

ORDINANCE NO. O-2007-009-04

AN ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS AMENDING CHAPTER 10 OF THE HALTOM CITY CODE OF ORDINANCES, PROVIDING REGULATION OF ANIMALS; PROVIDING DEFINITIONS; PROVIDING NEW PROCEDURES RELATED TO DANGEROUS DOGS; REGULATING IMPOUNDMENT, VACCINATION, AND CARE OF ANIMALS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has previously adopted regulations governing animals, codified as Chapter 10 of the Haltom City Code; and

WHEREAS, the City Council has determined that it is in the best interests of the public to provide for comprehensive regulations governing the care, custody, and control of dangerous dogs and other animals within the City; and

WHEREAS, for purposes of promoting the health, safety and general welfare the City Council desires to amend the regulations related to dangerous dogs and animals.

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

SECTION 1

Chapter 10 of the Haltom City Code is hereby deleted in its entirety and replaced with the following:

“CHAPTER 10. ANIMALS

ARTICLE I. GENERAL

10-1 PURPOSE: The animal regulations as herein established have been made for the purpose of promoting the health, safety, morals and general welfare of the City of Haltom City. This Chapter contains standards regulating the use, type, location, maintenance, registration, confinement, euthanasia and harboring of certain animals. The intent of the regulations, prohibitions, and provisions is to protect values within the City of Haltom City, to enhance the quality of life of persons, pets, and other animals, and to protect the general public from damage and injury that may be caused by unregulated animals.

10-2 DEFINITIONS: When used in this ordinance the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

ANIMAL SERVICES OFFICER: Person designated by the City of Haltom City as the primary enforcement officer of ordinances regulating animals and owners of animals and for the enforcement of state law pertaining to the care and control of animals, or the designated representative of such person.

ANIMAL CARE AND ADOPTION CENTER: Facility designated and operated by the City of Haltom City for the purpose of impounding and caring for animals held under authority of this Chapter.

BOARDING/RIDING STABLES: Any facility for boarding, livery, training or riding school or any facility which maintains horses or ponies, mules, donkeys, or burros whether gratuitously or for a fee.

DANGEROUS ANIMAL: Any warm blooded mammal which is known to carry or be susceptible to the rabies virus and which cannot be effectively vaccinated against that virus with any vaccine approved by the Texas Department of Health. A dangerous animal includes any hybrid animal or any pet wildlife which has attacked a human, killed or maimed a domestic animal, or which is apprehended or observed unrestrained. However, this definition shall not apply to Dangerous Dogs as addressed in Article VIII of this Chapter or Dogs That Are a Danger to Persons under Article IX.

DOMESTIC ANIMAL: Any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild and any animal which can be vaccinated against rabies with an approved rabies vaccine, and any animal which has an established rabies quarantine observation period.

ESTRAY: Means any stray horse, stallion, mare, gelding, filly, colt, mule, jenny, jack, jennet, hog, pig, sheep, goat, confined and domesticated hares and rabbits, or any species of cattle.

EXOTIC SPECIES: Any animal born or whose natural habitat is outside the continental United States excluding non-venomous reptiles and fish.

EXOTIC LIVESTOCK/RATITES: Any species classified as exotic livestock by the Texas Animal Health Commission.

HARBORING: The act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter, or care for a period of ten (10) days or longer.

OWNER: Any person who has right of property in an animal including a harborer.

PET ANIMAL: Shall include dogs, cats, rabbits, rodents, birds, non-venomous reptiles, and other species of animals which are sold or retained as household pets but shall not include skunks, non-human primates, and any other species of wild, exotic, or carnivorous animals that are susceptible to rabies, but not animals that may be vaccinated for rabies, and that may be further restricted in this ordinance.

POULTRY: All domesticated fowl and all game birds which are legally kept in captivity except those classified as exotic livestock/ratite as defined above.

PROPER ENCLOSURE: Means a house or a building, or in the case of a fence or structure/pen, the fence or structure/pen must be at least six (6) feet in height. The structure/pen must also have minimum dimensions of five (5) feet by ten (10) feet. The fence or structure/pen must form an enclosure suitable to prevent entry of young children and must be locked and secured such that an animal cannot climb, dig, jump, or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The structure/pen shall have secure sides to prevent the dangerous animal or registered dangerous dog from escaping from the enclosure. The structure/pen shall provide protection from the elements for the animal. The Animal Services Officer may require a fence higher than six (6) feet or require a secure top and a secure bottom to the structure/pen if the need is demonstrated.

QUARANTINE BY OWNER: Following are required:

- (a) Animal must be inside an enclosed structure, i.e., house or garage and must remain there for ten (10) days.
- (b) If maintained outside, animal must be behind a fence from which it cannot escape and on a chain from which it cannot break loose or inside a covered pen or kennel from which it cannot escape.
- (c) Animal must be kept away from other animals and people except those in the immediate household.
- (d) Animal may not be removed from Corporate City Limits of Haltom City while under quarantine.
- (e) Owner shall notify Animal Services Officer immediately if animal becomes sick or displays any behavioral changes or dies or disappears.
- (f) Owner shall not subject the animal to any medical procedure without first notifying the Animal Services Officer, this to include any vaccination.

RABIES VACCINATION: The vaccination of a dog, cat or other domestic animal with an anti-rabies vaccine approved by the Texas Department of Health and administered by a veterinarian licensed by the State of Texas.

REGISTERED DANGEROUS DOG: Any dog registered with the City of Haltom City in compliance with Chapter 822, Texas Health and Safety Code, Subchapter D, and with the section of this ordinance addressing registered dangerous dogs.

RUNNING AT LARGE: An animal shall be considered running at large:

(a) Off Premises: Any animal which is not restrained by means of a leash, chain, or other physical apparatus of sufficient strength and length to control the actions of such animal while off premises.

(b) On Premises:

(1) Any animal not confined to premises of owner by a substantial fence of sufficient strength and height to prevent the animal from escaping there from, or secured on the premises by a chain or leash sufficient in strength to prevent the animal from escaping from premises and so arranged that the animal will remain upon the premises when the leash is stretched to full length.

(2) An animal intruding upon the property of another person other than the owner's shall be termed "at large."

(3) Any animal within a vehicle in a manner that would not prevent that animal's escape or contact with other persons or animals.

SERIOUS BODILY INJURY: Means any injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

SEVERE ATTACK: Is defined as one in which the animal repeatedly bites or vigorously shakes its victim, and the victim, or a person intervening, has extreme difficulty terminating the attack.

PROPER SHELTER: A structure with three sides, a roof, and a floor that is capable of protecting an animal from the weather.

STRAY ANIMAL: Any animal, for which there is no identifiable owner or harbinger, which is found to be at large within the corporate limits of the City of Haltom City.

THEATRICAL EXHIBITION: Any exhibition or act featuring “performing animals.” Such exhibitions shall not include resident or non-resident dog and cat shows which are sponsored and/or sanctioned by Animal Services Officer, American Kennel Club, the United States Kennel Club, the Cat Fanciers Association, American Cat Fanciers Association, or any affiliate thereof, nor shall it include any primary horse show.

UNPROVOKED: With respect to an attack by an animal shall mean that the animal was not hit, kicked, or struck by a person with an object or part of a person’s body nor was any part of the animal’s body pulled, pinched, or squeezed by a person.

VETERINARIAN: Any practitioner of veterinary medicine licensed by the State of Texas to practice such in Texas.

WILD ANIMAL: Any animal which occurs naturally in a wild state. This includes any animal which is part wild animal.

10-3 **CREATING A HEALTH HAZARD:**

(a) Any person who shall harbor or keep an animal on his/her premises, or on or about premises under his/her control, and who thereby allows his/her premises to become a hazard to the general health and welfare of the community, or who shall allow his/her premises to give off obnoxious or offensive odors due to the activity or presence of such animals, shall be guilty of a misdemeanor.

(b) Any person who shall allow his/her animal to defecate on public property or the property of another and does not remove same immediately shall be guilty of a misdemeanor.

10-4 **TAMPERING WITH TRAPS AND EQUIPMENT:** No person shall remove, alter, damage or otherwise tamper with a trap, vehicle, or equipment belonging to/set out by the Animal Services Officer.

10-5 **AUTHORITY TO DESTROY INJURED/DISEASED ANIMALS:** The Animal Services Officer is authorized to destroy any injured or diseased animal, whether such animal is on public or private property, where the recovery from such injuries or disease is in serious doubt, and after a reasonable effort has been made to locate the owner of such animal.

10-6 **EXCESSIVE NOISE:** Any person who shall harbor or keep on his premises, or on or about his premises under his control, any animal which by loud or unusual vocalization shall cause the peace and quiet of the neighborhood or the occupant of adjacent premises to be disturbed, shall be guilty of a misdemeanor; and a separate offense shall be deemed committed upon each day during or on which such violation occurs or continues.

10-7 RIGHT TO INGRESS: Any animal services officer shall have the right of ingress on any property within the City of Haltom City in order to carry out the provisions of this ordinance, and to determine the condition of any animal, bird or fowl, but in no event shall any animal services officer enter a structure used for human habitation without consent of the occupant unless first securing a search or arrest warrant and/or securing consent of the owner of the property.

10-8 ANIMALS AT LARGE (RESTRAINT): It shall be unlawful for any person owning or harboring an animal to permit such animal to run at large. Any officer or citizen of the City of Haltom City is hereby authorized to take up and deliver to the Animal Care and Adoption Center any animal mentioned in this ordinance that may be found "at large" in the corporate limits of the City, subject to the applicable provisions of the law. Failure to notify and/or turn over to the Animal Services Officer any such animal within forty-eight (48) hours may subject the person taking up the animal to civil and/or criminal action. The animal services officer or his agent and peace officer are authorized to impound any animal mentioned in this ordinance which is in violation of the ordinance. In the event the animal is on private property or property of the animal's owner the animal services officer may enter the property, other than a private dwelling, for the purpose of impoundment or issuance of a citation, or both, subject to the applicable provisions of the law.

(a) No dog or puppy may be restrained by leash, tether or chain unattended in the front yard of a residence or business unless there is a fence surrounding the area where the animal is restrained.

(b) No dog or puppy may be restrained by a fixed-point chain or tether for more than eight (8) hours in a twenty-four (24) hour period. The restraint must be at least ten (10) feet in length and attached to a pulley or trolley mounted on a cable which is also at least ten (10) feet in length and mounted no more than seven (7) feet above the ground. Any tethering employed shall not allow the dog or puppy to leave the owner's property. No chain or tether shall weigh more than one-eighth (1/8) of the dog or puppy's body weight. Any chain or tether used must be attached to a properly fitting collar or harness worn by the animal.

10-9 ENFORCEMENT: The provisions of this chapter may be enforced by the animal control officer, police officers, and such other persons as are designated by the city.

(a) It shall be unlawful for any person to interfere with, obstruct, resist or oppose any animal control officer or other person authorized to enforce the provisions of this chapter while such person is apprehending an animal or performing any other duties. It shall be unlawful to take or attempt to take any animal from any animal control officer or from any vehicle used by the officer to transport any animal.

(b) In all instances of a violation of any provision of this chapter, whether the animal is impounded or not, the owner or keeper of such animal may be cited by an officer who has the authority to enforce this chapter for any violation of this chapter.

10-10 REMOVAL OF DEAD ANIMAL: The Animal Services Officer is authorized to retrieve the body of a dead animal at the request of the owner or other person having control of the dead animal. A fee shall be assessed for removal, as established by the City's fee schedule.

10-11 NUMBER OF PETS PERMITTED ON RESIDENTIAL PROPERTY: Pet animals in the city are restricted to the following numbers:

(a) A maximum of four pet animals, six months old or older, are permitted on one-family residentially zoned property. The four pets may include no more than three of any species.

(b) A maximum of two pet animals, six months old or older, are permitted in each dwelling unit of a duplex or multi-family residential property. Nothing in this section shall prevent the management of rental property from prohibiting pet animals on the property.

(c) Violators of this section will be given ten days to comply following oral or written notice from the City. Each day after ten days shall constitute a separate and individual violation until compliance is achieved.

ARTICLE II. IMPOUNDMENT AND ADOPTION

10-20 IMPOUNDMENT: Animals owned or harbored in violation of this chapter or state law may be taken into custody by an animal services officer or other designated official and impounded under the provisions of this chapter.

10-21 DISPOSITION OF IMPOUNDED ANIMALS:

DOGS AND CATS WITH NO IDENTIFICATION: All dogs and cats impounded by the Animal Services Officer or brought to the Animal Care and Adoption Center by a person other than the harborer or owner of that animal shall be held for a minimum of seventy-two (72) hours during which time period the owner may present proof of ownership at the Center and, after paying all applicable fees, reclaim the dog/cat. In the event that the dog/cat is not claimed after seventy-two (72) hours in the Center, that dog/cat shall become the property of the City of Haltom City.

DOGS AND CATS WITH IDENTIFICATION: All dogs and cats impounded by the Animal Services Officer or brought to the Animal Care and Adoption Center by a person other than the harborer or owner of that animal that are wearing traceable identification or where an owner is known shall be held in the Center for a minimum of five (5) complete days from the time the animal enters the facility, during which time the Animal Services Officer shall notify the owner, when known, of the impoundment. Unless the owner has notified the Animal Services Officer in writing of his/her intentions to claim the dog/cat after that date, listing a date by which time that owner will reclaim the dog/cat and satisfy all

applicable fees and this arrangements has been approved by the Animal Services Supervisor, the animal shall become the property of the City of Haltom City on the sixth (6th) day.

ANIMALS SURRENDERED BY OWNER/HARBORER: All animals surrendered by the owner/harboree to the Animal Services Officer shall become the property of the City of Haltom City immediately upon completion of the Owner/Harboree Surrender form.

ANIMALS OTHER THAN DOGS, CATS, OR ESTRAYS IMPOUNDED: All animals other than dogs, cats, or estrays impounded by the Animal Services Officer or brought to the Center by a person other than the owner/harboree shall become the property of the City of Haltom City unless such ownership is prohibited by state or federal law.

DISPOSITION OF ANIMALS: Final disposition of all unclaimed animals shall rest with the Animal Service Officer. The Animal Services Officer shall retain sole authority to determine the final disposition of each animal in its custody once that animal becomes the property of the City of Haltom City, and shall not place any animal for adoption that is classified in this Ordinance as prohibited. Animals shall be euthanized only in accordance with state law. All animals listed as endangered or protected shall be transferred to the proper authority at the earliest possible date.

10-22 ANIMALS HELD ON COMPLAINT: If a complaint has been filed in Municipal Court for the City of Haltom City against the owner of an impounded animal for a violation of this ordinance, the animal shall not be released except on the order of the Animal Services Officer which may also direct the owner to pay any penalties for violation of this ordinance in addition to all impoundment fees. Surrender of an animal by the owner thereof to the Animal Services Officer does not relieve or render the owner immune from the decision of the court, nor from the fees and fines which may result from a violation of this ordinance.

10-23 REMOVAL OF ANIMALS FROM CONFINEMENT: It shall be unlawful for any person to remove from any place of confinement any dog or cat which has been confined as authorized under this Article, without the consent of the impounding agency.

10-24 CONFINEMENT DURING ESTRUS: Any unspayed female dog or cat in the state of estrus (heat) shall be confined during such period of time in a house, building, or secure enclosure, and said area of enclosure shall be so constructed that no other dog or cat may gain access to the confined animals. Owners who do not comply shall be ordered to remove the animal in heat to a veterinary hospital or the Animal Care and Adoption Center. All expenses incurred as a result of this confinement shall be paid by the owner. Failure to comply with the removal order of the Animal Services Officer shall be a violation of this ordinance, and the dog and cat will then be impounded as prescribed in this ordinance.

10-25 ADOPTION OF ANIMAL: All animals which are adopted from the Animal Care and Adoption Center shall be surgically altered to prevent reproduction in that animal within thirty (30) days from the adoption date.

EXTENSION OF TIME: On presentation of a written report from a licensed veterinarian stating that the life or health of the animal may be jeopardized by surgery, the deadline may be extended for thirty (30) days. The person adopting that animal shall sign an agreement stating that he/she will have the said animal surgically altered at that time.

RESPONSIBILITY FOR PROOF: It shall be the responsibility of the person adopting to provide proof of altering to the Animal Services Officer.

RECOVERY OF UNALTERED ANIMAL: Failure to comply with this section or failure to comply with the terms of either of the above agreements shall give the Animal Services Officer the right to recover the adopted animal in question and revoke the owner's adoption contract. Such failure shall also constitute a violation of this ordinance.

ADOPTION FEE: The adoption fee shall be set to render neutral the cost medicating and preparing said animal for adoption.

RABIES VACCINATION: A person adopting a dog or cat that is not yet three (3) months of age shall have that animal vaccinated for rabies by a veterinarian licensed within the State of Texas by the date specified during the adoption procedure. The person adopting the animal is responsible for providing proof of rabies vaccination to the Animal Services Officer within 48 hours of vaccination date.

10-26 SURRENDER OF ANIMALS: Animal Services will only accept surrendered animals if there is sufficient space in the shelter at that specific time. There shall be a fee for surrender of animals by owner/harbinger to the Animal Care and Adoption Center. Animal Services will only accept animals surrendered from residents of Haltom City.

SMALL ANIMALS: For small animals such as dogs or cats, a fee shall be charged per animal. In the event a litter (Under 60 days of age) is surrendered the charge shall be the same as a single animal, with or without the mother.

LARGE ANIMALS: For large animals such as horses, cows, goats, sheep and pigs, a fee shall be charged per animal.

10-27 PAYMENT OF FEES: It shall be a violation of this Article to fail to pay any applicable fees.

10-28 SURGICAL ALTERATION REQUIRED: Any owner of a dog or cat who is cited and convicted or who pleads guilty or who receives deferred adjudication for a restraint violation of this ordinance on two (2) occasions within a twelve month period, shall have the animal spayed or neutered within seven (7) days of the second conviction or plea.

Verification from the veterinarian performing the surgery shall be provided to the Animal Services Officer in writing within seven (7) days of the surgery.

ARTICLE III. ESTRAYS AND LIVESTOCK

10-40 UNATTENDED ESTRAY: It shall be unlawful for any person, firm or corporation to allow any estray(s) to be unattended upon any public street, alley, thoroughfare or upon the property of another in the corporate city limits of Haltom City. The person, firm or corporation having ownership of right to immediate control of such estray(s) shall have the burden to keep such estray(s) off the public streets, alleys, and thoroughfares or the property of another in the City. Any person, firm, or corporation violating any portion of this section shall be deemed guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00) or more than two hundred dollars (\$200.00).

10-41 IMPOUNDMENT: It shall be the duty of the Animal Services Officer in absence of action by the county Sheriff's office, to take up any estray that may be found in and upon any street, alley, or upon any unenclosed lot in the City of Haltom City, or otherwise to be found at large, and to confine such estray for safe keeping.

10-42 RECOVERY BY OWNER: The owner of an estray may recover possession of the animal at any time before the animal is sold under the terms of this Article if:

- (a) The owner has provided the Animal Services Officer with an "Affidavit of Ownership" of the estray containing at least the following information:
 - (1) The name and address of the owner; and
 - (2) The date the owner discovered that the animal was an estray; and
 - (3) The property from which the animal strayed; and
 - (4) A description of the animal including its breed, color, sex, size, all markings of any kind, and any other identifying characteristics.
- (b) The Animal Services Officer has approved the affidavit; and
- (c) The owner has paid all estray handling fees to those entitled to receive them.

10-43 FEES: For each and every estray taken and impounded there shall be paid to the City of Haltom City by the owner thereof or his agents a fee for the taking and impounding of the estray and a fee set for each night, except for the first that the animal shall remain in the custody of the Animal Services Officer. The owner shall also pay for any veterinary or drug fees incurred for the animals (s) while in the custody of the Animal Services Officer.

10-44 SECTION 5.5 SALE OF ESTRAY: If the ownership of an estray is not determined after reasonable inquiry within seven (7) days following the impoundment,

title to the estray rests with the City, and the Animal Services Officer shall then cause the estray to be sold at a public auction. Title to the estray shall be deemed vested in the City for purposes of passing a good title, free and clear of all claims to the purchaser at the sale. The disposition of the proceeds derived from the sale of an estray at public auction will be as follows:

- (a) Pay all handling fees to those entitled to receive them;
- (b) Execute a report of sale of impounded stock;
- (c) The net proceeds remaining from the sale of the estray after the handling fees have been paid shall be delivered by the Animal Services Officer to the City Treasurer. Such net proceeds shall be subject to claim by the original owner of the estray as provided herein.
- (d) If the bids are too low, the Animal Services Officer shall have the right to refuse all bids and arrange for another public auction or sealed bidding procedure.

10-45 RECOVERY BY OWNER OF SALE PROCEEDS: Within three (3) months after the sale of an estray under the provisions of this Article the original owner of the estray may recover the net proceeds of the sale that were delivered to the City Treasurer if:

- (a) The owner has provided the Animal Services Officer with an affidavit of ownership; and
- (b) The Animal Services Officer has approved the affidavit.

After the expiration of three (3) months from the sale of an estray as provided by the Article, the sale proceeds shall escheat to the City of Haltom City.

10-46 USE OF ESTRAY: During the period of time an estray is held by one who impounded the estray, the estray may not be used by any person for any purpose.

10-47 DEATH OR ESCAPE OF ESTRAY: If the estray dies or escapes while held by the person who impounded it, the person shall report the death or escape to the Animal Services Officer.

10-48 ENCLOSURES

- (a) It shall be unlawful to maintain any livestock within the corporate limits of the city without meeting the following requirements. One head of livestock (horse, pony, mule, donkey, sheep, goat, or cow) may be kept on a lot or tract of land containing a minimum of 20,000 square feet under one ownership, fenced and properly graded, to prohibit runoff onto adjacent property. Such livestock shall be restrained by fencing or other suitable barrier from within 100 feet of adjacent residential, commercial, or other inhabited structure.

(b) An additional 10,000 square feet of land area is required for each additional head of livestock proposed to be kept on the premises.

(c) No hogs or pigs shall be permitted within the corporate limits of the city.

(1) Any hog or pig existing within the corporate limits of the city at the time of the adoption of this prohibition shall be exempt from the prohibition. No additional or replacement hog or pig shall be permitted.

(d) More than three rabbits may be kept without a variance on one-family residentially zoned property in the city, if the rabbits are kept for show purposes and the owner of the rabbits complies with the following restrictions:

(1) The rabbits must be kept on a lot or tract of land under one ownership containing a minimum of 10,000 square feet;

(2) The rabbits must be kept in individual cages;

(3) The rabbits and the cages must be kept at least 100 feet from an adjacent residential structure;

(4) The rabbits must be kept in a manner that does not create a nuisance; and

(5) A maximum of 100 rabbits may be kept pursuant to this subsection.

(e) More than three birds, but not more than twenty birds, may be kept without a variance on one-family residentially zoned property in the city if the owner of the birds complies with the following restrictions:

(1) The birds must be kept on a lot or tract of land under one ownership containing a minimum of 10,000 square feet;

(2) The birds must be kept at least 100 feet from an adjacent residential structure;

(3) The birds must be kept in a manner that does not create a nuisance; and

(4) No more than one male chicken may be kept on the property.

(5) If the owner has obtained a current Texas Pullorum-Typhoid Certificate issued by the Texas Veterinary Medical Diagnostic Laboratory, a maximum of 100 show birds may be kept pursuant to this subsection..

(f) If bees are kept on property in the city, the owner of the bees must comply with the following restrictions:

- (1) The beehives must be kept on a lot or tract of land under one ownership containing a minimum of 20,000 square feet;
- (2) The beehives must be kept at least 300 feet from the nearest swimming pool; and
- (3) A maximum of two beehives may be kept on one lot or tract in the city.

10-49 BREEDING OF ANIMALS: It shall be unlawful for the owner or harbinger of any animal listed in this Article to knowingly permit or cause to be permitted the breeding of any such animal within the public view.

ARTICLE IV. VACCINATION

10-60 VACCINATION:

- (a) The owner of a dog or cat shall have the animal vaccinated against rabies by the time such animal is four months of age, as required by state law. The animal must receive a rabies booster within the 12-month interval following the initial vaccination. If such booster was with a triennial vaccine, such dog or cat must thereafter be re-vaccinated within thirty-six (36) months of the previous vaccination. If such booster was with an annual vaccine, the animal must be re-vaccinated within twelve (12) months. Animals shall be re-vaccinated thereafter within thirty six (36) months if the previous vaccination was with a triennial rabies vaccine, or within twelve (12) months if the previous vaccination was with an annual rabies vaccine.
- (b) Any person establishing residence within the city shall comply with this Chapter within (10) days of establishing such residency.
- (c) If an unvaccinated dog or cat inflicts a bite or scratch or otherwise attacks any person within the city limits, a rabies vaccine shall not be administered to the dog or cat until that animal is released from quarantine.

10-61 CERTIFICATE OF VACCINATION: Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a certificate of vaccination. The veterinarian shall retain a duplicate copy of the certificate, and one copy shall be filed with the owner. Such certificate shall contain the following information:

- (a) The name, address and telephone number of the owner of the vaccinated dog or cat; and
- (b) The date of vaccination; and
- (c) The type of rabies vaccine used; and

- (d) The year and number of the rabies tag; and
- (e) The breed (s), age, color, and sex of the vaccinated dog or cat.

10-62 RABIES TAG: Concurrent with the issuance and delivery of the certificate of vaccination, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated animal a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance. Such tag shall at all times be securely attached to a collar or harness around the neck of the animal.

10-63 VIOLATION NOTICE: Where violations of the vaccination requirements of this ordinance are observed, any animal services officer may issue a violation notice in lieu of a citation. The violation notice will stipulate a compliance date and associated fee and late fee, as well as a waiver provision providing that the person to whom the violation notice is issued waives all rights to protest such violation and waives all rights to a hearing on the issues relating to that violation. All associated fees and late fees shall be paid to the Animal Services Officer. Failure to pay associated fees and/or late fees and failure to waive rights by the compliance date shall constitute a violation of this ordinance and may result in the issuance of a citation.

ARTICLE V. ANIMAL BITES

10-70 REPORTING BITES/SCRATCHES: Every physician or other medical practitioner who treats a person or persons for any animal bite or scratch or any person having knowledge of an animal bite or scratch shall within twelve (12) hours report such treatment to the Animal Services Officer giving the name, age, sex and precise location of the bitten/scratched person or persons and such other information as the officer or agency may require.

10-71 REPORTING SUSPECTED RABIES: Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat or other domestic or wild animal shall immediately report the incident to the Animal Services Officer stating precisely where such animal may be found. If a known suspected rabid animal bites or scratches a domestic animal, such incident shall also be reported as required above.

10-72 QUARANTINE OF DOGS AND CATS:

- (a) Any owned dog or cat which has bitten or scratched a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer or responsible agency, in compliance with State Law. If the dog or cat is not confined on the owner's premises, confinement shall be by impoundment in the Animal Care and Adoption Center, or at a veterinary hospital of the owner's choice, within a ten (10) mile radius of Haltom City. Such confinement shall be at the owner's expense. Stray dogs and cats or those animals whose owner's cannot be located shall be confined in the Animal Care and Adoption Center for a period of four (4) days and if unclaimed may be destroyed and the brain of such animal immediately submitted to a qualified laboratory for rabies examination.

The owner of any dog or cat that has been reported to have inflicted a bite on any person shall, on demand, produce said dog or cat for impoundment, as prescribed in this Article. Quarantine By Owner may be allowed only in those incidents where permitted by State Law and agreed to by the Animal Services Officer. Refusal to produce said dog or cat constitutes a violation of this Section and each day of such refusal shall constitute a separate and individual violation.

(b) Any wild, exotic or dangerous animal considered “high risk” according to State Law, which has bitten or scratched a person shall be caught and humanely killed and the brain submitted for rabies examination. Those wild animals which are classified as “low risk” animals shall be handled as dictated by State Law.

ARTICLE VI. ANIMAL CARE

10-80 PROVIDE CARE: No owner shall fail to provide an animal in his/her care with sufficient good and wholesome food or water, adequate housing consisting of a three sided structure with a cover or roof, shelter and protection from weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

10-81 CRUEL TREATMENT: No person shall beat, cruelly ill treat, torment, mentally abuse, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dog fight, cock fight, butt fight, or other combat between animals or between animals and humans.

10-82 ABANDONMENT: No person shall abandon an animal in his/her custody.

10-83 INDUCEMENT: No person shall give away any live animal as a prize or as an inducement to enter any contest, game or other competition or an inducement to enter a place of business; offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

10-84 INJURED ANIMAL: Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

10-85 POISONOUS SUBSTANCE/TRAPS: No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any domestic animal or person. This section is not intended to prohibit use of herbicides, insecticides, or rodent control materials. No person shall expose an open trap or metal jaw type that shall be liable to injure any domestic animal or person; however, this shall not preclude use of humane box traps.

10-86 THEATRICAL EXHIBITIONS: All Theatrical Exhibitions as defined herein shall, in addition to other requirements of this ordinance, comply with the minimum standards of this Section. Facilities shall be subject to inspection by an Animal Services officer upon his/her request during reasonable hours.

- (a) Animal quarters shall be of sufficient size to allow each animal to stand up, lie down, and turn around in a natural position without touching the sides or top, or any other animal or waste.
- (b) Each enclosure shall be maintained in comfortable and healthy temperature level as well as adequate ventilation.
- (c) No enclosure, performance or exhibit area shall be located in such a manner as to allow the public to come in contact with the animal.
- (d) No animal shall be made to perform by means of any prod, stick, electrical shock, chemical or physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as to not cause injury to the animal.
- (e) No animal shall be caused to fight, wrestle or be physically matched against any other animal or person.
- (f) No animal shall perform or be displayed in any dangerous situation presenting the danger of physical injury to the animal or person.
- (g) The Animal Services Officer must be notified of all displays or performances, including date, time and exact location at least forty-eight (48) hours in advance of a display or performance.
- (h) No dog or cat may be killed for the purposes of human consumption or for its fur within the city limits of Haltom City. No domestic or non-domestic animal may be killed or slaughtered for human consumption in the city limits of Haltom City

10-87 REMOVAL OF ANIMAL IN IMMEDIATE DANGER; Any animal observed by a police officer or animal services officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

10-88 SLAUGHTERING ANIMALS: It shall be unlawful to slaughter livestock, domestic animals, non-domestic animals, or any other animal within the city limits of Haltom City

ARTICLE VII. BOARD/RIDING STABLES

10-100 STANDARDS: All boarding/riding stables as defined therein shall, in addition to other requirements of this City, comply with the minimum standards of this Section as well as other State laws that apply.

- (a) All animals shall be provided with daily food and water, free from contamination. Such food shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

- (b) All equipment used for riding must properly fit each individual animal.
- (c) All buildings and sheds used for stabling animals shall be well lit and ventilated and provide adequate protection from the weather. All buildings and sheds used for stabling animals shall be kept clean and in good repair at all times and manure and urine shall be removed therefrom daily. Acceptable bedding material must be provided. Any enclosure where animals are kept shall be graded and raked to keep the surface reasonably dry.
- (d) Flies and other insects must be controlled through general sanitation and necessary means.
- (e) Animals let for riding/teaching purposes must be in good physical condition.
- (f) Boarding/riding stables which rent or lend horses to the general public for pleasure riding and or lessons, and pony rides shall, in addition to the above requirements also adhere to the following standards.
 - (1) Animals exhibiting the following shall be deemed unfit for work:
 - (a) Sores or abrasions caused or likely to be irritated by the bearing of services, girth, harness or bridles, unless packing could be utilized.
 - (b) Serious injury or illness.
 - (c) Obvious signs of emaciation, malnutrition, lameness or exhaustion.
- (g) Animals requiring veterinary care shall not be moved, ridden or driven except for the purpose of humane keeping, pasturing or obtaining medical care.
- (h) Animals shall be properly shod, and the hooves shall be kept trimmed.
- (i) Animals shall be kept clean particularly in the areas in contact with harness or other tack.
- (j) Animals shall not be worked more than two (2) hours without being given a total of thirty (30) minutes rest. The maximum working period for any one animal shall be ten (10) hours out of every twenty four (24) hours.
- (k) Animals shall not be worked when the temperature at the workplace reaches or exceeds 95 degrees Fahrenheit. Animals which are on heat stress treatment which has been prescribed by a veterinarian may be worked while under such treatment as long as a veterinarian is on the premises of the workplace.

(l) No animal shall be over-ridden or driven to result in overheating or exhaustion.

(m) All tack, to include but not limited to harnesses, bridles, saddles, and blankets shall be kept cleaned and in good repair.

(n) No animal shall be made to perform by means of any prod, stick, electrical shock, physical force, or by causing pain or discomfort. Any whip or riding crop must be used so as not to cause injury to the animal.

10-101 QUARANTINE: The Animal Services Officer may order a quarantine of the entire premises where the animals are being stabled or any part thereof or on any particular animal for any of the following reasons:

(a) Excessive parasitism diagnosed by a veterinarian which would cause the animals to be unfit to be ridden or driven.

(b) General malnutrition as diagnosed by veterinarian.

(c) Presence or suspicion of transmissible disease as diagnosed by a qualified veterinarian.

10-102 INSPECTION: Facilities shall be subject to inspection by an Animal Services Officer upon his/her request during reasonable hours.

ARTICLE VIII. REGISTERED DANGEROUS DOGS

10-110 REGISTERED DANGEROUS DOG: Shall refer to a dog determined dangerous under this Article or in compliance with State Law or that meets any of the following criteria:

(a) Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property in an apparent attitude of attack such that the person reasonably believes that the animal will cause physical injury to the person; or

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

(c) Any animal that has killed or seriously injured or caused to be seriously injured a domestic animal, without provocation while off the owner's property.

10-111 DETERMINATION OF REGISTERED DANGEROUS DOG: A dog is determined to be a registered dangerous dog if it meets the requirement(s) set out in Section 10-110; and

(a) The owner of the dog in question knows of such an attack as defined in this Article; or

(b) The owner is notified by the Animal Services Officer that the dog in question is a registered dangerous dog. The Animal Services Officer may find and determine a dog to be a registerable dangerous dog if:

(1) Upon receipt of an Affidavit of Complaint signed by one or more individuals, made under oath before an individual authorized by law to take sworn statements or made at the Animal Care and Adoption Center before a certified animal services officer, setting forth an act described in Section 10-110 of this Article and set forth as follows:

(a) nature and the date of the act described in Section 10-110; and

(b) The location of the event; and

(c) the name and address of the owner of the animal in question; and

(d) the description of the animal in question.

(2) The Animal Services Officer has been notified by another agency that the dog has been determined to be dangerous under the State Law or applicable ordinance of notifying city.

10-112 NOTIFICATION OF DECLARATION OF A REGISTERED DANGEROUS DOG:

(a) Within five (5) working days of determining a dog a registered dangerous dog, if written notification cannot be given personally to the owner of the dog the Animal Services Officer will notify, by certified mail, return receipt requested, the person owning the animal of its designation as a registered dangerous dog. In the event the certified mail, return receipt requested, cannot be delivered, the Animal Services Officer may then give notice by ordinary mail.

(b) If the dog is determined to be registered under this ordinance, the notice shall inform the owner of the dog he/she may appeal the determination to Municipal Court no later than fifteen (15) days after the date the owner is notified of the determination. Failure to appeal the determination of registered dangerous dog within the fifteen (15) day period shall result in the Animal Services Officer's determination becoming final.

10-113 STATUS OF DOG ON APPEAL: Pending the outcome of the appeal, the animal must be confined at a licensed veterinarian clinic or at the Animal Care and Adoption Center, the cost of which shall be borne by the owner of the dog in question. If the dog in question is not in the possession of the Animal Services Officer or a

veterinary clinic at the time of the determination, the owner must surrender the said dog to the Animal Services Officer when ordered to do so by any animal services officer or police officer. If the owner fails to immediately surrender the dog, the Animal Services Officer shall have the right to take the dog into its possession from the premises of the owner or elsewhere, wherever the dog may be found within the City limits. If the dog cannot be taken into custody by the Animal Services Officer, it may be taken into custody under a search warrant issued by the Municipal Judge or other Magistrate having jurisdiction.

10-114 DISPOSITION OF REGISTERED DANGEROUS DOG:

(a) If the Municipal Court upholds or has ever upheld under previous or other ordinances of this city or other cities or State Law, the determination by the Animal Services Officer, the owner shall, no later than ten (10) days after the Determination Hearing comply with the provisions of this ordinance for the keeping of a registered dangerous dog in Haltom City and the dog shall be returned to the owner provided all costs involved in the impoundment, holding and medical treatment of said dog are paid.

(b) In the event the Municipal Court reverses that determination, the dog in question shall be returned to or released to its owner provided the owner has paid all veterinary medical costs administered to such dog while in the custody of the Animal Services Officer.

(c) If the Animal Services Officer has information or belief, or has determined that a court of competent jurisdiction has ever made or upheld a determination of declaration that a dog is dangerous, or if the Animal Services Officer has determined that a declaration or determination of dangerous dog became final for failure to appeal or any other reason, under previous or other ordinances of this City or other cities or State law, the Animal Services Officer shall notify the person owning or keeping such dog in writing that the owner shall no later than ten (10) days after the date of the notice comply with the provisions of this ordinance for the keeping of a registered dangerous dog in Haltom City.

10-115 REQUIREMENTS FOR REGISTRATION AND POSSESSION OF A REGISTERED DANGEROUS DOG: Owner must register the dog at the Animal Care and Adoption Center, and pay an annual fee. The registration shall not be transferable and shall expire one year from date of issuance. The Animal Services Officer shall provide to the owner of the registered dangerous dog a tag which must be placed on the dog's collar and worn at all times; and

(a) The owner must comply with the following to register the dog:

(1) Present proof of liability insurance or financial responsibility in the amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous dog which causes bodily injury to a person; and

(2) Present proof of current rabies vaccination of the registered dangerous dog; and

(3) Present proof that the dog has been altered so as to prevent reproduction; and

(4) The owner must provide a Proper Enclosure and that proper enclosure must be inspected and approved by the Animal Services Officer; and

(5) The owner shall post a sign on his/her premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public street or highway. In addition, the owner shall conspicuously display a sign with a symbol warning, understandable by small children, of the presence of a dangerous dog; and

(6) Owner shall cause to be placed around the dog's neck a collar indicating the dog is dangerous. and

(7) Further identification may be required and designated by the order of the Animal Services Officer.

(b) When the registered dangerous dog is taken outside the approved proper enclosure, the animal must be securely muzzled in a manner that will not cause injury to the dog nor interfere with its vision or respiration but shall prevent it from biting a person or other animal, and the dog must be restrained by a substantial chain or cable leash having a minimum tensile strength of one thousand (1,000) pounds and not to exceed six (6) feet in length; and

(c) Prior to selling or moving the registered dangerous dog either inside or outside the City Limits of Haltom City, the owner must notify the Animal Services Officer of his/her intentions. In the event the dog is moved permanently outside the City Limits of Haltom City, the owner must comply with the State Law in notifying the animal control authority in control of the area into which the dog has been moved.

(d) Anyone bringing a dog into the City Limits of Haltom City that has been declared dangerous by another animal control authority must notify the Animal Services Officer of the new address where the dog will be kept and upon presentation of the dog's prior registration tag that has not expired, shall pay a fee, and the Animal Services Officer shall issue a new tag to be placed on the dog's collar. This owner must also comply with all requirements set out in this ordinance.

10-116 ATTACK BY REGISTERED DANGEROUS DOG: The owner of a dangerous dog shall notify the Animal Services Officer immediately of any attacks the dog makes on people or animals.

10-117 APPEAL FROM MUNICIPAL COURT: Any appeal of the decision or order of the Municipal Court of Haltom City shall be made within twenty (20) days in the same manner as appeal from civil cases originating in the Justice of the Peace Courts of the State. The Municipal Court shall order the appellant to post supersede bond payable to the City of Haltom City in an amount not less than ten thousand dollars (\$10,000). The form of the bond shall be as prescribed in the laws pertaining to civil appeals originating in the Justice of the Peace Courts in this State. The appellant shall be responsible for the cost of appeal.

10-118 DEFENSE TO PROSECUTION FOR VIOLATION OF REGISTERED DANGEROUS DOG: It is a defense to prosecution of Section 10-116 that the person is:

- (a) Veterinarian, peace officer, employee of the City of Haltom City in the performance of his/her duties; or
- (b) An employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes; or
- (c) A dog trainer or an employee of a guard dog company, while in the performance of his/her duties, under the Texas Private Investigators and Private Security Agencies Act in State Law.

10-119 PENALTIES FOR VIOLATION OF THIS ARTICLE:

- (a) It shall be a violation of this Article if the person is the owner of a registered dangerous dog and the dog makes an unprovoked attack on another person outside the dog's proper enclosure and causes bodily injury to the other person whether or not the dog was on a leash and securely muzzled or whether or not the dog escaped without fault of the owner.
- (b) It shall be a violation of this Article if the person is the owner of a registered dangerous dog and that dog kills or wounds a domestic animal while outside the dog's proper enclosure whether or not the dog was on a leash and securely muzzled or whether or not the dog escaped without fault of the owner.
- (c) It shall be a violation of this ordinance if the person is the owner of a registered dangerous dog and that dog attacks a person who gains access to the proper enclosure due to negligence on the part of owner or owner' agent.
- (d) In addition to criminal prosecution, a person who commits an offense under this Article is liable for a civil penalty not to exceed ten thousand dollars (\$10,000). The City Attorney of Haltom City may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the City of Haltom City.

ARTICLE IX. DOGS THAT ARE A DANGER TO PERSONS

10-130 SEIZURE OF DOG CAUSING DEATH OR SERIOUS BODILY INJURY TO A PERSON:

(a) The municipal court of the City shall order the Animal Services Officer to seize a dog and shall issue a warrant authorizing the seizure:

(1) on the sworn complaint of any person, including the city attorney, or a peace officer, that the dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person; and

(2) on a showing of probable cause to believe that the dog animal caused the death of or serious bodily injury to the person as stated in the complaint.

(b) The Animal Services Officers shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog. The owner shall bear any costs incurred in seizing and impounding the dog pending a hearing.

(c) A sworn complaint must include the following (where applicable):

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

(2) Date, time, and location of any incident involving the dog forming the basis of the report or application.

(3) Description of the dog.

(4) Name, address, and telephone number of the dog owner, if known.

(5) A statement of facts upon which such report or application is based.

(6) A statement addressing whether the dog has exhibited dangerous propensities in past conduct, if known.

(7) Other relevant facts or circumstances.

10-131 HEARING:

(a) The court shall set a time for a hearing to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The hearing must be held not later than the 10th day after the date on which the warrant is issued.

(b) The court shall give written notice of the time and place of the hearing to:

(1) the owner of the dog animal or the person from whom the dog was seized; and

(2) the person who made the complaint.

(c) Any interested party, including the city attorney, is entitled to present evidence at the hearing.

(d) The court shall order the dog destroyed if the court finds that the dog caused the death of a person by attacking, biting, or mauling the person. If that finding is not made, the court shall order the 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 court may order the dog destroyed if the court finds that the dog caused serious bodily injury to a person by attacking, biting, or mauling the person. If that finding is not made, the court shall order the 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.

(f) The court may not order the dog destroyed if the court finds that the dog caused the serious bodily injury to a person by attacking, biting, or mauling the person and:

(1) the dog was being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and:

(a) 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; and

(b) the injured person was at least eight years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred;

(2) the dog was not being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the injured person was at least eight

years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred;

(3) the attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes;

(4) the dog was defending a person from an assault or person's property from damage or theft by the injured person; or

(5) the injured person was younger than eight years of age, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the enclosure was reasonably certain to keep a person younger than eight years of age from entering.

10-132 DESTRUCTION OF DOG:

The destruction of a dog under this Article must be performed by:

(1) a licensed veterinarian;

(2) personnel of a recognized animal shelter or humane society who are trained in the humane destruction of animals; or

(3) personnel of a governmental agency responsible for animal control who are trained in the humane destruction of animals.

10-133 PROVOCATION OR LOCATION OF ATTACK IRRELEVANT:

Except as provided by Section 10-131(f), this Article applies to any dog that causes a person's death or serious bodily injury by attacking, biting, or mauling the person, regardless of whether the dog was provoked and regardless of where the incident resulting in the person's death or serious bodily injury occurred.

ARTICLE X. WILD / EXOTIC / DANGEROUS ANIMALS

10-140 EXHIBITIONS OF WILD / DANGEROUS ANIMALS PROHIBITED: No person shall keep, or permit to be kept, on his premises any wild or dangerous animal for display or for exhibition purposes, whether gratuitously or for a fee.

10-141 PROHIBITED ANIMALS: No person may possess a venomous reptile, elephant, rhinoceros, skunk, raccoon, fox, coyote, bat, lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, hyena, bear, lesser panda, binturong, non-human primate, wolf or any hybrid of these animals or any other dangerous animal which is or may be hereafter listed as a "high risk" animal under state law applicable to rabies control.

SECTION 2.

Appendix C, "Fee Schedule", of the Haltom City Code is hereby amended, by inserting the following new fees under the heading "ANIMAL CONTROL":

<i>Other Fees:</i>	
Registered Dangerous Dog – Annual	\$50
Removal of Dead Animal	\$10

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haltom City, Texas (1998), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Haltom City are expressly saved as to any and all violations of the provisions of Chapter 10 of the Code of Ordinance of the City of Haltom City (1998), as amended, or any other ordinances regarding the regulation of animals that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Haltom City is hereby directed to publish in the official newspaper of the City of Haltom City, the caption, penalty clause, publication clause and effective date clause of this ordinance one (1) time within ten (10) days after the first reading of this ordinance as required by Section 10-01 of the Charter of the City of Haltom City.

SECTION 8.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS ____ DAY OF _____, 2007.

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF _____, 2007.

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

ADOPTED: _____

EFFECTIVE: _____