, impounding, keeping, or caring for stray, homeless, abandoned, or unwanted dogs, cats, or other animals held under the authority of this chapter.

Animal Services Officer. Any person designated by the DCO as an Animal Services Officer who is assigned to perform duties under this chapter.

At large. An animal that is not confined to the premises of its owner by a fence of sufficient strength and height to prevent the animal from escaping therefrom, inside a house or other enclosure, or secured on said premises by a leash of sufficient strength to prevent the animal from escaping from said premises, and so arranged that the animal will remain upon said premises when the leash is stretched to full length in any direction; an animal in the open bed of a pickup, flatbed or similar vehicle and not securely confined within a container or other device that prevents the animal from exiting or reaching outside the vehicle. Provided, however, an animal shall not be considered “at large” when under direct physical control by a person by means of a leash or chain of proper strength and length to control the action of the dog, while confined within the enclosed compartment of a vehicle or in any city-designated dog park so long as the animal is in compliance with all other requirements of this chapter.

Basic grooming. Maintaining the eyes, ears, beaks, hooves, feet, nails, coat, and skin of an animal in such a manner that is reasonably necessary for the health and safety of the animal.

Cat. A domestic member of the feline family and shall not include bobcat, panther, mountain lions, tigers or other exotic cats or hybrids.

Chicken. A domestic fowl from the *Gallus gallus domesticus* sub-species.

Chicken coop. A pen or cage used for housing female chickens.

Circus. Any commercial variety show featuring animal acts for public entertainment.

City. The City of Carrollton.

Collar. A band of material specifically designed to be placed around the neck of a dog.

Commercial animal establishment. Any place or facility where animals can be rented, leased, purchased, sold, or traded, riding school or stable, zoological park, circus performing animal exhibition, kennel or other establishment in which animals are used for commercial purposes.

Commercial purpose. The keeping of animals for the purpose of profit.

Comprehensive Zoning Ordinance (CZO). Ordinance No. 1470, as amended of the City of Carrollton City Council setting for the zoning regulations of the City.

Conviction. An adjudication of guilt, a sentence imposed by a court, or a court order of community supervision, including deferred adjudication.

Designated City Official (DCO). The City Manager or the designees or delegated staff or duly authorized representative of the City Manager.

Direct physical control. Having precautions in place so the person may exercise physical control over the animal in the event it should become necessary to do so to protect the animal, a human, or another animal from harm. For the purposes of this chapter, voice control, shock collars, e-collars, and collar-mounted electronic training devices, regardless of the animal's proximity or training status, shall not be considered direct physical control.

Dog. A domesticated member of the canine family, but shall not include wolves, jackals, foxes, hybrids, or other wild species of this family.

Domestic animal. An animal of a tamed species commonly kept as pets and includes livestock and fowl.

Establishment. A place where business is transacted, together with its grounds and equipment.

Facilities (as applied to keeping animals). The pens, stalls, stables, corrals, feeding trough area, sheds, and facilities of every kind where fowl, livestock, or pets are penned, fed and/or protected from the weather. This shall not be interpreted to include a grazing area.

Fly breeding. The presence of flies in the larval stage.

Fowl. Includes chickens, turkeys, pheasant, quail, guineas, geese, ducks, pigeons, and other feathered animals regardless of age or sex excluding parrots.

Harness. A set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog.

Hive. A dome-shaped or box-like structure in which bees are kept.

Humanely euthanize. To cause the death of an animal by an approved method according to the current version of the American Veterinary Medical Association (AVMA) Guidelines for the Euthanasia of Animals.

Humane trap. Any trap designed to capture an animal without injuring the animal.

Identification. Any acceptable method, such as microchipping, registration tag, or tattoo, which can be used to readily trace the current ownership of an animal.

Impound. To place an animal in the city's animal shelter; or the taking into custody of an animal for the purpose of transportation to the city's animal shelter.

Inclement weather. Includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.

Inhumane treatment. Any treatment of an animal prohibited by any provision of this chapter or described in Article II, section 91.008 of this chapter.

Kennel. Any premises in which two or more animals, four (4) months of age or older, are kept and where the business of buying, selling, breeding, grooming, training or boarding of dogs, cats or other animals is conducted. The term “kennel” does not include veterinary hospitals.

Licensed veterinarian. A practitioner of veterinary medicine who holds a valid license to practice their profession in the State of Texas.

Livestock. Includes horses, mules, donkeys, cattle, goats, sheep and swine, regardless of age, sex or breed.

Local rabies control authority. The person designated by the governing body of a municipality to enforce the requirements prescribed in Chapter 826, "Rabies," Texas Health and Safety Code, as amended.

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

Microchip Implant. A passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owners.

Microchip Reader. An electronic scanner with an operating frequency that is able to detect a microchip that has been implanted in an animal and displays the number of the microchip to its operator. The microchip reader shall be of a type that activates and displays the number of a microchip manufactured by multiple vendors.

Municipal Court. The City of Carrollton Municipal Court.

Notice. By personal service, certified mail (return receipt requested), or a written notice left at the entrance to the premises where the animal is harbored.

Notify and notification. Unless otherwise defined in this chapter, a requirement to notify animal services, means any live communication and speak with an employee of the division or leave a voicemail. Notification shall be made immediately, but only as soon as can be done so safely.

Obnoxious odor. An extremely unpleasant, offensive, and highly disagreeable smell that most people would find repulsive and want to avoid.

Owner. Includes a person who owns, harbors, keeps, maintains or exercises control over an animal. Proof that a person is in control of premises where an animal is usually kept, harbored or maintained shall establish a prima facie presumption that such person is the owner of such animal. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. If a person under the age of seventeen (17) years owns an animal, the parent, legal guardian, or the head of the household where the animal is regularly kept shall be considered the owner. There may be more than one (1) person who is the owner or responsible for an animal. This term shall include persons who are in temporary possession of the animal, including but not limited to, pet sitters, groomers, boarders, walkers, and trainers.

Owner's agent. A person who has been authorized by the owner to act on his behalf.

Parkway. The portion of the public street other than a roadway or sidewalk.

Pen or corral. An enclosure in which livestock are kept.

Performing animal exhibition. Any spectacle, display, act or event, other than circuses, in which performing animals are used.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. The term person shall include the term owner.

Pet. Any animal normally kept for pleasure rather than utility, excluding those defined as fowl, livestock or wild animal by this Code.

Pet registration. The printed or written permission issued by the DCO authorizing the holder to keep a dog, cat, or potbellied pig within the city.

Police Service Animal. An animal owned by the City of Carrollton, or other governmental law enforcement agency, specifically trained or equipped to assist personnel in a law enforcement capacity.

Premises. A parcel of land (one (1) or more continuous lots), or portion thereof, owned, leased or controlled by one (1) or more persons.

Probable cause. Probable cause exists when the facts and circumstances within the knowledge of the DCO or an animal services officer, based on reasonably trustworthy information, are sufficient in themselves to warrant a belief by a person of reasonable caution that a violation of animal welfare laws or regulations is being or has been committed.

Properly fitted. Means, with respect to a collar or harness, a collar or harness that:

- (1) is appropriately sized for the dog based on the dog's measurements and body weight;
- (2) does not choke the dog or impede the dog's normal breathing or swallowing; and
- (3) does not cause pain or injury to the dog.

Public nuisance.

- (1) Any animal which:
 - (a) Interferes with a person or passing vehicle.
 - (b) Attacks another animal causing injury resulting in death or more than \$500.00 in veterinary care costs.
 - (c) Trespasses on school grounds.
 - (d) Is at large.
 - (e) Damages private or public property.
 - (f) Has bitten or scratched a person while at large.
- (2) Feeding:
 - (a) Storing food in a manner that may attract rodents or other vermin.
 - (b) Feeding birds or other wildlife in a manner that may attract rodents or other vermin.
 - (c) Allowing an accumulation of food, food waste, or animal waste in a manner that may attract rodents or other vermin.
- (3) Property:
 - (a) Creates any condition on the owner's property, or that carries over to an adjacent property, that renders the ground, the water, the air, or the food hazardous or injurious to human or animal life or health or that is offensive to the senses or that is detrimental to the public health.
 - (b) Creates a condition conducive to the breeding of flies, mosquitoes, ticks, fleas, or other pests.

Quarantine. To detain or take into custody, place in confinement, and isolate from human beings and other animals due to suspected contagion.

Releasing agency. Any public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

Restrain or restraint. To control an animal by physical means.

Riding school. Any place, which has available for hire, boarding and/or riding instruction, any horse, donkey or mule.

Rooster. A male domestic fowl from the *Gallus gallus domesticus* sub-species.

Sanitary. Any condition of good order and cleanliness, which precludes the probability of disease transmission.

Search and rescue activity. Any activity by a trained search and rescue dog under the direction and control of a nonprofit search and rescue organization or governmental entity to assist in the location of lost or missing persons or for other law enforcement or public safety purposes being performed at the request of a law enforcement agency.

Search and rescue organization. A group of volunteers operating as a nonprofit organization that trains dogs to assist in the location of lost or missing persons or for other law enforcement or public safety purposes.

Service Animal. An animal, typically a dog, that is specially trained or equipped to help individuals with disabilities. There is no government licensing, registration, or certification of service animals; however, an animal that provides only comfort or emotional support is not considered a service animal in this chapter.

Shelter. A structure that is capable of adequately providing cover and protection from heat, cold, and other environmental conditions. At minimum, a shelter must have three (3) sides, a top, and a bottom and must be adequately ventilated. It must have bedding material. It must be large enough so that the animal can enter, stand, turn around, and lie down, but small enough to prevent the loss of body heat during cold weather.

Standings. Refers to the designated spots where cows stand, often for specific activities such as feeding or milking, particularly within a shelter environment. These areas are designed with specific considerations for cow comfort, hygiene, and efficiency:

- (1) They often have sloped floors for drainage.
- (2) They may feature tie-downs for occasional use.
- (3) Proper flooring and bedding are crucial to prevent lameness and ensure cow comfort.

Sterilized. An animal rendered incapable of reproduction.

Tether. A leash, chain, cable, rope or other form of restraint that is not less than ten (10) feet or at least five (5) times the length of the animal restrained, as measured from the tip of the dog's nose to the base of the dog's tail, affixed at one (1) end to any fixed object and affixed at the other end to the collar or harness worn by the restrained animal.

Transfer ownership. To convey ownership rights of an animal from one (1) person to another by any means.

Twelve (12) consecutive month period. The twelve (12) month period immediately preceding the date of an event.

Under exigent circumstances. Probable cause that can also justify a warrantless search or seizure.

Vaccination. A protective inoculation administered by a licensed veterinarian and approved by the United States Department of Agriculture, Bureau of Animal Industry, in an amount sufficient to provide immunity.

Vaccination certificate. A certificate showing on its face that the animal described thereon received an inoculation of an approved rabies vaccine in an amount sufficient to produce immunity and bearing the signature of a licensed veterinarian.

Veterinary hospital. Any establishment maintained and operated by a licensed veterinarian for surgery, wellness program, diagnosis and treatment of diseased and injured animals.

Wild animal. An animal not normally considered domesticated, regardless of the state or duration of captivity, that can typically be found in a wild state which, because of its size, vicious nature, potential disease threat, or other natural characteristic(s), would constitute a danger to human life, property, or domestic animals, or any animal that is restricted from ownership by any international, federal, or state law including, but not limited to, the following animals:

- (1) *Reptiles:* venomous reptiles, crocodiles, alligators, any reptile that typically reaches a total length greater than eight (8) feet, and iguanas;
- (2) *Birds:* emus, ostriches, or rheas;
- (3) *Mammals:* ocelots, lions, tigers, jaguars, leopards, cougars, panthers, bobcats, lynxes, wolves, dingoes, coyotes, jackals, elephants, armadillos, kangaroos, wallabies, wallaroos, opossums, beavers, porcupines, weasels, martins, minks, badgers, pandas, bears, raccoons, bats, foxes, skunks, cheetahs, servals, caracals, hyenas, squirrels, wild rabbits, or monkeys (non-human primates);
- (4) Any species illegal to own under federal or state law, or any animal which is, or may be hereafter, listed as a “high risk” animal in the Texas Rabies Control Act; or
- (5) Any hybrid of any animal classified as a wild animal.

Zoological park. Any facility, other than a business enterprise that buys, sells or boards any species of pets, or kennel, displaying or exhibiting one (1) or more species of non-domesticated or wild animals operated by a person, partnership, corporation or government agency.

Sec. 91.004. Duties

- (A) The DCO shall be responsible for the enforcement of this chapter and all other ordinances in the City of Carrollton Code of Ordinances pertaining to animals, unless otherwise provided by law or this chapter.
- (B) The DCO shall be responsible for the enforcement of all laws and regulations of the State of Texas pertaining to animals that authorize the local health authority or Animal Services Officers to enforce the same.
- (C) The Animal Services Manager, or designee, shall act as the Local Rabies Control Authority of the City of Carrollton.
- (D) The DCO or any Animal Services Officer shall have the authority to issue notices to appear and file probable cause affidavits for any violations of this chapter, to file affidavits supporting search and/or seizure warrants, and any other power or duty stated within the terms of this chapter.
- (E) The DCO is authorized to seek a warrant or order from a court of competent jurisdiction to enforce this chapter, pursuant to all applicable local, state, and federal laws.
- (F) The DCO shall have the power to search, seize, and impound an animal with a warrant or court order, when the DCO has probable cause to believe that :
 - (1) an animal creates a nuisance as described in section 91.010 (A) of this chapter;
 - (2) an animal has been abandoned or is being treated inhumanely as described in this chapter;
 - (3) an animal has rabies or has been exposed to rabies;
 - (4) an animal is not being quarantined for rabies observation under appropriate conditions as defined in this chapter;
 - (5) an animal meets the definition of a Dangerous Dog as defined in this chapter;
 - (6) an animal has been involved in a LRCI;
 - (7) an animal is being possessed or harbored in violation of this chapter; or
 - (8) a condition exists on the property in violation of city code or state law.
- (G) The DCO shall have the power to search, seize, and impound an animal without a warrant or court order, with probable cause as set forth under this chapter under the following conditions:

- (1) On public property, in all cases;
 - (2) On private property, if:
 - (a) The consent of the resident or property owner, or someone with apparent authority to consent, is obtained; or
 - (b) Exigent circumstances exist, the DCO or his designee reasonably believes that there is imminent danger of serious bodily injury or death to a human being, another animal, or the animal in question, and there is insufficient time to obtain a warrant;
 - (3) Upon the request of a peace officer or other public safety personnel if the owner is not available and there is no person seventeen (17) years of age or older to accept responsibility of the animal.
- (H) The DCO shall have forty-eight (48) hours or the next day the Municipal Court is open for business, whichever is later, from the time of the animal's seizure to request a hearing in the Municipal Court to determine the disposition of the animal in accordance with this chapter. If no hearing is requested, the animal shall be returned to its owner upon request from the owner.
- (I) The DCO is authorized to use necessary force, including but not limited to breaking a vehicle's window, to make lawful seizures of animals pursuant to this chapter, subject to all local, State, and Federal laws and court orders.
- (J) City facilities and operations are exempt from the requirements of this chapter.

Secs. 91.005. Fees.

- (A) All fees for this chapter shall be reviewed, set, and adopted by ordinance of the City Council and described in Chapter 31 of the Carrollton Code of Ordinances.
- (B) The DCO shall have the authority to reduce, refund, or waive fees under this chapter.

ARTICLE II. KEEPING ANIMALS; CARE AND TREATMENT

Sec. 91.006. Compliance.

It shall be unlawful for any person to keep, own, maintain, use, or have in his possession or on his premises within the city, any wild animal, livestock, fowl or pet, except in compliance with the provisions of this chapter.

Sec. 91.007. Keeping of animals; limitations.

- (A) *Number of animals permitted.*

- (1) It shall be unlawful for any person to keep more than two (2) cats or two (2) dogs on any premises within the city which has no enclosed backyard fencing. It shall be unlawful for any person to keep more than three (3) dogs and three (3) cats on any premises within the city that has enclosed backyard fencing.
- (2) Up to five (5) dogs and five (5) cats may be kept on premises containing one (1) acre of land, where the animals are restrained by fencing located 200 feet from any dwelling or business, owned or occupied by any person other than the owner.
- (3) In addition to subsections 91.007(A) (1) and (2) above, no more than five (5) of any other type of animal, more than four (4) months of age, excluding fowl and livestock, shall be kept in any residentially zoned area of the city.

Exemption: This limit does not apply to fish when kept within an aquarium intended for residential use; provided the fish are not obtained for commercial purposes.

- (4) Up to six (6) chickens may be kept on any residential or non-residential lot within the city in compliance with the following conditions:
 - (a) An annual permit to keep chickens has been approved by the DCO;
 - (b) No roosters are kept on the property;
 - (c) Chickens are provided a chicken coop and not allowed to fly or roam free on the property;
 - (d) A chicken coop may not exceed eighty (80) square feet or be taller than eight (8) feet, and must be located within its own fence not to include perimeter fencing;
 - (e) A chicken coop may not be located within twenty-five (25) feet of any dwelling or business owned or occupied by any person other than the owner;
 - (f) A chicken coop may not be located within five (5) feet of any property line;
 - (g) Accumulated chicken excrement is collected from the chicken coop at least once every forty-eight (48) hours and disposed of in an approved waste container;
 - (h) Neither chickens nor eggs are sold from the property; and
 - (i) Processing of deceased chickens may not occur in any area visible from a public right-of-way.
- (5) Except as provided in subsection 91.007(A)(4):
 - (a) No fowl shall be kept on any lot or tract of land of less than one (1) acre located in a residentially zoned area of the city; and
 - (b) For each lot or tract in excess of one (1) acre, an owner may keep up to six (6) fowl per acre; provided no such fowl shall be allowed to roam, fly, or be housed within 200 feet of any dwelling or business owned or occupied by any person other than the owner.

- (6) It shall be unlawful for any person to keep or allow bees, their hives, or any abandoned hives within the city limits, except honeybees may be kept if all of the following conditions are met:
- (a) An annual permit to keep honeybees has been approved by the DCO;
 - (b) All hives shall be located a minimum of ten (10) feet from any property line;
 - (c) All hives shall be surrounded by barriers placed at least ten (10) feet from the hive and not less than eight (8) feet in height that change the flight path of the bees as they leave the hives;
 - (d) There shall be no more than three (3) hives per city lot;
 - (e) There is an adequate source of water within twenty (20) feet of all hives;
 - (f) There may be maintained one (1) nucleus for each two (2) colonies. The nucleus shall not exceed one (1) ten-frame hive body. Each nucleus shall be disposed of within sixty (60) days after it is acquired;
 - (g) Each hive must be re-queened at least once every twenty-four (24) months; and
 - (h) The owner notifies the DCO, in writing, of the location and number of hives in his possession. Additionally, the owner shall keep purchase receipts and written records of the exact dates he re-queens each hive for at least two (2) years.
- (7) A person holding a permit under subsections 91.007(A) (4) and (6) commits an offense if he owns, harbors, or possesses chickens or bees and refuses, upon request by the DCO, to make his chickens, bees, premises, facilities, or equipment available for inspection during reasonable hours.
- (8) Revocation, denial, and appeal.
- (a) A permit issued under subsections 91.007(A) (4) and (6) may be denied or revoked by the DCO if the permit holder is found guilty in Municipal Court for a violation of the provisions described in this section.
 - (b) A denial or revocation of a permit may be appealed to the Animal Shelter Advisory Committee. The appeal must be made in writing to the DCO within fifteen (15) calendar days of receiving written notice of the permit denial or revocation from animal services. If no appeal request is received within the fifteen-day period, the denial or revocation of the permit becomes final.
 - (c) Upon receiving an appeal, the DCO or his designee shall place the appeal as an agenda item for the next scheduled meeting of the Animal Shelter Advisory Committee. At the meeting, the Animal Shelter Advisory Committee shall hold a hearing to determine the outcome of the permit.
 - (d) The decision of the Animal Shelter Advisory Committee on the appeal for the denial or revocation of a chicken or beekeeping permit shall be final.
 - (e) The permittee or applicant may reapply for a new permit under this section at any time.

- (9) This subsection 91.007(A) shall not apply to governmental or educational facilities, commercial kennels, veterinary hospitals, or animal establishments operated by a veterinarian, located on property zoned for such purpose. Such establishments, however, must meet sanitation requirements and keep animals securely contained.

(B) *Fencing requirements.*

- (1) Where fencing is required by this section it shall be constructed in compliance with Title XV, Chapter 154 of the Carrollton Code of Ordinances, as amended, and of sufficient strength, height, construction, materials, and design as to prevent:
 - (a) any animal confined within from escaping; or
 - (b) the head of a dog confined within from extending over, under, or through the fence.
- (2) Escape of an animal or an animal running at large shall be prima facie evidence that the owner's fence does not comply with the requirements of this chapter.
- (3) Any animal found to be at-large and impounded at the animal shelter after the animal owner or property owner has received notice of a violation under subsection 91.007(B) during any twelve (12) consecutive month period, shall remain at the shelter until the DCO has inspected the property and determined proper repairs have been completed or reasonable steps have been taken to ensure the animal's safe return to the owner. The owner reclaiming such animal shall be responsible for paying all applicable fees.

Sec. 91.008. Animal care.

(A) Food, water, proper shelter, and sanitary conditions.

- (1) No person shall fail to provide an animal under their care, custody, or control with: sufficient good and wholesome food; potable, non-frozen water in a clean container suitable for the size, species, and number of animals being housed; proper shelter and protection from the weather, including heat, cold, and other environmental conditions or circumstances that may cause bodily injury, serious bodily injury, or death of the animal.
 - (a) Proper shelter shall mean a housing enclosure designed for animals that is securely built, adequately sized for the kind, size, and number of animals housed, so they may be able to stand erect, sit, turn around, and lie down in a normal position.
 - (b) Proper shelter shall be maintained in a sanitary condition so that flies or mosquitoes are not allowed to breed, and odors are not offensive to adjacent residences or businesses.

- (c) Proper shelter shall reasonably protect the animal from inclement weather, harassment, stings and bites from insects, and attacks by other animals.
 - (d) Proper shelter shall comply with all other requirements of this chapter, the Code of Ordinances, and the CZO.
- (2) No person shall cause, allow, or permit any animal to remain in its own filth. The owner of every animal shall be required to provide such animal with sanitary living conditions. Animal waste shall be removed from an interior or exterior pen, shelter, yard, structure, or other keeping area at least once every forty-eight (48) hours. All animal waste shall be disposed of in an approved container. Discarding waste on any public or private property shall be considered a violation of this section.

(B) Animal unattended in vehicle.

- (1) It shall be unlawful for any person to leave an animal unsupervised in any motor vehicle or trailer where the outside temperature is higher than seventy-five (75) degrees.
- (2) It shall be unlawful for any person to leave an animal unsupervised in any motor vehicle or trailer under any conditions, or for such a period of time, as it may cause distress or endanger the health of the animal due to cold, heat, lack of food, water, air, or sanitary conditions, or such other circumstances or environmental conditions as may cause injury or death of the animal.
- (3) Any animal services, police department, or fire department personnel may make a reasonable attempt to locate the owner of the motor vehicle, trailer, or animal and cite the owner for violating this section.
- (4) If an animal left in a motor vehicle or trailer, in violation of this section, is found to be in distress or in danger of, or soon will be in danger of, injury or death, any animal services, police department, or fire department personnel may, without first notifying the owner, use reasonable force to remove each animal from the motor vehicle or trailer and immediately impound it.
- (5) It shall be the responsibility of the motor vehicle, trailer, or animal owner to repair any damage caused by the removal of the animal from the dangerous situation by any animal services, police department, or fire department personnel.

(C) Collars.

- (1) No person shall attach, or allow to be attached, a collar or harness that is not properly fitted at any time.
- (2) No person shall leave a dog outside, unattended, and wearing a pinch collar, choke collar or improperly fitted collar or in a condition that is unsafe or has the potential to cause injury.

- (3) No person shall attach, or allow to be attached, a collar or harness to an animal that is of an inadequate size so that it restricts the animal's growth or causes damage to the animal's skin.

(D) Tethering.

- (1) No person shall leave an unattended animal outside and attached to a tether for any length of time.
- (2) No person shall tether an attended animal to a stationary object for any length of time except as allowed by subsections (3) and (4) of this subsection.
- (3) Restraint on the owner's property or for a lawful animal event, veterinary treatment, grooming, training, law enforcement activity, or when needed to protect the safety or welfare of a person or animal, shall be allowed provided that all of the following conditions are met:
 - (a) The animal's owner maintains continuous, direct physical control of the animal throughout the period of restraint;
 - (b) The tether is attached to a properly fitting collar or harness and is not wrapped around the animal's neck. Choke or prong type collars are prohibited;
 - (c) The tether is designed and placed in a manner to prevent entanglement or injury; and
 - (d) The tether does not allow the animal to move outside the person's property or come within ten (10) feet of public property if tethered outside a fenced area.
- (4) A "skyline" type aerial trolley consisting of a line that is strung between two fixed points that are at least twenty (20) feet apart with a down line that is at least five (5) feet in length is allowed as long as the requirements of this section are met and the animal is enclosed behind a fence of adequate size and strength capable of preventing the general public, including children, and other animals from entering the area.
- (5) No person shall attach, or allow to be attached, a tether that is not appropriately sized for the animal or so heavy as to restrict or burden the animal's movements.

(E) Cruelty, fighting, and inhumane treatment.

- (1) No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal.
- (2) No person shall cause, instigate, permit, or attend any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

- (3) No person shall cause, allow, or train any animal to fight another animal or human, or possess animal fighting paraphernalia or training equipment.
- (4) No person shall tease, taunt, beat, or provoke an aggressive reaction from an animal.
- (5) No person except a licensed veterinarian shall crop a dog's ears, dock a dog's tail or perform any surgical treatment that is routinely provided by a licensed veterinarian.
- (6) No person shall euthanize, kill, or attempt to euthanize or kill an animal in a manner other than by humane euthanasia as defined in this chapter.
- (7) No person shall mutilate or allow to be mutilated any dead animal for reasons other than food preparation or taxidermy. Dissection in compliance with medical or veterinary research, medical or veterinary necropsy, and bona fide educational use of dead animals shall not be considered mutilation.

(F) Leaving an animal unattended, animal abandonment.

- (1) No owner of an animal, or any person exercising care, custody, or control of an animal, shall abandon said animal.
- (2) No owner of an animal, or any person exercising care, custody, or control of an animal, shall abandon said animal with any person that has not consented or has revoked consent to be responsible for the care of the animal.
- (3) No person shall fail to reclaim any animal that he owns from any person or business who had temporary possession of the animal.
- (4) No owner of an animal, or any person exercising care, custody, or control of an animal, shall drop off, dump, leave, or attempt to drop off, dump, or leave said animal at the Carrollton Animal Services & Adoption Center without first signing a Stray Release or Owner Surrender form provided by the City.
- (5) No owner of an animal, or any person exercising care, custody, or control of an animal, shall leave said animal unattended at a City dog park or other City facility, public property, or any place of business at any time.

(G) Veterinary care and grooming.

- (1) No person shall keep, shelter, or harbor any animal with a potentially life-threatening infestation of ticks, fleas, or other parasites, any other obvious life-threatening illness or injury, or any other communicable illness transmissible to another animal or human without having sought and obtained proper treatment from

a licensed veterinarian or followed a proper commercially available treatment regimen for such infestation, illness, or injury.

- (2) No person shall fail to provide proper veterinary care when needed to prevent suffering.
- (3) No person shall fail to provide basic grooming for an animal.
- (H) No person shall transfer ownership or otherwise physically remove from their mother any dog or cat less than six (6) weeks old, or any other animal that is not yet weaned, except under exigent circumstances or as advised by a licensed veterinarian.
- (I) No person shall carry or transport an animal in any motor vehicle, conveyance, or trailer and fail to effectively restrain the animal so as to reasonably prevent the animal from leaving or being accidentally thrown from the vehicle, conveyance, or trailer.
- (J) Any animal, which is not provided the basic levels of care and protection as outlined in this section, may be immediately removed and impounded at the animal shelter. The animal shall remain at the shelter until the conditions are improved and the DCO has determined that such animal can be safely returned to the owner. The owner reclaiming such animal shall be responsible for paying all applicable fees.
- (K) Animals seized pursuant to this section may be impounded and the DCO may petition the Municipal Court for a hearing to determine whether the animal was inhumely treated and to determine the disposition of the animal, in accordance with section 821.023 of the Texas Health and Safety Code, as amended. The petition shall be filed within forty-eight (48) hours of the seizure. If the Municipal Court is not open during this forty-eight (48) hour period, the petition shall be filed the next day the Municipal Court is open for business. If a hearing is not requested, then the animal shall be returned to the owner upon request of the owner and pursuant to the requirements of subsection 91.008(J). Any animal not requested to be returned to its owner shall be subject to the time limits and dispositions provided in Article V of this ordinance.
- (L) This section shall not be interpreted to restrict the lawful activities and legitimate operations of rodeos, 4-H clubs, or Future Farmers of America clubs.

Sec. 91.009. Breeding animals.

No person shall breed, or cause to be bred, any animal within the public view.

Sec. 91.010. Public nuisance.

- (A) It shall be unlawful for the owner of any animal, or any person exercising care, custody, or control of an animal, to cause, suffer, permit, or allow such animal to be or remain a public nuisance.

- (B) It shall be unlawful for the owner or tenant of any property, occupied or unoccupied, to cause, suffer, permit, or allow the property to contribute to a public nuisance.
- (C) It shall be unlawful for any person to cause, suffer, or allow the breeding of flies, mosquitos, or other insects, or the growth of plant material in any water troughs, bowls, tanks, or other containers.
- (D) It shall be unlawful for a person to cause an animal not owned by him to be at-large by intentionally, knowingly, or recklessly releasing a confined animal.
- (E) It is an affirmative defense to prosecution under subsection (A) if the owner proves by a preponderance of the evidence that the animal was at large due to forces of nature, fire, or the criminal act of a third party who was not residing at the animal owner's residence.
- (F) After the third offense resulting in a conviction of any person with care, custody, or control of an animal, for violating section 91.010(A) in any twelve (12) consecutive month period, the DCO may petition the Municipal Court for a hearing to determine if such animal is a continuing public nuisance. After the hearing, a Municipal Court judge may order the:
 - (1) Disposition of the animal as provided in Article V of this chapter, except that the animal may not be returned to the location where the animal resided at the time of the nuisance action;
 - (2) Exclusion from the city limits of Carrollton of the animal; or
 - (3) Return of the animal to the owner.
- (G) After an order is issued pursuant to subsection (F) by the Municipal Court, the owner shall comply with the order within the time specified in the court order, or if no time for compliance is specified in the order, within forty-eight (48) hours after the order is signed by the Municipal Court judge.
- (H) If a Municipal Court judge orders that the animal is to be removed from the city limits of Carrollton, the owner shall provide the address of the location of the animal to the DCO in writing within seventy-two (72) hours of the issuance of the order.

Sec. 91.011. Keeping animals or fowl in residential areas constituting a nuisance.

- (A) It shall be unlawful for an owner, or any person exercising care, custody, or control of an animal, to allow any such animal to unreasonably bark, howl, crow, or make any other unreasonably loud noise, unprovoked, that disturbs the peace and quiet of a person of ordinary sensibilities.
 - (1) Unreasonable is defined as disturbing the peace and quiet of a person of ordinary sensibilities; and
 - (a) The recorded loud animal noise event continued for a period of at least fifteen (15) minutes; or

- (b) Sporadic intervals of recorded loud animal noise over the course of a fifteen (15)-minute interval.
- (2) “Recorded” may include video recordings or audio recordings.
- (3) “Unprovoked” shall mean not deliberately caused by the complaining witness, or other person. Actions of provocation may include, but not be limited to, standing along a fence line, taunting, teasing, or whistling.
- (4) No prosecution of an alleged violation, under this section, may proceed unless:
 - (a) There is a “complaining witness”;
 - (b) The complaining witness completes a formal complaint form provided by the City;
 - (c) The complaining witness acknowledges and agrees to attend and provide witness testimony in municipal or district court; and
 - (b) The recording is of sufficient quality to authenticate the location, time, and date of the alleged disturbance. Any recording sought to conform with this requirement must be of a duration capable of establishing unreasonable as defined under subsection (A)(1).
- (5) In any prosecution of a violation of this section, recorded proof that the noise was unreasonable, as set forth in subsection (A), shall be prima facie evidence of a violation of this section and that the same constitutes a nuisance.
- (6) Prosecution of an alleged violation under this section may not proceed if:
 - (a) The prosecutor determines insufficient admissible evidence exists to sustain a conviction;
 - (b) A complaining witness has demonstrated unreliability, including failure to appear, failure to cooperate, or failure to provide consistent testimony in prior proceedings;
 - (c) Evidence indicates that the complaining witness or reporting party has engaged in harassment, intimidation, or bullying of the defendant or other persons involved; or
 - (d) Any other circumstance or consideration of justice, equity, public interest, or prosecutorial discretion that, in the judgment of the legal department, warrants non-prosecution.
- (B) It shall be unlawful for any person to maintain any animal or fowl in such a manner that residents of adjacent or nearby property are subject to obnoxious odors.
- (C) It shall be unlawful to feed any animal on any property other than the property of the owner of the animal. Animals must be fed from a container designed to prevent attracting rodents.

- (D) Except as provided in section 91.007(A)(4), it shall be unlawful to feed wild animals in any method, excluding fowl.

Sec. 91.012. Nuisance on public sidewalks, parkways and other places open to the public, to be prevented by the owner.

- (A) It shall be unlawful for an owner, or any person exercising care, custody, or control of an animal, to permit, either willfully or through failure to exercise due care or control, any such dog or animal to defecate upon the sidewalk or parkway of any public street, public park, or upon the floor of any common hall in any entranceway, stairway, or wall immediately abutting on a public office building or other buildings used in common by the public or upon the floor, stairway, entranceway, office, lobby, foyer, or patio used in common by the public, or the front yard, rear yard, side yard, or utility easement of any private property not owned or leased by, or under the control of the animal's owner.
- (B) The owner of every animal shall be responsible for the removal of any excreta deposited by their animal(s) in areas outlined in subsection (A) of this section. Immediate removal and appropriate disposal of such excreta shall be a defense to prosecution under this section.
- (C) It shall be unlawful for an owner, or any person exercising care, custody, or control of an animal, to fail to visibly have in his possession materials that can be used to immediately remove and dispose of any excreta that animal produces while in areas outlined in subsection (A) of this section.
- (D) It is an affirmative defense to prosecution under this section that the person was in an area where materials that can be used to immediately remove and dispose of any animal excreta were publicly provided and readily available within the immediate vicinity.
- (E) It is an affirmative defense to prosecution under this section if the animal is a police service animal being used in official law enforcement activities or the animal is under the direction and control of a nonprofit search and rescue organization participating in an authorized search and rescue activity.

Sec. 91.013. Animals and fowl prohibited in establishments selling food.

It shall be unlawful for any person to allow any live animal or fowl to enter or remain inside any food establishment as defined in title XI, chapter 116 of the Carrollton Code of Ordinances, as amended. This section shall not apply to registered service animals.

Sec. 91.014. Poisoning, killing, trapping animals.

- (A) No person shall leave any poisonous substance in any place accessible to fowl, dogs, cats or other such animals with the intent to kill or harm such animals.

- (B) No person shall use or place for use any leg-hold trap, snare, or other animal capturing device. This section shall not apply to the use of live-catch, box style traps, or other humane traps.
- (C) The person who places a humane trap on private property shall be responsible for checking the trap, the care of the animal while it is in the trap, and removal or relocation of the trapped animal. All humane traps shall be checked at least daily.
- (D) No traps shall be placed upon public property, highway, street alley, or other public place within the incorporated limits of the City without specific written permission from the DCO.
- (E) It shall be unlawful for a person to fail to check a trap he has placed, placed and baited, or allowed to be placed or placed and baited at least once every twenty-four (24) hours.
- (F) It shall be unlawful for a person to place, or place and bait, or allow the placing or placing and baiting of any trap when the overnight low temperature is expected to be below forty (40) degrees Fahrenheit without first obtaining written permission from the DCO.
- (G) It shall be unlawful for a person to place, or place and bait, or allow the placing or placing and baiting of any trap under conditions which may endanger the health of the animal due to exposure to rain, snow, extreme temperatures, a severe weather warning issued by the National Weather Service, lack of food or water, or under other circumstances that may cause bodily injury, serious bodily injury or death of the animal, whether or not such injury occurs.
- (H) It shall be unlawful for a person to place, or place and bait a trap, other than a commercially available trap solely designed to exterminate mice, rats, or insects, for commercial profit, without identifying the trap with the name, telephone number, and Texas Department of Agriculture Structural Pest Control Applicator license number of the applicator who placed or placed and baited the trap.
- (I) Any trap found to be set in violation of this chapter may be confiscated by the DCO and held as evidence in the case for the offense.
- (J) This section is not intended to prevent the DCO, Animal Services Officers, or their designee from trapping animals, or the use of various trapping methods, when entitled to do so by state statute or by any ordinance of the City.
- (K) It shall be unlawful to remove, alter, damage, or otherwise tamper with a trap or equipment belonging to or set by the DCO.
- (L) This section shall not be interpreted to restrict the extermination of rats, mice, insects, other vermin, or any animal deemed a nuisance by state or federal law, through the use of traps, poisons, or other commercially available means when used in that person's residence, property, accessory structure, or commercial establishment and in accordance with the

manufacturer's directions as long as reasonable precautions are taken to ensure that no human, pet, or wild animal, other than the targeted species, comes into contact with the traps, poisons, or other means and that does not violate any other section of this chapter.

Sec. 91.015. DCO may terminate keeping of animals.

Whenever any premises where any animals are kept in an unsanitary condition, or the facilities are not adequate under the provisions of this chapter, or any health ordinance or law is not being observed, the DCO may, by written notice to the owner of such premises or facilities, require the abatement of the conditions which violate this chapter or such ordinance or law and establish a schedule by which such abatement must be completed. Failure of the owner to comply with said order shall, in addition to constituting a misdemeanor hereunder, be grounds for and entitle the City to seek relief through any remedy available under applicable statutes.

Sec. 91.016. Duty of person striking animal.

Any person who, as the operator of a motor vehicle, strikes any domestic animal on a public roadway shall, as soon as practicable, report the occurrence to animal services or the police department.

Secs. 91.017—91.020. Reserved.

ARTICLE III. REGISTERING ANIMALS; TAGS AND COLLARS

Sec. 91.021. Registration and tags for dogs and cats.

- (A) Any person owning a dog or cat that is four (4) months old or older within City limits must have such dog or cat vaccinated for rabies.
- (B) Any person owning a dog or cat that is four (4) months old or older within city limits must register such dog or cat with the city as herein provided.
- (C) Written application for registration shall be made by mail or in person to the DCO, which shall include name, phone number, and street address of applicant, description of the animal, the appropriate fee, and valid rabies vaccination certificate issued by a licensed veterinarian or anti-rabies clinic, and date of rabies vaccination. The rabies vaccination certificate shall be considered valid if the vaccine used and the vaccination process complies with the Texas Health and Safety Code, Chapter 169, as amended.
- (D) A registration fee shall be paid annually for each dog and cat being kept within the City. Each registration is valid for one (1) year from the date of issuance. Exception: If proof is provided that the animal to be registered received a three-year rabies vaccination, the registration fee shall be paid and the registration is valid for three (3) years from the date of issuance.
- (E) Application for a registration shall be made within thirty (30) days after obtaining a dog or cat over four (4) months of age, after locating a dog or cat over four (4) months of age

within the City, or from the time a dog or cat reaches four (4) months of age, whichever comes earlier. This requirement does not apply to a nonresident keeping a dog or cat within the City for a period of less than sixty (60) days.

- (F) Upon acceptance of the registration application and fee, the DCO shall issue a durable tag, stamped with an identifying number and the year of issuance, except as provided in article VI of this chapter. Tags shall be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.
- (G) Dogs and cats must wear city registration tag at all times when off the premises of the owner.
- (H) The DCO shall maintain a record of the identifying number of all tags issued for a period of three (3) years from the date of issuance.

Sec. 91.022. Duty of persons performing vaccinations.

- (A) Each duly licensed veterinarian, after vaccinating any animal within the City, shall sign a certificate in duplicate containing the following information:
 - (1) The name and address of the owner of the vaccinated animal;
 - (2) The type of vaccine used, the approved duration of the vaccine used, and the date of the vaccination;
 - (3) The year and identification number of the rabies vaccination tag;
 - (4) The breed, age, color, and sex of the vaccinated animal; and
 - (5) Such other information as the DCO may require.
- (B) The veterinarian shall immediately present one (1) copy of the certificate to the owner of the vaccinated animal. The veterinarian, for future reference, shall retain the duplicate copy of the certificate.

Sec. 91.023. Requirement; duplicate tags, fee, non-transference.

- (A) Every animal owner shall be required to provide said animal with a collar for the tag to be constantly worn when off the premises of the owner.
- (B) In case an animal tag is lost or destroyed, upon presentation of the receipt showing the payment of the registration fee for the calendar year and the payment of a duplicate tag fee, a replacement tag will be issued.
- (C) A tag shall not be transferable from one (1) animal to another and no refund shall be made on any animal registration fee for any reason.

Sec. 91.024. Exceptions to registration fee.

The provision of this chapter requiring the registration of dogs and cats shall not apply to the following:

- (A) Dogs or cats brought in the City exclusively for the purpose of entering the same in any show or exhibition, and which are actually entered in and kept at such show or exhibition.
- (B) Dogs duly and properly trained to aid or assist the disabled when such dogs are actually being used for this purpose. Dogs or cats kept in qualified institutions, approved by the DCO, for teaching or research purposes.
- (C) Government-assigned police dogs.

Sec. 91.025. Removal of tags.

The following acts are prohibited and hereby declared unlawful:

- (1) The counterfeiting of dog or cat registration or tags;
- (2) The removal of dog or cat registration or tags from any dog or cat by any person other than the owner; and
- (3) The willful and malicious destruction of dog or cat registration tags by any person other than the owner.

Sec. 91.026. False statements.

- (A) Any false statement in a rabies certificate or application for an animal registration, issued for such animal, shall be considered invalid and shall subject such animal to being impounded in accordance with the rules and regulations set out in this chapter.
- (B) It shall be unlawful to make a false statement in any application, affidavit or other document required by this chapter.

Sec. 91.027. Receipt; certificate; failure to exhibit.

No person keeping or harboring an animal for which registration is required, shall fail to exhibit a registration receipt, certificate of vaccination, or exemption status as required by this chapter upon demand by the DCO or Animal Services Officer.

ARTICLE IV. RABIES CONTROL; QUARANTINE

Sec. 91.028. Veterinarians to report rabies.

Every veterinarian or other person who is called to examine or professionally attend to any animal within the City having any case of rabies shall, within twenty-four (24) hours thereafter, report in writing to the Local Rabies Control Authority of the City the following facts:

- (1) The location of infected animal;
- (2) The name and address of the owner thereof; and
- (3) The name and address of any person known to have been exposed to such animal.

Sec. 91.029. Quarantine of animals.

- (A) An animal suspected of having rabies must be quarantined at the animal shelter or at a veterinary hospital with facilities to provide quarantine services, for a period of ten (10) days. The ten-day period begins at the time of the exposure or suspected event. All quarantine expenses shall be the responsibility of the animal owner. An animal shall be suspected of having rabies under any or all of the following conditions:
 - (1) The animal has bitten or scratched a person causing an injury that has broken the skin;
 - (2) The animal is showing signs of rabies;
 - (3) A licensed veterinarian suspects that the animal has rabies;
 - (4) The Local Rabies Control Authority has reasonable suspicion based upon probable cause that the animal has rabies.
- (B) A home quarantine may be approved by the Local Rabies Control Authority under the following conditions:
 - (1) A suitable place in the home can be provided to limit contact with the animal to only one (1) member of the household, that household member being over the age of eighteen (18);
 - (2) No other animals are being kept inside the home;
 - (3) Owner agrees to provide access to an Animal Services Officer for observation during the quarantine period at least on the first and last day;
 - (4) The animal is currently vaccinated for rabies; and
 - (5) The animal was not at large at the time of the bite or scratch.

- (C) If an animal dies while quarantined for rabies or has been determined to have rabies, the Local Rabies Control Authority shall send the head of the animal to the Texas Department of State Health Services laboratory for examination. The owner of an animal which is being humanely euthanized and submitted for testing shall pay all fees related to the testing, quarantine, and euthanasia, if applicable.
- (D) An animal may be destroyed or be deemed abandoned upon failure of the owner to pay all fees and reclaim the animal within seventy-two (72) hours from the end of the quarantine period.

Sec. 91.030. Authorization for quarantine.

- (A) In the event a potential outbreak of rabies is suspected and the danger to public safety from rabid animals is reasonably imminent, the Local Rabies Control Authority is hereby authorized to issue a quarantine proclamation ordering persons owning, keeping, or harboring any animal to muzzle the same or confine it as herein provided for such time as may be specified in such quarantine proclamation.
- (B) Upon the publication of such proclamation by the Local Rabies Control Authority, any persons keeping or harboring any animal shall restrain the animal from running at large except that such animal is under the control of an adult person and on a leash, may do so only if the animal is effectively muzzled.
- (C) The Local Rabies Control Authority may destroy any animal found at large during the time specified by the Local Rabies Control Authority in the quarantine proclamation, if the Local Rabies Control Authority is unable to apprehend such animals for impoundment.

Secs. 91.031—91.035. Reserved.

ARTICLE V. IMPOUNDMENT; REDEMPTION; DISPOSITION OR ADOPTION

Sec. 91.036. Impoundment.

- (A) Impoundment:
 - (1) Rabies: The DCO shall impound and quarantine any animal that he has probable cause to believe was exposed to or infected with rabies. Any animal that exhibits symptoms of the rabies virus during quarantine shall be humanely euthanized;
 - (2) Owner's absence: The DCO shall impound an animal at the request of a peace officer or owner of the property where the animal is located when the owner of the animal has been arrested, hospitalized, is missing, has died, or when the owner is being lawfully evicted from his premises and there is no person present seventeen (17) years of age or older who will assume responsibility for the animal;
 - (3) Animal at large: The DCO may impound an animal found to be at large;

- (4) Dangerous animal: The DCO shall follow the procedures for impoundment of dangerous animals set forth in Article VI of this chapter;
 - (5) Unauthorized possession: The DCO may impound an animal if the DCO has probable cause to believe the animal is being possessed in violation of local, state, or federal law;
 - (6) Inhumane treatment: The DCO may impound an animal if the DCO has probable cause to believe the animal has been inhumanely treated as defined by this chapter;
or
 - (7) LRCI: The DCO may impound and quarantine an animal the DCO has probable cause to believe has been involved in a LRCI.
- (B) Only animals found at large within the corporate limits of the City may be impounded at the animal shelter.
 - (C) Any person who brings an animal to the animal shelter for impoundment shall provide a government identification and sign any required forms provided by animal services at the time of intake.
 - (D) The animal shelter shall be considered the designated caretaker of an impounded animal immediately upon intake at the shelter. After the expiration of any required holding period, the City shall become the full owner of the animal in question and may dispose of it in accordance with this chapter.
 - (E) The City reserves the right to humanely euthanize any animal immediately to prevent the suffering or further injury of such impounded animal. The City also reserves the right to humanely euthanize any animal which poses a threat to public health and safety.
 - (F) In addition to or in lieu of impounding an animal found at large, the DCO or his designee may issue to the owner or any person exercising care, custody, or control of such animal a citation for each separate violation of this chapter.

Sec. 91.037. Right of entry upon unenclosed premises to seize animals at large.

The DCO and Animal Services Officers of the City are hereby given the power and authority, and it is declared to be their duty, to go upon unenclosed public or private property for the purpose of taking and impounding any animal found at large thereon or staked out or grazed there contrary to the provisions of this chapter.

Sec. 91.038. Uncared for animals may be impounded.

Whenever the DCO or Animal Services Officer finds that an animal is or will be without proper care because of injury, illness, incarceration, or other involuntary absence of the person responsible for the care of such animal, the DCO or Animal Services Officer may impound such animal.

Sec. 91.039. Euthanasia of certain animals.

Any animal impounded or found at large within the city may be humanely euthanized by the DCO or Animal Service Officer upon determination that such animal is sick or endangers the health of other animals or persons, or if such animal is suspected of having rabies, or manifesting a disposition to bite or attack when found at large, or as deemed necessary by the DCO.

Sec. 91.040. Confinement of animals by an individual.

- (A) If an animal is found upon the premises of another person, the occupant of the premises may confine the animal. Within a reasonable time after confining the animal, the occupant shall notify the DCO or Animal Services Officer and shall thereupon release the animal to an Animal Services Officer.
- (B) Any person confining any domestic animal found at large or contrary to the provisions of this chapter shall surrender such animal to the DCO or Animal Services Officer upon demand.

Sec. 91.041. Unauthorized impoundment of animals; offering rewards for impoundment.

It shall be unlawful for any person, other than an Animal Services Officer of the city or the DCO, or a humane organization approved by the DCO, to engage in the catching or impounding of animals, except as provided in sections 91.014 and 91.040, nor shall any reward be given for such catching or impounding. Any person authorized to catch and impound animals offering a reward of any kind whatsoever, to any person, shall be deemed guilty of violating this chapter.

Sec. 91.042. Redemption of animals.

- (A) Redemption. Except as provided in article VI of this chapter, the owner of any animal delivered to the animal shelter and impounded shall be entitled to reclaim their animal, provided such animal is not infected or thought to be infected with rabies or any other infectious or contagious disease, and upon the payment of all applicable fees, including current pet registration. An animal may be released to the City in lieu of paying applicable animal shelter fees, but the owner shall be responsible for paying owner release fees.
- (B) Conditions for redemption of animals:
 - (1) *Rabies vaccination of the animal is required.*
 - (a) For the purposes of this subsection, sufficient proof of an animal's current rabies vaccination shall be either a rabies vaccination certificate issued by a licensed veterinarian or verbal or written confirmation of a current rabies vaccination by the licensed veterinarian who administered the vaccination.
 - (b) If the owner cannot prove that the animal has a current rabies vaccination, the owner shall pay a fee to have a rabies vaccination given prior to the release of the animal.

- (c) If a vaccination cannot be given at the time of the redemption, the owner shall have ten (10) calendar days to provide written proof of obtaining a current rabies vaccination to animal services.
- (d) If, in the opinion of a licensed veterinarian, the rabies vaccination should not be given within the ten (10) calendar day period, the owner must provide a signed statement from the veterinarian stating why the vaccine should be temporarily delayed and when the vaccine may be given. The owner shall provide written proof of the administering of the vaccination to animal services within forty-eight (48) hours.

(2) *A Microchip Implant in the animal is required.*

- (a) If the animal is not already identifiable by microchip, the owner shall pay a fee to have a microchip implanted into the animal prior to release.
- (b) If a microchip implant cannot occur prior to release, the owner shall have ten (10) calendar days to provide written proof of a microchip implantation of the animal.

(3) *Sterilization of the animal required in certain circumstances.*

- (a) Upon an animal's third impound in any twelve (12) month period, the owner shall submit proof that the animal has been sterilized within thirty (30) days of its release. The proof shall be a completed sterilization certification form provided by animal services that is signed by the sterilizing veterinarian. Any owner choosing to have his animal sterilized by animal services prior to redemption may have the impound fee waived and the owner shall pay a sterilization fee and any other applicable fees prior to the animal being returned.
- (b) Any animal that is impounded a fourth time in any consecutive twelve (12) month period, including any animal subject to the timeframe provided in this subsection, may be sterilized by animal services prior to redemption by the owner. This subsection shall not apply if the animal was at large due to forces of nature, fire, or the criminal act of a third party who was not residing at the animal owner's residence.
- (c) Subsection 91.042(B)(3) (a. or b.) shall not apply if the owner provides proof that the animal has a current City registration and rabies vaccination, the animal is identified by microchip or visible identification, and one (1) or more of the following conditions is met at the time of impoundment:
 - (i) Either the animal is registered with a national registry; or the animal is a sporting dog, livestock dog, or working dog, and the owner was a member of a national breed club, local breed club, or sporting or hunting club;
 - (ii) The animal was a professionally trained assistance or police service animal; or

- (iii) The animal was at large due to forces of nature, fire, or the criminal act of a third party who was not residing at the animal owner's residence.
 - (d) Nothing in this subsection shall be construed as permitting sterilized dogs or cats to run at large.
- (4) *City Registration required.*
 - (a) If the owner cannot prove the animal has a current city registration, the owner shall pay a fee to have the animal registered as required by Article III of this chapter.
 - (b) If the owner cannot prove the animal has a current rabies vaccination, and a vaccination cannot be given at the time of redemption, the owner shall pay a fee to have the animal registered as required by Article III of this chapter and given ten (10) calendar days to provide written proof of a current rabies vaccination to animal services. The registration shall not be considered valid until the proof of rabies vaccination is provided by the owner.
- (5) *Payment of fees.* The owner must pay all applicable fees before the animal is released.
- (6) *Government identification required.* A government identification of the owner or person reclaiming an animal must be provided before the animal is released.
- (7) *Wild animals.* Impounded wild animals kept in violation of this chapter may not be redeemed and may be placed with a Wildlife Rehabilitator or Wildlife Educational Center or humanely euthanized at the DCO's discretion.
- (8) A person commits an offense if he fails to provide the proof of rabies vaccination required in this chapter.
- (9) A person commits an offense if he fails to provide the proof of microchip implantation required in this chapter.
- (10) A person commits an offense if he fails to provide the proof of sterilization required in this chapter.
- (11) A person commits an offense if he fails to provide the proof of City registration required in this chapter.
- (C) The owner of an animal impounded in the animal shelter shall be required to redeem the same in accordance with this section and shall not be permitted to adopt such animal in lieu of paying the applicable fee.
- (D) Only City residents may release their pets to the animal shelter upon payment of an owner release fee. Additional fees will apply for animals released for euthanasia.

- (E) It shall be unlawful to remove animals from the animal shelter except in accordance with the procedures established herein and the regulations established by the DCO.
- (F) Additional cost for impoundment may apply if a special vehicle or special handling equipment is required.
- (G) The DCO may refuse release of any animal impounded at the animal shelter if it is determined that such owner may not provide sufficient care as set forth in this chapter.
- (H) Subsection (B) of this section shall not apply if the animal was impounded:
 - (1) For being inhumanely treated as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal;
 - (2) As a dangerous animal as defined in this chapter and a hearing is pending or shall be pending to determine the disposition of the animal; or
 - (3) For investigation of rabies and the quarantine period has not expired.

Sec. 91.043. Disposition of animals.

(A) Time limits.

- (1) Impounded animals with no means of traceable identification shall be kept for not less than three (3) calendar days, unless earlier reclaimed by the owner or the owner's agent or humanely euthanized as allowed by this chapter.
- (2) Animals with any type of traceable identification shall be kept for not less than ten (10) calendar days, or not less than three (3) calendar days from the time the owner is notified, whichever is the shorter time period, unless earlier reclaimed by the owner or the owner's agent or humanely euthanized as allowed by this chapter.
- (3) An animal impounded at the request of a peace officer or property owner as required by section 91.036(A)(2) of this chapter shall be kept for not less than ten (10) calendar days unless earlier reclaimed by the owner or the owner's agent or humanely euthanized as allowed by this chapter.
- (4) An impoundment period is not required for an animal voluntarily surrendered or released to the city by its owner.
- (5) An impoundment period is not required for any wild animal.

(B) Injured, unweaned, or diseased animals.

- (1) Any impounded animal, registered or unregistered, which appears to be suffering from serious bodily injury or disease and which is in great pain or suffering and probably will not recover or which appears to have an infectious disease which is a danger to humans or to other animals may be humanely euthanized.
 - (2) Any animal that is not displaying any type of identification and which due to its violent or undomesticated nature poses a substantial risk of bodily injury to the safety of City staff may be humanely euthanized.
 - (3) Any unweaned animal impounded without the mother or where the mother cannot or refuses to provide nutritious meals may be transferred to a foster home for temporary care, transferred to a releasing agency for care and placement, or humanely euthanized to prevent suffering.
- (C) After the expiration of any required impoundment period or immediately after being voluntarily released by its owner, the animal shall become the property of the City, all ownership rights for the animal shall transfer to the City, and the City may dispose of the animal by any of the following methods, taking into consideration factors that may include, but not be limited to, the animal's behavior, aggressive tendencies, undomesticated characteristics, health, and housing space availability, within the sole discretion of the DCO.

(1) *Adoption.*

- (a) Animal services shall be authorized to place for adoption dogs, cats, and other domestic animals impounded by the City under the following conditions:
 - (i) Animal services shall evaluate all animals to determine if it is an adoption candidate, based on its health, temperament, and appropriateness for vaccination. Authorization to place a dog, cat, or other domestic animal for adoption shall not constitute a warranty of the health, temperament, or age of the animal.
 - (ii) There will be an adoption fee for all dogs, cats, and domestic animals at an amount set by Chapter 31 of the Code of Ordinances. The fee will include the cost of sterilization, vaccination, implantation of a microchip, and licensing.
 - (iii) All animals adopted from animal services shall be implanted with a microchip, vaccinated against rabies according to state guidelines, and sterilized prior to adoption.
 - (iv) If, in the opinion of a licensed veterinarian, there is a legitimate health risk justifying the delay of sterilization, the person adopting the animal must sign a contract stating the dates by which the animal shall be sterilized. The owner shall provide written proof to animal services of the completed sterilization within forty-eight (48) hours of the procedure. Failure to comply with the terms of the contract shall constitute a violation of this section.

- (v) Animals under the age of four (4) months shall be adopted only if the adopter signs a contract specifying the dates by which the animal shall be sterilized and vaccinated for rabies. The owner shall provide written proof to animal services of the completed sterilization and vaccination within forty-eight (48) hours of the procedure. Failure to comply with the terms of the contract shall constitute a violation of this section.
 - (b) If an adopted animal dies on or before the sterilization completion date, the adopting person must provide written documentation to animal services that the animal has died.
 - (c) If an adopted animal is lost or stolen before the sterilization date, the adopting person must provide written documentation to animal services stating that the animal is lost or stolen and a copy of the police report, if any, of the theft. In order to be sufficient, the letter shall be delivered to animal services not later than the seventh (7th) calendar day after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the date of disappearance.
- (2) *Transfer to releasing agency or foster care.*
 - (a) Animal services may transfer ownership of the animal to a releasing agency approved by the DCO, provided that the group sterilizes and microchips the animal prior to placing it into an adoptive home.
 - (b) Animal services may temporarily place the animal in a foster home that has a signed Foster Agreement on file with the City.
- (3) *Euthanasia.* Animal services may humanely euthanize the animal due to the animal's health or temperament, space limitations, or as otherwise deemed necessary by the DCO.
- (D) All decisions related to the disposition of an animal pursuant to section 91.043 (C) shall be made at the sole discretion of the DCO unless otherwise mandated by law or a court order.

Sec. 91.044. Adoption of animals.

- (A) A person who desires to adopt an animal from the City shall:
 - (1) Pay the adoption fee for each animal adopted;
 - (2) Provide a government identification;
 - (3) Sign all required documentation provided by animal services; and
 - (4) If the pet is over the age of four (4) months, the person shall submit proof within thirty (30) days from the adoption date that the pet is vaccinated for rabies and is spayed or neutered.

- (B) Animals under the age of four months shall be adopted only if the adopter signs a contract specifying the dates by which the animal shall be spayed or neutered and vaccinated for rabies. Failing to comply with the terms of the adoption contract shall constitute a violation of this section.
- (C) Failure of an adopter to comply with the terms outlined in this section shall result in the refusal by the DCO to release the adopted animal still in the possession of the animal shelter.
- (D) The DCO reserves the right to refuse to adopt any animal if the adoption may create a risk to the animal's health and safety. The DCO has the sole authority for making such determinations.

Secs. 91.045—91.049. Reserved.

ARTICLE VI. DANGEROUS DOGS

Sec. 91.050. Dangerous dog determination.

For the purpose of this chapter, “dangerous dog” shall mean:

- (A) Any dog that has attacked or bitten any person more than once; or
- (B) Any dog that has attacked or bitten one (1) person causing “serious bodily injury” including multiple bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional or would require hospitalization, without regard to whether the person actually sought medical attention.

Sec. 91.051. Seizure of a dangerous dog.

- (A) The DCO may seize a dog that has been determined dangerous in accordance with section 91.050 of this chapter. Seizure of a dog under the provisions of this section must be supported by:
 - (1) A sworn complaint of any person, including an Animal Services Officer, that the dog has attacked more than one (1) person or is responsible for causing serious bodily injury to a person by attacking, biting, or mauling the person; or
 - (2) Probable cause for the DCO to believe that the dog is responsible for biting more than one (1) person or causing serious bodily injury to a person by attacking, biting, or mauling the person.

- (B) The DCO shall determine that the dog is dangerous and seize the dog or order its seizure and shall provide for the impoundment of the dog in secure humane conditions until a hearing is conducted in Municipal Court to determine the final disposition of the dog.

Sec. 91.052. Hearing.

- (A) The DCO shall schedule a hearing in Municipal Court, within ten (10) business days from the date the dog was seized, to determine whether the dog is responsible for biting more than one (1) person or causing serious bodily injury to a person, in accordance with section 822.003 of the Texas Health and Safety Code, as amended. The intent of this hearing is to determine if the dangerous dog should be released to the owner or immediately humanely euthanized.
- (B) The DCO shall give written notice of the time and place of the hearing to:
 - (1) The owner of the dog or the person from whom the dog was seized; and
 - (2) The person who made the complaint; and
 - (3) The victim of the attack.
- (C) Any interested party, including the owner of the dog, the DCO, Animal Services Officer, City Attorney, or the person signing the complaint, is entitled to present evidence at the hearing.
- (D) In accordance with subchapter A of chapter 822 of the Texas Health and Safety Code, as amended, the Municipal Court may order the dangerous dog humanely euthanized if the Municipal Court finds that the dog caused serious bodily injury to a person by attacking, biting, or mauling the person or if the dangerous dog poses a significant threat to public health and safety. If this finding is not made, the Municipal Court may order the dangerous dog released to:
 - (1) Its owner;
 - (2) The person from whom the dog was seized; or
 - (3) Any other person authorized to take possession of the dog.
- (E) The Municipal Court may not order the dog humanely euthanized if the Municipal Court finds that the dog caused serious bodily injury to a person by attacking, biting, or mauling the person in the following manner:
 - (1) The dog was being used for the protection of a person or person's property and the attack, bite, or mauling occurred in an enclosure in which the dog was being kept;

- (2) The enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own and provided notice of the presence of a dog;
- (3) The injured person was at least ten (10) years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred;
- (4) At the time of the bite, attack, or mauling the dog was not in violation of any of the provisions of this chapter; and
- (5) The dog was being used by a peace officer for law enforcement purposes pursuant to the Texas Health and Safety Code Section 822.006, as amended.

Sec. 91.053. Euthanasia of a dangerous dog.

- (A) The order to humanely euthanize a dangerous dog shall result in the euthanasia of the dangerous dog not later than twenty-four (24) hours from the time the order was issued by the Municipal Court.
- (B) The euthanizing of the dangerous dog under this section must be completed by:
 - (1) A licensed veterinarian; or
 - (2) An Animal Services Officer who is trained in the humane euthanasia of animals.

Sec. 91.054. Release of dangerous dog.

- (A) If a dangerous dog is not ordered to be humanely euthanized, the owner of any dangerous dog released under the provisions of section 91.052 must comply with the following:
 - (1) Provide proof that a liability insurance policy has been obtained for the dangerous dog in the amount of at least \$100,000.00;
 - (2) Maintain liability insurance policy required in this section at all times;
 - (3) Register the dog each year on or before the anniversary of the date of release as a dangerous dog with the city for an annual fee. The animal shelter will provide a registration tag to the owner, which must be placed and remain on the dog's collar, which collar must be worn by the dog at all times;
 - (4) Provide an enclosure for the dangerous dog, which is of sufficient strength to reasonably prevent the dog from escaping. This enclosure must be inspected and approved by the DCO before the release of a dangerous dog; and
 - (5) Post signs giving notice of a dangerous animal in the area or on the premises in which the animal is confined. The signs shall be conspicuously posted at both the front and rear property entrances and at any entrance to the dog's enclosure and

shall bear letters not less than two (2) inches high, stating "DANGEROUS ANIMAL ON PREMISES."

- (B) The owner shall have twenty (20) days to provide proof of compliance with this section before the dog will be released to the owner. Failure to comply within twenty (20) days will result in the dog being humanely euthanized as outlined in section 91.053. The owner reclaiming a dangerous dog must also comply with the following:
 - (1) Dangerous dogs reclaimed by their owner must be kept in a secure location on the owner's property. The DCO must approve this location before such animal is released to their owner;
 - (2) Must maintain current rabies vaccination for the dangerous dog; and
 - (3) Must ensure the dangerous dog remains in an approved enclosure when not in the control of owner by means of leash, chain, or lead of sufficient strength to maintain control of such dog.
- (C) A person commits an offense by violating any of the provisions outlined in this section.

ARTICLE VII. WILD OR VICIOUS ANIMALS

Sec. 91.055. Keeping of wild animals.

- (A) No person shall keep or permit to be kept on their premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously, or for a fee, or as a pet within the City limits. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.
- (B) It shall be unlawful for anyone to allow any wild animal to be at large outside of its secure quarters or cage. In the event such animal is discovered outside of its secure quarters or cage, it shall be presumed that the person who owns, raises, or keeps the same, willfully allowed it to roam at large outside of the cage.
- (C) Any wild animal that is found at large may, at the discretion of the DCO or Animal Services Officer, be impounded.
- (D) Any wild or vicious animal impounded or found at large within the City may be humanely euthanized by the DCO or Animal Service Officer upon determination that such animal is sick or endangers the health of other animals or persons, or if such animal is suspected of having rabies, or manifesting a disposition to bite or attack when found at large, or as deemed necessary by the DCO.

ARTICLE VIII. LIVESTOCK

Sec. 91.056. Maximum number permitted.

- (A) No livestock shall be kept on any residentially zoned lot or tract unless the following conditions are met:
 - (1) Lot or tract must contain at least one (1) acre;
 - (2) A pen or enclosure is provided which is at least 200 feet from the nearest dwelling owned or occupied by others; and
 - (3) Not more than one (1) head of livestock per acre is kept.
- (B) Lots or tracts exceeding five (5) acres may contain a combined total of three (3) livestock per acre, if such pen is located at least 400 feet from any business building or dwelling owned or occupied by any person other than the owner of said livestock provided that the lot or tract is not zoned residential and is approved by the CZO for the keeping of livestock.
- (C) The provisions of this section shall not apply to commercial animal establishments operated in accordance with the CZO.

Sec. 91.057. Care and keeping of livestock; general regulations.

- (A) Every owner, caretaker, or user of livestock within the City limits shall be required to observe the following rules, regulations, terms, and conditions in connection with the care and keeping of such animal:
 - (1) All stables or other enclosures in which such livestock is kept and the ground upon which the same is situated shall be kept and maintained in a clean and sanitary condition.
 - (2) All stables and fences surrounding such lot or pen where livestock is kept and the feed troughs with which such animals are fed and watered shall be free from any projection or thing whereon or whereby such animals may be injured.
 - (3) All livestock shall be fed with a quality of good, wholesome food sufficient to keep them in a well-nourished condition, and such food shall be served to such animals in a clean, sanitary manner.
 - (4) All livestock shall be provided with pure, clean water in sufficient quantities at all times.
 - (5) Injured, sick, or malnourished livestock shall be provided with sufficient medical care needed to promote good health and prevent suffering.

- (6) A minimum shelter of 100 square feet under a roof shall be provided for each head of bovine or equine livestock and a minimum shelter of forty (40) square feet under a roof, for each head of sheep, goats, or swine.
- (7) Any boarding stable, riding school, or academy shall contain at least 400 square feet of space, to include 100 square feet under a roof, for each head of equine stock kept or maintained on the premises.
- (8) All livestock shall be securely contained on permitted property by fence of sufficient height and strength to prevent their escape.
- (B) This section shall not prohibit the temporary possession of livestock by veterinary hospitals or the temporary exhibition of cattle at fairgrounds or stock shows; provided, however, that the person in charge of such cattle shall not be relieved of the operation of any provision of this Code governing sanitary conditions, nuisances, or noise which may be applicable to cattle, nor shall this section apply to cattle being kept by a qualified institution, approved by the DCO, for teaching and research purposes.

Sec. 91.058. Sanitation regulations.

- (A) Standings shall be constructed of concrete, compacted caliches, or other equally impervious material that can be easily cleaned where bovine, equine, swine, goat, or sheep are kept; or any other livestock when kept for commercial purposes. Such standings shall be located under roofed areas.
- (B) All manure and other animal waste from livestock shall be removed from pens, corrals, or standings at least once each day. This material shall be deposited in a manure storage bin of concrete, metal, or other construction approved by the DCO and shall be removed from this bin at least once each week to a disposal site approved by the DCO.
- (C) It shall be unlawful to permit or allow fly breeding on premises on which livestock are kept.
- (D) In no event or circumstance shall any manure be deposited in any street or public place or allowed to remain in such places. No person hauling manure through the streets shall permit the same to litter the street.
- (E) In no event or circumstance shall any manure be deposited in or within 100 feet of any natural watercourse in the city.

Sec. 91.059. Potbellied pigs; requirements.

- (A) For the purpose of this section, “potbellied pigs” shall refer to a variety of swine that is no more than eighteen (18) inches in height at shoulder level when fully grown, has short ears, and a straight tail. No swine shall be considered a potbellied pig if its weight exceeds sixty (60) pounds.

- (B) It shall be unlawful for any person to keep, harbor, or raise more than two (2) adult potbellied pigs in any one (1) dwelling unit within the City.
- (C) It shall be unlawful for any person to keep a potbellied pig outdoors other than at those times necessary for the elimination of waste materials or exercise. Potbellied pigs are subject to all applicable sections of this chapter including the prohibition of animals at large.
- (D) It shall be unlawful for any person to keep, harbor, or raise a potbellied pig which has not received annual vaccinations for erysipelas, parvo virus, and leptospirosis (the first of which vaccinations shall be obtained before the animal reaches the age of four (4) months). It shall be the responsibility of the owner or caretaker of the potbellied pig to forward to the DCO, within fourteen (14) days of vaccination, a certificate from a licensed veterinarian which shall include the following information:
 - (1) Name, street address and phone number of the owner;
 - (2) Name, street address, and phone number of the licensed veterinarian issuing the certificate;
 - (3) Name and description of the animal;
 - (4) Types and dates of vaccinations;
 - (5) Tag number(s);
 - (6) Approximate weight, height, and age of the animal; and
 - (7) Animal's general health.
- (E) It shall be unlawful for any person to keep a potbellied pig at any location within the City unless such person has first paid a registration fee and filed a registration application with the DCO. The application and vaccination history for each potbellied pig as outlined in subsection (D) of this chapter must be approved by the DCO before a person may keep a potbellied pig.
- (F) Should the potbellied pig die, be moved or be acquired by a new owner or caretaker, it shall be the registered owner's duty to inform the DCO of this fact within fourteen (14) days of the event.

Sec. 91.060. Exceptions.

- (A) Where livestock, fowl or pets are kept in medical laboratories or educational institutions for medical research, in veterinarian hospitals for treatment, or on the premises of a humane society recognized by the SPCA, such livestock, fowl, or pet shall be kept under conditions

prescribed by the DCO for such limited purpose without the necessity of compliance with the distance and structural requirements prescribed in this chapter.

- (B) Where any livestock, fowl or pets are being kept at a location outside the City limits and by the annexation proceedings the area becomes part of and within the boundaries of the incorporated area of the city, the provisions limiting the number and regulating the distance from the premises to other persons shall not apply for a period of three (3) years from the date of annexation, unless otherwise authorized under this chapter or state law.

Secs. 91.061—91.066. Reserved.

ARTICLE IX. AUTHORITY OF ENFORCEMENT

Sec. 91.067. Inspections.

- (A) In compliance with the Constitution of the United States, the Texas Constitution, and the Texas Penal Code, whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter or other applicable law, or whenever the DCO has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the DCO is hereby authorized to enter such property at any reasonable time and to inspect the same and to perform any duty imposed upon the DCO by this chapter or other applicable law, provided that if such property be occupied, he shall first present proper credentials to the occupant and request to enter explaining his reason therefore.
- (B) Subject to the provisions of the Constitution of the United States and the Texas Constitution, if the DCO has reasonable cause to believe that the keeping or the maintaining of any animal is so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard the animal or the public's health and safety, he shall have the right immediately to enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether or not permission to inspect has been obtained. If the property is occupied, he shall first present proper credentials to the occupant and demand entry, explaining the reasons therefore and purpose of the inspection.
- (C) No person shall fail or refuse, after proper demand has been made upon him as provided in this section to permit the DCO to make any inspection.
- (D) The applicant's acceptance of any permit issued pursuant to this section does thereby provide consent and the permit holder agrees to the entry upon the premises described in the permit by the DCO or Animal Services Officer for the purpose of conducting such inspections as are required by this chapter and other applicable state law.

Sec. 91.068. Authority to carry firearms.

- (A) Animal Service Officers, when acting in the course and scope of their employment, shall be and are hereby authorized to carry on their persons or in City vehicles, loaded firearms

or weapons of a type and caliber approved by the DCO for animal control and not in violation of any provision of the Texas Penal Code or other applicable law.

- (B) Each Animal Services Officer shall receive initial and recurrent training in the use of any type of firearm or tranquilizing gun approved by the DCO, in order to establish and assure satisfactory proficiency in the use of such weapons.

Sec. 91.069. Police powers in enforcing this chapter.

The DCO and the Animal Service Officers shall have authority to enforce this chapter and other ordinances of the City relating to animals.

Sec. 91.070. Notice of violations.

- (A) All duly appointed and qualified Animal Services Officers and the DCO are authorized to issue written notices to persons violating this chapter or any other ordinance governing the regulation of animals within the City.
- (B) The provision of notice in this section is not a condition precedent to the prosecution of an offense alleged to have occurred under this chapter. Failure to provide the notice specified in this section shall not be a defense to the prosecution of an offense alleged to have occurred under this chapter.

Sec. 91.071. Additional authority.

- (A) In addition to any authority derived elsewhere, appropriate city personnel, including the DCO and Animal Services Officers, are expressly empowered and authorized to go upon public and private premises for the purpose of the enforcement of this chapter, state statutes, and the Texas Penal Code relating to animals, when necessary to protect the health, welfare, and safety of the inhabitants of the city.
- (B) It shall be unlawful for any person to hinder, resist, or oppose the DCO or Animal Services Officer in the performance of their duties under this chapter or conceal or secrete any animal from any such officer or person.
- (C) It shall be unlawful for any person to prevent, interfere with, obstruct, or give false information to any Animal Services Officer or the DCO who is in the lawful discharge of their duties under this chapter, state, local, or federal laws.
- (D) It shall be unlawful for any person to fail to comply with any lawful order of an Animal Services Officer or the DCO issued by said Animal Services Officer or the DCO during the enforcement of this chapter, state, local, or federal laws.
- (E) It shall be unlawful for a person to make a claim of ownership for an animal that he knows is false.

- (F) It shall be unlawful for a person to make a report of a violation of city ordinance or state, local, or federal law that he knows is false.

Sec. 91.072. Penalty.

- (A) It shall be unlawful for any person to violate any of the provisions of this chapter or of the Code of Ordinances, as amended, and any such violation shall be deemed to be a misdemeanor and, upon conviction of such violation, such person shall be punished by a penalty of fines as set forth in section 10.99 for each offense. Each and every day, any such violation shall continue shall be deemed to constitute a separate offense.
- (B) Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this chapter, except as otherwise specifically stated.
- (C) Prosecution for an offense under this chapter does not prevent the use of civil enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.
- (D) In addition to any other remedies or penalties contained in this chapter, the City may enforce the provisions of this chapter pursuant to the applicable provisions of Texas Local Government Code, Chapter 54, which provides for civil action and the enforcement of municipal ordinances.

Sec. 91.073. Conflicts.

In the event any provision of this chapter conflicts with the CZO, building codes, or Chapter 154 of the Code of Ordinances, this chapter shall prevail.”

SECTION 3

All provisions of the ordinances of the City of Carrollton in direct conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Carrollton not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4

The provisions of this Ordinance are severable in accordance with Section 10.07 of the Carrollton Code of Ordinances.

SECTION 5

This Ordinance shall take effect immediately upon its adoption and publication.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas,
this 18th day of November 2025.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd
City Attorney

APPROVED AS TO CONTENT:

Cory Heiple
Environmental Services Director