

ORDINANCE NO. O-2013-006-04

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 of the City of Haltom City, 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

Sec. 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.

Sec. 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 domestic animal that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own;
- (2) Commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person; or
- (3) Makes an unprovoked attack on another domestic animal or domestic fowl in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts caused bodily injury or death.

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 livestock/ratites. Any species classified as exotic livestock by the Texas Animal Health Commission.

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

Harbor. The act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter, or care.

Owner. Any person who has right of property in an animal including a person who keeps, harbors, or has custody of the animal.

Pet animal. Shall include dogs, cats, rabbits, rodents, birds, non-poisonous reptiles, and other species of animals which are sold or retained as household pets. Pet animal 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.

Quarantine by owner. Following are required:

- (1) Animal must be inside an enclosed structure, i.e., house or garage and must remain there for ten (10) days.
- (2) 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.
- (3) Animal must be kept away from other animals and people except those in the immediate household.
- (4) Animal may not be removed from Corporate City Limits of Haltom City while under quarantine.
- (5) Owner shall notify the Animal Services Officer immediately if animal becomes sick or displays any behavioral changes or dies or disappears.
- (6) 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.

Running at large. An animal shall be considered running at large:

- (1) *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.
- (2) *On Premises:*
 - a. 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. No invisible or underground barrier or fence shall be allowed as a sufficient restraint pursuant to this section.
 - b. An animal intruding upon the property of another person other than the owner's shall be termed "at large."
 - c. Any animal within a vehicle in a manner that would prevent that animal's escape or contact with other persons or animals.

Secure 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 dog or animal 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.

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.

Stray animal. Any animal, for which there is no identifiable owner or harborer, which is found to be running 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 the 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 or act by an animal shall mean that the animal was not hit, kicked, or struck by a person or other animal with an object or part of a person or other animal’s body nor was any part of the animal’s body pulled, pinched, or squeezed by a person or other animal.

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.

Sec. 10-3. Creating a health hazard.

(a) Any person who shall harbor or keep an animal on his premises, or on or about premises under his control, and who thereby allows his premises to become a hazard to the general health and welfare of the community, or who shall allow his 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 animal to defecate on public property or the property of another and does not remove same immediately shall be guilty of a misdemeanor.

Sec. 10-4. Tampering with traps and equipment.

No person shall remove, alter, damage or otherwise tamper with a trap, vehicle, or equipment belonging to or set out by the Animal Services Officer.

Sec. 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.

Sec. 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 reasonable 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.

Sec. 10-7. Right to ingress.

The 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 the 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.

Sec. 10-8. Animals at large (restraint).

(a) 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.

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

(c) No dog or puppy may be restrained by a fixed point chain or tether. 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) ten 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.

(d) Each animal in violation of this section constitutes a separate offense.

(e) It is an affirmative defense to prosecution under this section that the animal was a police service animal under the supervision of a peace officer in the performance of his official duties

Sec. 10-9. Enforcement.

The provisions of this chapter may be enforced by the Animal Services Officer, police officers, and such other persons as are designated by the city.

- (1) It shall be unlawful for any person to interfere with, obstruct, resist or oppose the Animal Services 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.
- (2) 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.

Sec. 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.

Sec. 10-11. Number of pets permitted on residential property.

Pet animals in the city are restricted to the following numbers:

- (1) A maximum of four pet animals, four months old or older, are permitted on one-family residentially zoned property.
- (2) A maximum of two pet animals, four months 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.
- (3) 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.

Secs. 10-12—10-19. Reserved.

ARTICLE II. IMPOUNDMENT AND ADOPTION

Sec. 10-20. Impoundment.

Animals owned or harbored in violation of this chapter or state law may be taken into custody by the Animal Services Officer or other designated official and impounded under the provisions of this chapter.

Sec. 10-21. Disposition of impounded animals.

(a) *Dogs and cats with no identification.* All dogs and cats impounded by the Animal Services Officer that can be safely handled 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 or cat. If a dog or cat is not licensed as required under Article IV, Section 10-60(b), the owner of the dog or cat shall submit the required documentation for the license and, after paying all applicable fees, reclaim the dog or cat. In the event that the dog or cat is not claimed after seventy-two (72) hours in the Center, that dog or cat shall become the property of the City of Haltom City.

(b) *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 owner of an animal wearing traceable identification, a tag, or where an owner is otherwise 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 or her intentions to claim the dog or cat after that date, listing a date by which time that owner will reclaim the dog or cat and satisfy all applicable fees and this arrangement has been approved by the Animal Services supervisor, the dog or cat shall become the property of the City of Haltom City on the sixth (6th) day.

(c) *Animals surrendered by owner/harbinger.* All animals surrendered by the owner to the Animal Services Officer shall become the property of the City of Haltom City immediately upon completion of the Owner/Harbinger Surrender form.

(d) *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/harbinger shall become the property of the City of Haltom City unless such ownership is prohibited by state or federal law.

(e) *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.

Sec. 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 or the Municipal Court judge 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.

Sec. 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 chapter, without the consent of the impounding agency.

Sec. 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 proper 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.

Sec. 10-25. Adoption of animal.

(a) 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.

(b) *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 will have the said animal surgically altered at that time.

(c) *Responsibility for proof.* It shall be the responsibility of the person adopting to provide proof of altering to the Animal Services Officer.

(d) *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.

(e) *Adoption fee.* The adoption fee shall be set to render neutral the cost of medicating and preparing said animal for adoption.

(f) *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.

Sec. 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. A fee shall be charged as follows:

- (1) *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.
- (2) *Large animals.* For large animals such as horses, cows, goats, sheep and pigs, a fee shall be charged per animal.

Sec. 10-27. Payment of fees.

It shall be a violation of this Article to fail to pay any applicable fees.

Sec. 10-28. Surgical alteration required.

Any owner of a dog or cat who has a documented 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 written notification by the Animal Services Officer. Verification from the veterinarian performing the surgery shall be provided to the Animal Services Officer in writing within seven (7) days of the surgery.

Secs. 10-29—10-39. Reserved.

ARTICLE III. ESTRAYS AND LIVESTOCK

Sec. 10-40. Registration of stray.

Any and all stray must be registered with the Animal Services Officer requiring the following:

- (1) Name, address and contact number of owner;
- (2) Address where estrays are being kept;
- (3) Species of estrays;
- (4) Number of estrays on property; and
- (5) Square footage of property

Sec. 10-41. Unattended estray.

It shall be unlawful for any person, firm or corporation to allow any stray(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 stray(s) shall have the burden to keep such stray(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).

Sec. 10-42. 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 stray 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 stray for safe keeping.

Sec. 10-43. Recovery by owner.

The owner of an stray may recover possession of the animal at any time before the animal is sold under the terms of this Article if:

- (1) The owner has provided the Animal Services Officer with an "Affidavit of Ownership" of the stray containing at least the following information:
 - a. The name and address of the owner; and
 - b. The date the owner discovered that the animal was an stray; and
 - c. The property from which the animal strayed; and
 - d. A description of the animal including its breed, color, sex, size, all markings of any kind, and any other identifying characteristics.

- (2) The Animal Services Officer has approved the affidavit; and
- (3) The owner has paid all estray handling fees to those entitled to receive them.

Sec. 10-44. 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 animal(s) while in the custody of the Animal Services Officer.

Sec. 10-45. 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:

- (1) Pay all handling fees to those entitled to receive them;
- (2) Execute a report of sale of impounded stock;
- (3) 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.
- (4) 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.

Sec. 10-46. Recovery by owner of sale proceeds.

(a) 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:

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

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

Sec. 10-47. 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.

Sec. 10-48. 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.

Sec. 10-49. Enclosures.

(a) It shall be unlawful to maintain any livestock within the corporate limits of the city without meeting the following requirements:

- (1) 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;
- (2) 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.

(d) More than three rabbits may be kept 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 20 rabbits may be kept pursuant to this subsection.

(e) More than three birds, but not more than twenty birds, may be kept 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) All birds must be contained in a coop, cage, or pen at all times and 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) No bees shall be permitted in corporate limits of Haltom City.

Sec. 10-50. 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.

Secs. 10-51—10-59. Reserved.

ARTICLE IV. LICENSE AND VACCINATION

Sec. 10-60. Cat or dog license.

(a) *Voluntary license.* An owner of a dog or cat may obtain a license for such dog or cat unless required under subsection (b) of this section. The tag may be displayed and securely attached to a collar or harness around the dog or cat's neck.

(b) *Mandatory license.* An owner of a dog or cat who is issued a citation for an offense under subsection 10-60(e) or Article VI shall obtain a license for the dog or cat unless the citation was dismissed. The tag shall be displayed and securely attached to a collar or harness around the dog or cat's neck at all times.

(c) *Obtaining license.* A dog or cat license, whether voluntary or mandatory, can be obtained from the City animal care and adoption center in person, by mail, or at any other facility temporarily or permanently designated by the City to issue the license.

- (1) *Application.* To apply for a dog or cat license, a person shall submit valid identification; the dog or cat's description; proof of rabies vaccination, and sterilization, if appropriate; and the one-time license fee, if the license is required under Section 10-60(b). Written application for a dog or cat license and payment of the license fee shall be made to the City animal care and adoption center.
 - (2) *Proof of Vaccination.* To obtain a dog or cat license under this Section, a person shall present a certificate from a licensed veterinarian indicating that the dog or cat has been vaccinated for rabies within the preceding twelve (12) months or that the dog or cat has received an appropriate rabies booster as designated by Subsection (e) before a dog or cat tag is issued.
 - (3) *Issuance of Tag.* Upon receipt of the dog or cat license application, supporting documentation, and the license fee, if required, the City animal care and adoption center shall issue a durable tag stamped with a license number. The City animal care and adoption center shall indicate whether a dog or cat license is voluntary or mandatory on the tag.
 - (4) *Validity.* The cat or dog license shall be valid unless revoked by the Animal Services Officer under Subsection (g).
- (d) *Offenses.*
- (1) A person commits an offense if the person owns, keeps, harbors, or has custody of any dog or cat that is required to be licensed under Section 10-60(b) and fails to obtain the dog or cat license.
 - (2) A person commits an offense if the person owns, keeps, harbors, or has custody of any dog or cat that is required to be licensed under Section 10-60(b) and fails to display on the dog or cat a valid license tag.
 - (3) A person commits an offense if the person owns, keeps, harbors, or has custody of any dog or cat that is required to be licensed under Section 10-60(b) and displays on such dog or cat a revoked license tag or a license tag issued to another animal.

(e) *Vaccination.*

- (1) 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.
- (2) Any person establishing residence within the city shall comply with this Chapter within (10) days of establishing such residency.
- (3) 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.

(f) *Defenses.*

- (1) It is an affirmative defense to prosecution under Subsection (d) if a citation issued under Section 10-60(d) or Article VI was dismissed.
- (2) It is an affirmative defense to a prosecution under Subsection (e) that the animal was owned, kept or harbored by, or in the custody of, an animal boarding facility or animal rescue shelter, was kept under restraint on the premises of the boarding facility or animal rescue shelter, and was being offered for sale or adoption by the boarding facility or animal rescue shelter.

(g) *Revocation of license.*

- (1) The Animal Services Officer may revoke a dog or cat license for the following reasons: (i) Impoundment of the dog or cat by the City more than two (2) times during a twelve (12) month period; (ii) More than two (2) final convictions for violating this Article when such convictions relate to the dog or cat which is being considered for license revocation; or (iii) Any combination of (i) and (ii) totaling three (3) incidents.
- (2) Upon revocation of a dog or cat license, the City animal care and adoption services center shall notify the owner in writing. Written notification shall be deemed made when a letter is mailed via

registered or certified mail, return receipt requested, to the address provided on the license application.

- (3) Upon the expiration of ten (10) days after written notification of revocation is deposited in the U.S. Mail, as provided in Subsection (2), a dog or cat which has had its license revoked is subject to being surrendered.

DOG LICENSE FEES

MANDATORY LICENSE FEE	VOLUNTARY LICENSE FEE	REPLACEMENT TAG FEE
\$10.00	No Fee	\$5.00

Sec. 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:

- (1) The name, address and telephone number of the owner of the vaccinated dog or cat;
- (2) The date of vaccination;
- (3) The type of rabies vaccine used;
- (4) The year and number of the rabies tag; and
- (5) The breed (s), age, color, and sex of the vaccinated dog or cat.

Sec. 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.

Sec. 10-63. Violation notice.

Where violations of the vaccination requirements of this ordinance are observed, the 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.

Secs. 10-64—10-69. Reserved.

ARTICLE V. ANIMAL BITES

Sec. 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.

Sec. 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.

Sec. 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 at the victim's expense. 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.

Secs. 10-73—10-79. Reserved.

ARTICLE VI. ANIMAL CARE

Sec. 10-80. Provide care.

No owner shall fail to provide an animal in his 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.

Sec. 10-81. Cruel treatment.

No person shall beat, cruelly mistreat, torment, mentally abuse, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dog fight, cock fight, or other combat between animals or between animals and humans.

Sec. 10-82. Abandonment.

No person shall abandon an animal in his care custody and control.

Sec. 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.

Sec. 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.

Sec. 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 or non-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. Any person trapping domestic or non-domestic animals must follow trapping guidelines set by the Animal Services Officer in Section 10-89.

Sec. 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 the Animal Services Officer upon his request during reasonable hours.

- (1) 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.
- (2) Each enclosure shall be maintained in comfortable and healthy temperature level as well as adequate ventilation.
- (3) 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.
- (4) 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.
- (5) No animal shall be caused to fight, wrestle or be physically matched against any other animal or person.
- (6) No animal shall perform or be displayed in any dangerous situation presenting the danger of physical injury to the animal or person.
- (7) 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.
- (8) 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

Sec. 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.

Sec. 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.

Sec. 10-89. Humane live traps.

Any person trapping domestic or non-domestic animals must follow the below requirements:

- (1) Any citizen setting a live trap will be responsible for the health and safety of any animal trapped on their property.
- (2) The trap must be set in areas of easy access, and will not be allowed to set the trap when the animal will be exposed to extreme cold, heat, precipitation or severe weather.
- (3) The trap is not to be set on weekends or holidays.
- (4) If there are circumstances preventing the animal from being removed from the trap within a twelve (12) hour period, the animals must be released.
- (5) If a citizen is renting a trap from Haltom City Animal Services the renter is required to pay a fee for renting a trap. The fee is refundable if the trap is returned in good working repair and within 14 days of the rental. If the trap is not returned or is damaged, the Animal Services supervisor has the authority to order the forfeiture of the deposit.
- (6) Haltom City Animal Services has the authority to enter any property for the purpose of checking, servicing or picking up the trap.

Secs. 10-90—10-99. Reserved.

ARTICLE VII. BOARDING/RIDING STABLES

Sec. 10-100. Standards.

All boarding/riding stables as defined herein shall, in addition to other requirements of this City, comply with any State laws that apply and minimum standards as follows:

- (1) 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.
- (2) All equipment used for riding must properly fit each individual animal.
- (3) 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.

- (4) Flies and other insects must be controlled through general sanitation and necessary means.
- (5) Animals let for riding/teaching purposes must be in good physical condition.
- (6) 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:
 - a. Animals exhibiting the following shall be deemed unfit for work:
 1. Sores of abrasions caused or likely to be irritated by the bearing of services, girth, harness or bridles, unless packing could be utilized.
 2. Serious injury or illness.
 3. Obvious signs of emaciation, malnutrition, lameness or exhaustion.
- (7) Animals requiring veterinary care shall not be moved, ridden or driven except for the purpose of humane keeping, pasturing or obtaining medical care.
- (8) Animals shall be properly shod, and the hooves shall be kept trimmed.
- (9) Animals shall be kept clean particularly in the areas in contact with harness or other tack.
- (10) 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.
- (11) 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.

- (12) No animal shall be over-ridden or driven to result in overheating or exhaustion.
- (13) All tack, to include but not limited to harnesses, bridles, saddles, and blankets shall be kept cleaned and in good repair.
- (14) 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.

Sec. 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:

- (1) Excessive parasitism diagnosed by a veterinarian which would cause the animals to be unfit to be ridden or driven.
- (2) General malnutrition as diagnosed by veterinarian.
- (3) Presence or suspicion of transmissible disease as diagnosed by a qualified veterinarian.

Sec. 10-102. Inspection.

Facilities shall be subject to inspection by the Animal Services Officer upon his request during reasonable hours.

Secs. 10-103.—10-109. Reserved.

ARTICLE VIII. DANGEROUS ANIMALS

Sec. 10-110. Knowledge of dangerous animal.

For purposes of this article, a person learns he or she is the owner of a dangerous animal when:

- (1) The owner knows of an attack described in the definition of "dangerous animal" found in section 10-2 of this chapter; or
- (2) The owner is notified by the Animal Services Officer that the animal is a dangerous animal; or
- (3) The owner is notified by the Court that the Court has determined that the animal is a dangerous animal or, after appeal, upheld the

Animal Services Officer's determination that the animal is a dangerous animal.

Sec. 10-111. Dangerous animal report.

(a) The Animal Services Officer may receive a report concerning a dangerous animal. Such report and supporting witness statements shall be in writing and sworn to on a form prescribed by the Animal Services Officer.

(b) The Animal Services Officer shall investigate all reports filed under this section and may issue sworn reports based on the Animal Services Officer's investigation or observation.

Sec. 10-112. Dangerous animal determination.

(a) *Animal Services Officer.*

- (1) The Animal Services Officer may determine that an animal is a dangerous animal after investigation of a dangerous animal incident as defined in section 10-2 of this chapter.
- (2) If, after investigating a dangerous animal incident, the Animal Services Officer finds that the animal is a dangerous animal, the Animal Services Officer shall provide notice to the owner of that fact. The notice to the owner shall also contain a statement that the owner has a right to appeal and shall have attached to it a copy of this article.
- (3) Notice to the owner shall be mailed certified mail, return receipt requested, to the owner's last known mailing address, or delivered in person. If the notice is mailed to the owner and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered. If the notice is given by mail, the date of notice is the date of delivery. If the date of delivery is not known, then notice given by mail is deemed to be delivered three (3) days after the date it is placed in a mail receptacle of the United States Postal Service. Notice that is delivered in person is deemed received on the date of in-hand delivery or on the date that the notice is left firmly affixed on or near the front door of each building on the property at the owner's address.
- (4) An owner, not later than fifteen (15) calendar days after the date the owner is notified that an animal owned by him is a dangerous animal, may appeal the determination of the Animal Services Officer to the Haltom City Municipal Court or as otherwise allowed by law. An owner may appeal the decision of the municipal court as allowed by law.

(b) *Complaint to municipal court*

- (1) A person, including the Animal Services Officer, may report an incident described by the definition of dangerous animal as contained in section 10-2 of this chapter to the municipal court by filing a sworn complaint detailing the incident. The judge of the municipal court shall review each report filed pursuant to this section and shall issue a warrant authorizing the Animal Services Officer to seize the animal in question only upon a showing of probable cause to believe that the animal complained of meets the definition of dangerous animal.
- (2) Upon receipt of a warrant from the judge of the municipal court issued pursuant to subsection (b)(1) of this section, the animal control officer shall seize the animal and impound the animal in secure and humane conditions until the municipal court orders the disposition of the animal.

Sec. 10-113. Hearing.

(a) After the court receives a sworn complaint pursuant to section 10-112(b)(1), an appeal pursuant to subsection 10-112(a)(4), or a report of an owner's non-compliance with section 10-114 or any order of the court, the court shall set a time for a hearing to determine whether the animal is a dangerous animal or whether the owner of a dangerous animal has complied with the requirements of section 10-114 or any order of the court. If the animal has been seized by or delivered to the City, the hearing must be held not later than ten (10) calendar days after the date on which the animal is seized or delivered.

(b) The Court 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;
- (2) The person who made the report; and
- (3) The Animal Services Officer.

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

(d) Upon a determination that the animal is a dangerous animal, the judge may order any of the following:

- (1) the owner to comply with subsection 10-114(a) within fifteen (15) calendar days;
- (2) the animal to be removed from the city limits of Haltom City within a

certain time period; or

(3) the animal to be humanely destroyed.

(e) Upon a determination that the animal is not a dangerous animal, the judge shall order the Animal Services Officer to release the animal back to its owner or the person from whom the animal was seized.

(f) Upon a determination that the owner has failed to comply with section 10-114 or any order of the court, the court may order that the animal be removed from the city limits of Haltom City within a certain time period or that the animal be humanely destroyed.

(g) An owner or the person who made the complaint may appeal the decision of the municipal court as allowed by law.

Sec. 10-114. Requirements for owners of dangerous animals.

(a) Not later than fifteen (15) calendar days after a person learns that he is the owner of a dangerous animal, the owner shall:

- (1) Register the animal with the Animal Services Officer and maintain current registration at all times;
- (2) Restrain the animal in a secure enclosure inspected and approved by the Animal Services Officer;
- (3) Acquire and maintain liability insurance coverage that includes coverage for animal attacks in an amount of at least One Hundred Thousand Dollars (\$100,000.00) to cover damages resulting from an attack by the animal and provide proof of the required liability insurance coverage to the Animal Services Officer. The owner shall notify the Animal Services Officer immediately if a lapse in insurance coverage occurs or if the coverage ceases or is reduced at any time for any reason. The owner shall include in the policy provisions a requirement that the insurance provider provide notice to the Animal Services Officer not less than thirty (30) days prior to cancellation or any material change in coverage, and name the City of Haltom City Animal Services as a certificate holder;
- (4) Microchip and register the animal for its life with a national registry, and present proof to the Animal Services Officer. The cost shall be at the owner's expense. The owner of the animal shall microchip the animal by implanting a microchip identification device on the animal within seven (7) calendar days after being notified by the Animal Services Officer or the court that such animal is a dangerous animal or within forty-eight (48) hours of an unsuccessful appeal;

- (5) Present proof to the Animal Services Officer that the animal has been sterilized so as to prevent reproduction;
- (6) Comply with all applicable regulations, requirements, and restrictions on dangerous animals;
- (7) Obtain a written extension from the Animal Services Officer to complete the registration requirements if necessary. All requests for extension shall be in writing and, if granted by the Animal Services Officer, shall total no more than 10 additional days;
- (8) Pay any cost or fee assessed by the City in the amount set by resolution of the City Council that is related to the seizure, acceptance, impoundment, compliance inspection or re-inspection or destruction of the dangerous animal; and
- (9) Not permit the animal to be outside the secure enclosure unless the animal is muzzled and restrained by a substantial chain or leash, no longer than six (6) feet in length, and a capable person is in immediate physical control of the leash. A dangerous animal shall not be leashed to any inanimate object such as a tree, post, building, or other object. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal.

(b) An appeal of a dangerous animal declaration by the Animal Services Officer under section 10-112(a) or a dangerous animal determination by the court under section 10-112(b) shall not act to stay the requirements of section 10-114(a) as applicable except an owner shall not be required to comply with the insurance requirement contained in subsection (a)(3) of this section and the microchip requirement contained in subsection (a)(4) of this section.

Sec. 10-115. Registration.

(a) The Animal Services Officer shall annually register a dangerous animal if the owner is in compliance with the requirements contained in section 10-114. The owner shall present proof of compliance satisfactory to the Animal Services Officer and shall pay an annual registration fee of Fifty Dollars (\$50.00).

(b) The Animal Services Officer shall provide to the owner registering a dangerous animal a dangerous animal registration tag. Such tag shall be of a bright distinguishing color, shall contain the year of registration engraved on its face and shall be larger than a normal license tag issued to dogs and cats. A dangerous animal registration shall be valid for one (1) year from the date of issuance.

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

of a dangerous animal shall display current registration on the animal in this manner at all times.

(d) If the owner of a dangerous animal sells or gives away the animal or moves the animal to a new address, the owner, not later than the fourteenth day after the date of the sale, gift or move, shall notify the Animal Services Officer of the animal's new address and new owner if applicable.

(e) If the owner of a dangerous animal sells or gives the animal to another person, the owner shall notify the other person at the time of the sale or gift that the animal has been determined to be a dangerous animal.

(f) If a new owner keeps the animal within Haltom City, he or she shall register the animal with the Animal Services Officer within ten (10) calendar days after receiving it.

(g) The owner of an animal, which has been deemed dangerous in another jurisdiction, shall not harbor the animal within the city limits of the City of Haltom City.

(h) The Animal Services Officer shall re-register a dangerous animal with a new owner if such owner is in compliance with this chapter. Such owner shall present proof of compliance satisfactory to the Animal Services Officer and shall pay a re-registration fee of \$25.00.

(i) If a dangerous animal's registration is expired when a new owner attempts to re-register it, the new owner shall follow the owner's requirements of subsection (a) of this section.

(j) A re-registration shall be valid only for the time remaining on the prior registration.

(k) When the Animal Services Officer is informed that a dangerous animal has been moved to another jurisdiction, he should notify the animal control authority for such jurisdiction of this information.

(l) In the event that a dangerous animal dies, the owner must present dispositive proof to the satisfaction of the Animal Services Officer or present written verification by a licensed veterinarian, in order to verify the identity of the dangerous animal by microchip.

Sec. 10-117. Offenses.

(a) A person commits an offense if the person is the owner of a dangerous animal and the animal makes an unprovoked attack on a person outside the animal's enclosure, and the attack causes bodily injury or death to the person.

(b) A person commits an offense if the person is the owner of a dangerous animal and the animal makes an unprovoked attack on another domestic animal or

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

(c) A person commits an offense if the person is the owner of a dangerous animal or the new owner of a dangerous animal and performs an act prohibited or fails to perform an act required by this article.

(d) A person commits an offense if the person is the owner of a dangerous animal and the dangerous animal attacks a person or other animal and the owner fails to notify the Animal Services Officer within five (5) days of the attack.

Sec. 10-118. Defenses.

(a) It is an affirmative defense to prosecution under section 10-117 that the person is a veterinarian, a peace officer, a person employed by a recognized animal services center or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody or control of the animal in connection with that position.

(b) It is an affirmative defense to prosecution under section 10-117 that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.

(c) It is an affirmative defense to prosecution under section 10-117 that the person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies Act (Article 4413[29bb], Vernon's Texas Civil Statutes), and is not the actual owner of the dog.

(d) It is an affirmative defense to prosecution under section 10-117 that the person injured was teasing, tormenting, abusing, or assaulting the animal.

(e) It is an affirmative defense to prosecution under section 10-117 that the person injured was committing or attempting to commit a crime.

(f) It is an affirmative defense to prosecution under section 10-117 that the animal was protecting or defending a person while in the person's control, from an unjustified attack or assault.

Sec. 10-119. Disposition of animal in certain circumstances.

(a) If a person is found guilty of an offense under subsection 10-117(a) or 10-117(b), the court may order the Animal Services Officer to impound and destroy the animal immediately.

(b) The Animal Services Officer may obtain a search and seizure warrant from the municipal court if the owner of a dangerous animal falls out of compliance with

the requirements contained in section 10-114. The animal will remain impounded until proof as required by section 10-114 has been satisfied and is approved by the Animal Services Officer or the animal is destroyed pursuant to an order of the court.

(c) If impoundment of a dangerous animal is being attempted away from the premises of the owner and the impoundment cannot be made safely, the animal may be destroyed without notice to the owner. If an attempt is made to impound a dangerous animal from the premises of the owner and the impoundment cannot be made safely, the owner will be given twenty-four (24) hour notice that if said animal is not surrendered to Animal Services within said twenty- four (24) hour period, then the animal will be destroyed wherever it is found. After this notice, the dangerous animal may be destroyed during an attempt to impound if impoundment cannot be made safely, wherever the impoundment is attempted. Notice under this section shall be in writing. A written notice left at the entrance to the premise where the dangerous animal is harbored will be considered valid notice as of the date and time of posting. In lieu of surrendering the animal to Animal Services, an owner may permanently remove said animal from the City, if written proof of destination is provided to the Animal Services Officer and transport is made in compliance with this Article.

(d) A dangerous animal impounded pursuant to this section and not reclaimed by its owner under the requirements of this section within ten (10) calendar days from the date of notice of impoundment shall be deemed abandoned and, at the discretion of the Animal Services Officer, may be euthanized in a humane manner.

(e) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000. An attorney having civil jurisdiction for a municipality where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the City.

Sec. 10-120. Impoundment and destruction of animal.

(a) The court may issue a warrant to seize the animal at any time the court finds probable cause of a violation of or non-compliance with this ordinance. If, on application of the Animal Services Officer, the court finds that the owner of a dangerous animal has failed to comply with or has fallen out of compliance with a requirement of subsection 10-114(a) or any order of the court, the court shall order the Animal Services Officer to seize the animal and shall issue a warrant authorizing the seizure.

(b) The Animal Services Officer shall seize the subject animal according to a warrant and shall accept the animal into custody when delivered by the owner.

(c) The Animal Services Officer shall provide for impoundment of the animal in secure and humane conditions until the court orders the disposition of the animal. The Animal Services Officer may accept proof of impoundment from a licensed veterinarian if such proof and impoundment are satisfactory to the Animal Services Officer.

(d) The owner shall pay any costs and fees incurred by the City related to the seizure, impoundment, and destruction of a dangerous animal.

(e) The Court may order the Animal Services Officer to humanely destroy the dangerous animal if the owner of the animal has not been located within ten (10) calendar days after the seizure and impoundment of the animal and if no other statute or ordinance has allowed or required the animal's earlier destruction.

(f) The Court may order the Animal Services Officer to humanely destroy the dangerous animal if the owner has not complied with the requirements contained in section 10-114 or any order of the court. The court may order the Animal Services Officer to return the animal to the owner if the owner renews compliance with section 10-114 within ten (10) calendar days. No dangerous animal shall be returned to its owner after renewed compliance more than one (1) time.

(g) The Court may order the Animal Services Officer to humanely destroy a dangerous animal that can no longer be returned to its owner under this Article.

Sec. 10-121. Compliance re-inspections.

The owner of a dangerous animal shall comply with all applicable regulations, requirements and restrictions on dangerous animals and may be re-inspected four (4) times per year by the Animal Services Officer for compliance. For each inspection, the owner shall pay to the City a compliance re-inspection fee. The compliance re-inspection fee shall be in an amount set by resolution of City Council and is due to the City within thirty (30) days from the date of billing.

Secs. 10-122—10-139. Reserved.

ARTICLE X. WILD/EXOTIC/DANGEROUS ANIMALS

Sec. 10-140. Exhibitions of wild, exotic and dangerous animals prohibited.

No person shall keep, or permit to be kept, on his premises any wild, exotic, or dangerous animal for display or for exhibition purposes, whether gratuitously or for a fee.

Sec. 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>	
Estray – Per day	
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.

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 11TH DAY OF MARCH, 2013.

PASSED AND APPROVED ON SECOND READING THIS 25TH DAY OF MARCH, 2013.



Richard Hutchinson
MAYOR

ATTEST:

Art Canacho
CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Wkoe
CITY ATTORNEY

ADOPTED: 3/25/13

EFFECTIVE: 3/25/13