

ORDINANCE NO. 408

AN ORDINANCE OF THE THE TOWN OF LAKESIDE, TEXAS, AMENDING ITS ANIMAL CONTROL ORDINANCES BY REPEALING IN ITS ENTIRETY CHAPTER 90 "ANIMALS" FROM THE TOWN'S CODE OF ORDINANCES AND REPLACING IT WITH CHAPTER 90 "ANIMAL CARE AND CONTROL"; PROVIDING PENALTY CLAUSES (INCLUDING A FINE NOT TO EXCEED \$2,000.00 PER VIOLATION PER DAY); PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lakeside, Texas, is a type A General-Law Municipality, possessing the full power to adopt ordinances pursuant to Section 51.012 of the Texas Local Government Code and to otherwise provide for the health, safety, and welfare of its citizens and of the public, including the authority to regulate and provide standards for the ownership, control, and care of animals in the town, the Town Council has determined that the following Ordinance is necessary to protect the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKESIDE, TEXAS, THAT:

SECTION I. FINDINGS INCORPORATED

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION II. AMENDMENT TO CHAPTER 90 OF THE CODE OF ORDINANCES

The Code of Ordinances of the Town of Lakeside is hereby amended by repealing in its entirety the current Chapter 90 "Animals" and adopting in its place Chapter 90 "Animal Care and Control" as set forth in the attached Exhibit A.

SECTION III. PENALTIES

The newly-adopted Chapter 90 "Animal Care and Control" contains penalty provisions, including providing that certain violations shall constitute a Class C misdemeanor (and may constitute a higher offense under state law). The Class C misdemeanors, upon conviction, may result in a fine in an amount not to exceed \$2,000.00 per violation per day. Such penalty provisions are cumulative of any and all rights the Town has to enforce the Ordinance through any lawful means including legal action seeking injunctive or other appropriate relief.

SECTION IV. SEVERABILITY

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Town Council of the Town of Lakeside, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION V. PUBLICATION AND EFFECTIVE DATE


The Town Secretary is instructed to publish in the official newspaper this ordinance or the caption, which summarizes the purpose of this ordinance and the penalty for violating this ordinance, as provided

by Tex. Loc. Gov't Code § 52.011 and other applicable law, and this ordinance shall become effective upon publication.

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PASSED AND APPROVED on the 14th day of February 2019.

TOWN OF LAKESIDE

By: 
William F. Mohr, Mayor-Pro Tem

ATTEST:



Norman Craven, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ken East, City Attorney

CHAPTER 90 ANIMAL CARE AND CONTROL

GENERAL PROVISIONS

§ 90.101 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Adult dog/cat. Any dog or cat four months of age or older.

Animal. Any living creature, including but not limited to, dogs, cats, pigs, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding humans.

Animal Control Authority (ACA), Animal Control Officer (ACO). The animal services division of the city or its designee as determined by the city council, which is authorized to represent and act for the city to receive reports of animal nuisances, animals at-large, animal bites, and other animal matters, and to investigate bite reports, ensure quarantine of possibly rabid animals, carry out provisions of state law pertaining to control and eradication of rabies and otherwise enforce the provisions of this chapter.

Animal shelter. Any facility designated and/or operated **by or for the city** for the purpose of impounding and caring for animals held under authority of this chapter.

At-large. Any animal of any family or breed, other than a cat, which is not completely confined by a building, cage, container, wall, leash, rope, chain, vehicle, or fence of sufficient construction to restrain the animal, whether on or off the owner's premises. An animal being physically held by the owner within the limits of the owner's private property is not an animal running at-large.

At-large cat. Any cat which is off the premises of its owner and not secured within a vehicle and/or restrained by means of a crate, carrier, leash, or other physical apparatus to preclude the animal from making any unsolicited contact with any person, their clothing, their property, and/or their premises. Any cat intruding upon the property of any person other than the cat's owner shall be deemed at-large.

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

Cat. A domesticated member of the Family Felidae (felis catus).

City / Town. The Town of Lakeside, Texas.

City limits. The corporate city limits of the Town of Lakeside, Texas.

Collar. Any collar constructed of nylon, leather, or similar material, specifically designed to be used for the type of animal wearing or being restrained by it.

Cruel treatment. Any treatment to any animal in violation of the Texas Penal Code.

Currently vaccinated. Vaccinated for rabies and satisfying the following criteria:

(1), The owner of each dog or cat shall have such animal vaccinated against rabies before four months of age and shall obtain a booster for the dog or cat within 12 months of the initial vaccination. After the dog or cat has received its booster, the dog or cat shall be revaccinated:

- (A) No longer than 12 months thereafter for one-year-dose vaccinations; or
- (B) No longer than every 36 months thereafter for three-year-dose vaccinations.

Dangerous animal. An animal that:

- (1) Makes an unprovoked attack on a person or other domestic animal that causes bodily injury and that 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; or
- (2) Commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was 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.

Dangerous wild animal. All species of animals which commonly exist in a natural, unconfined state and are usually not domesticated, regardless of the circumstances or duration of captivity, including, but not limited to, the following:

- (1) A lion;
- (2) A tiger;
- (3) An ocelot;
- (4) A cougar;
- (5) A leopard;
- (6) A cheetah;
- (7) A jaguar;
- (8) A bobcat;
- (9) A lynx;
- (10) A serval;
- (11) A caracal;
- (12) A hyena;
- (13) A bear;
- (14) A coyote;
- (15) A jackal;
- (16) A baboon;
- (17) A chimpanzee;
- (18) An orangutan;
- (19) A gorilla;
- (20) A skunk;
- (21) A raccoon;
- (22) A panther;
- (23) A fox;

- (24) A javelina;
- (25) A wolf;
- (26) A python;
- (27) A boa constrictor;
- (28) A crocodile;
- (29) An alligator;
- (30) Any poisonous reptile; and
- (31) Any hybrid of an animal listed in this definition.

Dog. Any domesticated member of the family Canidae, but shall not include a wolf, jackal, coyote, fox or other dangerous wild animal of this family or hybrid thereof.

Fowl. Chickens, turkeys, pheasant, quail, geese, ducks, ostriches, emus, pigeons, or similar feathered animals regardless of age, sex or breed.

Fowl shelter. A farm building or structure specifically designed and constructed to constrain fowl within its confines that provides adequate space for movement and exercise; adequate ventilation, and shelter from sun, wind, cold, and moisture; provides sufficient shade to protect the animal from the direct rays of the sun at all times; and which is cleaned and sanitized. Fowl shelter may include, but is not limited to, a pen, coop or hutch.

Hybrid. The product of mating two different species of animal regardless of the number of generations born since that original mating.

Kennel. Any premises where any person engages in the business of boarding, breeding, buying, letting for hire, or selling dogs, cats, or other animals and that is located within the corporate limits of the city on property zoned to allow such use as outlined in the city's zoning regulations.

Livestock. Horses, mules, donkeys, cattle, goats, sheep, emus, and ostriches, and any member of the order Ungulata (such as antelope, deer, bison and camels) regardless of age, sex, size or breed.

Nuisance animal. Any animal which negatively impacts the health, safety, property, or environment of another animal or person, including, but not limited to, any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other domestic animals;
- (3) Trespasses on school grounds;
- (4) Is repeatedly at-large;
- (5) Climbs upon a motor vehicle belonging to another;
- (6) Damages private or public property not belonging to the animal's owner;
- (7) Barks, whines, or howls in an excessive, continuous, or untimely fashion;
- (8) Tears, punctures, or otherwise opens refuse containers, causing their contents to be emptied or exposed to the elements;
- (9) Causes fouling of the air by odor, thereby creating an unreasonable annoyance or discomfort to a person of ordinary sensibilities in close proximity to the premises where the animal is kept or harbored;
- (10) Defecates on any property except that belonging to the animal's owner; or

(11) Interferes with refuse collection or other service personnel.

Owner. Any person, firm or corporation that has a right of property in an animal or that has care, control, custody or possession of an animal or that provides a premise to which the animal returns for food, shelter or care for a period of three consecutive days.

Performing animal exhibition. Any spectacle, display, or act or event other than circuses in which animals perform tricks, feats, or other exhibitions of training.

Person. Any individual, firm, association, syndicate, partnership, corporation, or other entity.

Pet shop. An establishment offering small animals such as dogs, cats, birds, fish, ferrets, and similar animals which are not dangerous wild animals or livestock, for sale, and that is located within the corporate limits of the city on property zoned to allow such use as outlined in the city's zoning regulations.

Properly fitted. With respect to a collar, a collar that measures the circumference of the animal's neck plus at least one inch.

Registration. The requirement for all dogs and cats and any animal declared to be dangerous to be registered annually with the city, for all relevant fees to be paid, and for all animals to be wearing appropriate city-issued registration tag(s).

Restraint. A chain, rope, tether, leash, cable, or other device that attaches an animal to a stationary object or trolley system.

Secure enclosure. A fenced area that is locked; capable of preventing the entry of the general public, including children; capable of preventing the escape or release of an animal; and, if applicable, clearly marked as containing a dangerous animal.

Serious bodily injury. An injury characterized by bite wounds or ripping and tearing of muscle and/or bodily tissues 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.

Service personnel. Any person providing legitimate, authorized service to a property including, but not limited to, public safety personnel; utility technicians; letter carriers, couriers, or delivery personnel; plumbers, electricians, lawn maintenance workers, pest control professionals, or contractors; and others in comparable service professions.

Spay or neuter. A medical procedure removing the reproductive organs or otherwise rendering a dog or cat unable to reproduce.

Sterilization. The surgical removal of the reproductive organs of a dog or cat or the use of nonsurgical methods or technologies approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce.

Swine. Pigs, hogs, potbellied pigs, or any member of the family Suidae.

Unprovoked. The animal was not hit, kicked, struck, pulled, pinched, squeezed, etc. by a person or an object, and the animal was not provoked or taunted in a manner that an ordinary person would find unreasonable or objectionable.

Vaccinated. Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to

practice in the state.

RABIES CONTROL

§ 90.201 Vaccinations

An owner of a dog, cat, or other animal for which a rabies vaccination is commonly given shall keep the animal currently vaccinated against rabies. Any person moving into the city from a location outside of the city shall comply with this article within ten days after moving into the city, except when the animal has inflicted a bite on a human within the previous ten days. In such case, the owner of the animal shall report the bite to the veterinarian and the city's ACA within 24 hours of the animal's arrival in the city. No rabies vaccine shall be administered until after the ten-day observation period.

§ 90.202 Certificate of vaccination

Upon vaccination, the veterinarian shall execute and furnish to the owner of the animal as evidence thereof a vaccination certificate on a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. The certificate shall contain the following information:

- (1) The name, address and telephone number of the owner of the vaccinated animal;
- (2) The date of vaccination;
- (3) The year and number of the rabies tag; and
- (4) The breed, age, color and sex of the vaccinated animal.

§ 90.203 Rabies tags

(A) Concurrent with the issuance and delivery of the certificate of vaccination referred to in section 90.202, the owner of the animal shall:

- (1) Outfit the animal with a collar or harness;
- (2) Affix a metal tag, serially numbered to correspond with the vaccination certificate number, bearing the year of issuance and the name and address of the issuing veterinarian to the collar or harness; and
- (3) Require the animal to wear the collar or harness with the attached metal tag at all times.

(B) Duplicate tags: In the event of loss or destruction of the original tag provided in this section, the owner of the animal shall obtain a duplicate tag from the veterinarian who administered the vaccination. Vaccination certificates and tags shall be valid only for the animal for which they were originally issued.

§ 90.204 Animals exposed to rabies

Any person having knowledge of the existence of any animal known to have been, or

suspected of being, exposed to rabies shall report such knowledge to the ACA within 24 hours, giving any information which may be required. Any animal that has been, or is suspected of having been, exposed to rabies shall be quarantined in accordance with Texas Health and Safety Code, chapter 826.

ANNUAL REGISTRATION

§ 90.301 Annual registration.

(A) **Required.** The owner of a dog or cat that is four months of age or older must register each such dog or cat with the city. A registration may be obtained in person or by mail upon providing:

(1) A certificate of vaccination for the cat or dog showing that the cat or dog has received a rabies vaccination within the last 36 months and including the following information:

(a) The name, address, and telephone number of the owner of the vaccinated dog or cat;

(b) The date of vaccination;

(c) The year and number of the rabies tag;

(d) The breed, age, color, and sex of the vaccinated dog or cat; and

(e) Whether the dog or cat is neutered, spayed, or intact; and

(2) The payment of the registration fee as set by the city council.

(B) **Metal tag.** The city will issue a metal tag for the dog or cat upon the registration. The owner of the dog or cat shall attach the current registration tag to a collar or harness that is worn at all times by the dog or cat. All registration tags shall be valid for a period of one (1) year from the date of issuance.

(C) **Duplicate tags.** The owner of a dog or cat may obtain a duplicate registration tag upon payment of a duplicate tag fee and presentation of the receipt showing payment of the current year's registration fee.

(D) **Renewal.** The owner of a dog or cat shall annually renew the registration with the city. The same proof of current rabies vaccination and payment of the registration fee that is required for the initial registration is required for a renewal.

(E) **New residents.** A person moving into the city from an area outside of the city has 30 days to comply with this article.

(F) **Guard or attack dogs.** The owner of a guard or attack dog shall:

(1) Indicate on the registration application that the dog is a guard or attack dog and the location and hours of presence of the dog;

(2) Register the guard or attack dog with the police department; and

(3) Conspicuously post warning signs stating “guard dog on premises” in letters not less than 2 inches high at the location or premises where the guard or attack dog is confined.

ANIMAL BITES TO HUMANS

§ 90.401 Reporting animal bites

(A) A person having knowledge of an animal bite to a human, except bites by rodents, rabbits, fowl, or reptiles, shall report the incident to the ACA as soon as possible, but no later than 24 hours after the time of the incident. The ACA will investigate each bite incident.

(B) Any person moving into the city from a location outside the city limits and owning an animal which has inflicted a bite on any person in the last ten days, shall report such fact to the veterinarian and the ACA within 24 hours of the animal’s arrival in the city limits.

§ 90.402 Owner responsibility

If the biting animal is owned, the owner shall place that animal in quarantine, as prescribed in section 90.501 below.

PROCEDURES FOR ANIMAL QUARANTINE

§ 90.501 Disposition of biting animals

The owner of an animal subject to quarantine pursuant to this chapter is required to quarantine the animal for a period of not less than ten days confinement from the date of the bite, at the owner’s expense. The quarantine may be accomplished by:

(1) Quarantine in the animal shelter, supervised by the local ACA;

(2) Quarantine at a veterinary clinic, supervised by a licensed veterinarian; or

(3) The owner of the animal may request permission from the ACA for home quarantine, which may be granted if the following requirements are met:

(a) A secure enclosure approved by the ACA will be used to prevent escape.

(b) The animal has been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an unvaccinated animal is not over 16 weeks of age at the time of the potential exposure, it may be allowed home confinement.

(c) During the confinement period, the animal's owner must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted.

(d) The animal was not a stray as defined in the Texas Health and Safety Code, section 826.002, at the time of the potential exposure.

§ 90.502 Observation of the animal

The ACA or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the person having possession of the animal shall notify the ACA as soon as the animal presents with symptoms of any illness.

§ 90.503 Destruction of animal

If the biting animal cannot be maintained in secure quarantine, it shall be humanely destroyed, and the brain submitted to a Texas Department of State Health Services certified laboratory for rabies diagnosis. The owner of the animal may be requested to reimburse the expense of shipping the brain of the animal.

§ 90.504 Interruption

A person commits an offense if the person interrupts the observation period by removing an animal from the quarantine facility approved by the ACA. Any interruption of the quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by the ACA.

§ 90.505 Release

(A) An animal that has been quarantined may be released by the ACA under the following conditions:

(1) At the end of the observation period, if the owner can provide proof that the animal is currently vaccinated;

(2) When all applicable fees have been paid; and

(3) If the animal is not being impounded for legal proceedings.

(B) If, by the end of the observation period, the owner cannot provide proof that the animal is currently vaccinated, the ACA will conditionally release the animal with a voucher for rabies vaccination paid for by the animal's owner. The owner commits an offense if (s)he does not provide proof of vaccination to the ACA within one business day of the animal's release from quarantine.

§ 90.506 Dangerous wild animals

No dangerous wild animal will be placed in quarantine. Any dangerous wild animal involved in a biting incident will be humanely euthanized and the brain shall be submitted to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

§ 90.507 Disposition of unclaimed, quarantined animal

The veterinarian or ACA may sell the animal and retain the proceeds or keep, grant, or destroy an animal if the owner or custodian does not take possession of the animal before the fourth day following the final day of the quarantine period.

ANIMALS IN CITY ATHLETIC FIELDS

§ 90.601 General regulations

(A) Dogs are prohibited within the spectator and playing field areas at city parks. Dogs are permitted in the parking lot, pedestrian trail and other undeveloped areas of the city parks.

(B) This article does not apply to a service animal if:

(1) The service animal is under the control of its disabled owner and the animal does not pose a direct threat to the health or safety of others; or

(2) The service animal is otherwise permitted in accordance with state or federal law.

MAXIMUM NUMBER OF DOGS AND CATS

§ 90.701 Number of dogs and cats

Except as provided by this article, no residence within the city shall harbor more than four adult dogs, four adult cats, or four adult dogs and cats in any combination. No residence within the city shall harbor more than one litter of puppies or one litter of kittens at any given time.

§ 90.702 Multi-pet permit

Any person desiring to keep more than four adult dogs and/or cats or more than one litter of puppies or kittens at a residence may apply with the ACA for a multi-pet permit. The applicant shall pay an application fee at the time of filing.

(1) The ACA is authorized to issue such a permit if the following conditions are met:

(a) An applicant provides the ACA with information concerning the maximum number of animals to be kept at any one time at such premises and a record search indicates that no enforcement action for violations of this chapter dealing with nuisances has been necessary within the preceding 12 months; and

(b) The ACA inspects the property; inspection to include interviews with occupants of all immediately adjacent properties, and deems it appropriate for housing multiple pets based on criteria including, but not limited to:

(i) Facilities shall be of sufficient size as to allow each animal to move about freely. Size of the facility shall be in proportion to the size of the individual animal's height and weight.

(ii) Adequate food and water must be provided so that each and all animals kept shall be maintained in good health and free of malnutrition and/or dehydration.

(iii) The said premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects, and flies that could be harmful to the animal's health and/or to the health of the general public.

(iv) The animals and the facility must be kept free of odor or stench which is offensive to a person of ordinary sensibilities.

(v) The animals must be maintained in a manner which does not pose a danger to the health of the animals themselves or adjacent animals.

(vi) The animals must not cause noise which is offensive or disturbing to a person of ordinary sensibilities on adjoining or adjacent premises.

(vii) All animals must be vaccinated and must always wear current tags in accordance with this chapter.

(2) Fees for the issuance of a multi-pet permit shall be set by city council.

(3) Such permit may be revoked by the ACA for cause, including but not limited to, violations of the provisions of this chapter or the inability of the permit holder to keep the animals in a healthy or sanitary environment.

(4) Multi-pet permits must be renewed annually, and each renewal will require inspection and approval by the ACA or its designee.

(5) Any person either denied a multi-pet permit, or who has had their permit revoked, may file an appeal with the Town Administrator. Such appeal must be made in writing within ten days of receiving written notice from the ACA of the permit denial or revocation. If no appeal request is filed within the ten-day period, the denial or revocation of the permit becomes final. Upon receiving an appeal, the Town Administrator or his/her designee shall hold a hearing at a time and place of his/her designation. Based upon the recorded evidence of such hearing, the Town Administrator or his/her designee shall make a final finding.

(6) Changes in residence or ownership. Multi-pet permits are issued for specific owners of a specific property. Application for a new multi-pet permit will be required if:

(a) The original permit holder moves to a new residence within the city limits and wishes to keep more than four adult dogs/cats or more than one litter of puppies/kittens on the new property; or

(b) Ownership of the property for which a permit was originally issued changes and the new owners desire to keep more than four adult dogs/cats or more than one litter of puppies/kittens.

KENNEL/PET SHOP REQUIREMENTS

§ 90.801 Requirements

Kennels and pet shops must be operated, and all animals must be cared for in accordance with the Texas Health and Safety Code and this chapter.

PROHIBITED ANIMALS

§ 90.901 Dangerous wild animals

A person commits an offense if the person keeps a dangerous wild animal within the city. It is an affirmative defense to prosecution for this violation that the dangerous wild animal is kept as part of a circus, performing animal exhibition, zoological park, or to individuals keeping wild animals as properly permitted wildlife rehabilitators, as required by state and federal regulations.

§ 90.902 Swine

See Chapter 91.

§ 90.903 Livestock and fowl

See Chapter 91.

§ 90.904 Exceptions for keeping of certain fowl

See Chapter 91.

§ 90.905 Exception for educational facilities

Livestock and farm animals including, sheep, swine, goats, horses and cattle may be housed, pastured and fed within the city limits for certain educational purposes at a high school agricultural facility. This exemption shall apply only to facilities situated upon property that is owned and maintained by a public-school district or a private school. The exception described herein does not include declared dangerous animals as defined herein or by state law.

(1) Eligibility to keep certain animals. In order to keep any of the animals listed in this section for educational purposes, the person responsible for the care and feeding of the animal or animals shall be enrolled as a student in a vocational agriculture course sanctioned by the state education agency, and such animals must be maintained by the student as a vocational agriculture project the maintenance of which will affect that student's grade.

(2) Immunizations. All animals maintained for educational purposes shall be given any immunizations ordinarily required for the responsible maintenance of that particular breed and species. Certification of such immunization shall be provided by the vocational agriculture instructor upon request by a city inspector.

(3) Certification to be provided on request. Certification of any animal as a vocational agriculture project shall be provided at the request of a city inspector by the vocational agriculture instructor.

(4) Applicability of other ordinances. The organization, district, or person in charge of animals exempt under this section from the other requirements and provisions of this article shall not be relieved of the operation of any of the other applicable provisions of this code, including, without limitation, those governing sanitary conditions, nuisances, and noises.

(5) Animals used for educational purposes must be kept within enclosures which may include fences, corrals, barns, pens, etc., and be sufficient to meet the sanitary standards stated herein.

(6) Property owners keeping swine, livestock or other animals for educational purposes must maintain such animals in a manner that does not cause a nuisance and create an adverse impact to neighboring properties. Potential negative impacts on adjacent properties include odors, noise, drainage, erosion, insects and rodents.

CARE AND HUMANE TREATMENT OF ANIMALS

§ 90.1001 Care and humane treatment of animals

(A) Owner's duty to provide food, shelter, and care. The owner or person who has custody or control of any animal shall:

(1) Keep the animal in clean, sanitary, and healthy condition;

(2) Provide the animal sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal's good health;

(3) Provide the animal constant and adequate supply of fresh, clean, potable water served from a clean container that keeps the animal hydrated for environmental conditions;

(4) Provide the animal care and veterinarian medical treatment for injuries, parasites, and disease that is sufficient to maintain the animal in good health and minimize and prevent suffering;

(5) Maintain the animal's shelter (pens, kennels, coops, fenced areas and enclosures of any kind) in sanitary condition, including, but not limited to, disposing all animal waste promptly, and all pens and enclosures shall be cleaned as needed to prevent odors and not attract insects or other vermin or create a nuisance; and

(6) Provide the animal with adequate shelter that:

(a) Is large enough for the animal to enter, stand, turn around, and lie down in a natural manner;

(b) Keeps the animal dry;

(c) Provides the animal natural or artificial shade from direct sunlight;

(d) Protects the animal from excessive heat and cold and other adverse weather conditions; and

(e) Is adequately ventilated.

(B) Abuse of animals prohibited. 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, or other combat between animals or between animals and humans.

(C) Abandoning an animal. It shall be unlawful for an owner or other person having custody or control of any animal to abandon such animal, including the abandonment of any animal at the animal control facility.

(D) Cropping, docking, or castrating. It shall be unlawful for a person other than a licensed veterinarian to crop a dog's ears, dock an animal's tail; or castrate an animal; provided, however, that this section shall not apply to normal livestock operations occurring within the city.

(E) Striking animal with vehicle. The operator of any motor vehicle which strikes or injures a domesticated animal shall stop and immediately render aid and report such incident to the ACA or the police.

(F) Tying dogs and other animals. A person commits an offense if the person ties or tethers a dog or other animal in an unenclosed front or back yard, or by a fixed point, chain, or tether so as to create, as determined by the ACA, an unhealthy situation for the animal or a potentially dangerous situation for a person or another animal. A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitted collar, not wrap a chain or tether directly around the animal's neck.

(1) An owner may not leave an animal outside and unattended by use of a restraint that unreasonably limits the animal's movement:

(a) Between the hours of 10:00 p.m. and 6:00 a.m.;

(b) Within 500 feet of the premises of a school; or

(c) In the case of extreme weather conditions, including conditions in which:

(i) The actual or effective outdoor temperature is below 32 degrees Fahrenheit;

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

(iii) A hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

(2) A restraint unreasonably limits an animal's movement if the restraint:

(a) Uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the animal;

(b) Is a length shorter than the greater of

(i) Five times the length of the animal, as measured from tip of the animal's nose to the base of its tail; or

(ii) Ten feet.

(c) Is in an unsafe condition; or

(d) Causes injury to the animal.

(3) Exceptions. Subsections(F)(2)(b)(i) and (F)(2)(b)(ii) above do not apply to:

(a) An animal restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;

(b) An animal restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;

(c) An animal restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the animal to be restrained;

(d) An animal restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the state if the activity for which the license is issued is associated with the use or presence of the animal;

(e) An animal restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or

(f) An animal restrained while the owner is engaged in conduct directly relating to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the animal.

(4) A restrained animal must have access to water and shelter from the elements, have a restraint that does not become entangled, and stay within the owner's property.

(5) Penalty.

(a) A peace officer or ACO who has probable cause to believe that an owner is violating this article shall provide the owner **with a written statement of that fact**. The statement must be signed by the officer and plainly state the date on which and the time at which the statement is provided to the owner.

(b) **A person commits an offense if the person is provided a statement as described in subsection (F)(5)(a) and fails to comply with this article within 24 hours of the time the owner is provided the statement. An offense under this section is a class C misdemeanor.**

(c) A person commits an offense if the person violates this article and has previously been convicted of an offense under this article. An offense under this section is a class B misdemeanor as provided in Texas Health and Safety Code, section 821.079.

(d) If a person fails to comply with this section with respect to more than one animal, the person's conduct with respect to each animal constitutes a separate offense.

(e) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

(6) Hand-held leashes. This section does not prohibit a person from walking an animal with a hand-held leash.

(G) Fences/enclosures. A person commits an offense if the person keeps a dog or other animal within a fence/enclosure which is in such a state of disrepair that the animal may escape or be injured or may pose a threat to passersby.

(H) Young rabbits and fowl. A person commits an offense if the person sells, offers for sale, barter or gives away as toys, premiums or novelties, baby chickens, ducklings or other fowl under three weeks old and rabbits under two months old, unless the manner or method of display is first approved by the ACA.

(I) Dyed animals. A person commits an offense if the person colors, dyes, stains or otherwise changes the natural color of any chickens, ducklings, other fowl or rabbits, or possesses, for the purpose of sale or to be given away, any of the above-mentioned animals which have

been so colored.

(J) Animals not to be used as prizes or inducements. A person commits an offense if the person gives away or auctions any animal as a prize for, or as an inducement to enter any contest, game or competition, or as an inducement to enter a place of amusement or offer such animal as an incentive to enter into any business establishment whereby the offer was for the purpose of attracting trade.

(K) Hunting and trapping. No person may hunt, trap, wound, kill, maim, torture or otherwise threaten the health and safety of any indigenous wild animal in the city limits, excluding the trapping of nuisance wildlife under the authorization and supervision of the ACA; also excluding any person who holds a seasonal hunting license for a species for which there exists a hunting season, and that person's hunting activities occur on property which is properly zoned, and property owner's permission has been granted for such activity; or a person holds proper permits issued by the ACA or Texas Parks and Wildlife.

(L) Animals in parked vehicles. A person commits an offense if the person leaves any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety or welfare. The ACA or peace officer is authorized to use reasonable force to remove an animal from a vehicle whenever it appears the animal's health, safety or welfare is or soon will be endangered, and said animal shall be impounded.

(M) Seizure. The ACA shall liberally utilize the authority granted by Texas Health and Safety Code, section 821.022 to seize and impound any animal, if the ACA has reason to believe that an animal has been or is being cruelly treated, pending a hearing before the municipal court on the issues of cruelty and disposition of the animal. Seizure of the subject animal prior to receiving a warrant is hereby authorized if such delay endangers the life of or would unreasonably prolong the suffering of the subject animal.

(N) Displaying for commercial purposes.

(1) A person commits an offense if the person displays any live animal for a commercial purpose on any roadside, public right-of-way, or commercial parking lot. Commercial purpose shall include, but not be limited to, intent to sell, trade, barter, lease, rent, or give away, any live animal.

(2) A person commits an offense if the person receives any live animal through sale, trade, barter, lease, rent, or give away conducted on any roadside, public right-of-way, or commercial parking lot.

(O) Class A misdemeanors. A person commits a class A misdemeanor offense if that person violates V.T.C.A., Penal Code, sections 42.09, 42.091, or 42.092, as currently written or as may be amended.

(P) Class C misdemeanors. The ACA shall determine whether to file a violation of this section as a class C misdemeanor or class A misdemeanor depending on the degree of abuse or neglect.

(Q) Other law. The actions prohibited by this section are in addition to any prohibitions existing elsewhere in this code or any applicable state or federal law. Nothing in this section shall be construed to limit any duty imposed on an owner by any other provisions of this code or any applicable state or federal law.

ANIMALS AT-LARGE

§ 90.1101 Generally

An owner of any animal commits an offense if the animal is at-large. For purposes of this section, an offense occurs without regard to any culpable mental state of the owner and there shall be an irrebuttable presumption that any animal which is at-large shall have become so by the permission of its owner or **harborer**.

§ 90.1102 Confinement during estrus

Any non-spayed 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 such enclosure shall be so constructed that no other dog or cat from outside such enclosure may gain access to the confined animal, other than as intended for planned breeding. Owners not complying may be ordered by the ACA to remove the animal in heat to a boarding kennel, veterinary hospital, or animal shelter for the duration of estrus. All expenses incurred as a result of such confinement shall be the responsibility of the owner. Failure to comply with the removal order of the ACA shall be a violation of this chapter and the dog or cat may be impounded.

§ 90.1103 Impoundment

The ACA is authorized to impound any animal at-large.

IMPOUNDMENT

§ 90.1201 Impoundment

(A) Reasons for impoundment.

(1) Any animal found in violation of this chapter, any other ordinance of the city, or any law, rule or regulation of the state or the United States may be impounded and taken to the city's animal control facility.

(2) Any animal found being kept under conditions which could endanger the life or health of a person or animal, such as a rabid animal may be impounded and taken to the city's animal control facility.

(3) Any animal found abandoned within an enclosure in the city may be impounded and taken to the city's animal control facility 48 hours after posting notice on the enclosure.

(4) Any officer enforcing this chapter may enter private property and impound any animal under exigent circumstances if the officer reasonably believes it to be necessary to protect the life of the animal.

(B) Notification of owner. Upon impoundment of an animal, the ACO shall make reasonable efforts to contact the owner of the animal if the owner is known.

(C) Redemption of animal. Unless the animal is authorized to be held under another section of this chapter, the owner of an animal may redeem the animal from the city's animal control facility upon providing proof of compliance with the registration and vaccination requirements of this chapter and the payment of all impoundment fees, handling fees, and any veterinary expenses incurred.

(D) Disposition of unclaimed animals.

(1) If the owner of an impounded animal does not redeem the animal within 72 hours after notification of the owner, or within 72 hours from the time of impoundment if the owner is unknown, the animal is deemed to be abandoned. The owner is divested of ownership of the animal, and the city is deemed to be the owner of the animal.

(2) Any animals abandoned under this section shall be given away, put up for adoption, euthanized, or disposed of in a humane manner, at the discretion of the ACO.

(3) Notwithstanding any other provisions of this chapter, the ACO may immediately transfer any cats believe to be feral cats to the Humane Society of North Texas for treatment or other disposition.

(E) Adoption of animals.

(1) The ACA or the contracted veterinarian shall be the sole judge as to whether a cat or dog is healthy enough for adoption, and its health and age adequate for vaccination. However, such decision by the ACA shall not constitute a warranty of the health or age of the animal.

(2) All dogs and cats which are adopted through the city animal shelter shall be sterilized/altered to prevent reproduction in that animal provided the animal is eight weeks or older or two pounds or more in body weight.

(3) All dogs and cats which are adopted through the city animal shelter and are over four months of age shall be vaccinated for rabies.

(4) If an animal is already altered, the animal can be released from the shelter the same day of the adoption.

(5) Adopted animals must be surgically altered by the date indicated in the adoption contract, at the expense of the adopter.

(6) The ACA reserves the right to refuse to adopt any animal if it is believed that the adoption may create a risk to the animal's health and safety.

(7) Failing to comply with the terms of the adoption contract will constitute violation of this section.

(F) Disposal of dangerous wild animals. Any dangerous wild animal may be immediately, humanely disposed of as deemed appropriate by the ACA if the dangerous wild animal cannot be safely impounded.

(G) Baby animals. Any nursing baby animal impounded without the mother or where the mother cannot or refuses to provide adequate nutrition and the baby animal is suffering may be immediately euthanized or given to a nonprofit humane organization for the purpose of veterinary care, as determined by the ACA.

(H) Owner relinquishing responsibility. An owner who no longer wishes responsibility for an animal may sign a written waiver supplied by the ACA allowing the animal to be immediately euthanized in a humane manner, adopted, sold, or care and custody may be transferred to a nonprofit animal welfare organization approved by the ACA.

(I) Injured animals. Any impounded animal that appears to be suffering from injury or illness may be transferred to a nonprofit animal welfare organization, approved by the ACA, for the purpose of veterinary medical care, as determined by the ACA.

(J) Animals of prisoners.

(1) Any person who is taken into custody by the city's police department or other law enforcement personnel and having in his/her possession an animal shall be notified that the animal will be transferred to the ACA shelter.

(2) During confinement of said person, the animal will be taken care of by the ACA. The animal must be redeemed from impoundment within five business days from the time of the incarceration of the owner, at no charge to the owner. If the animal has not been redeemed within the five-day period, then the animal becomes the property of the city and may be euthanized, adopted, sold, or transferred to a nonprofit animal welfare organization approved by the ACA.

(3) No person shall be able to redeem an animal taken possession of pursuant to this section, except the owner or owner's duly authorized designee.

(4) An animal may be kept at the ACA shelter for a period of time exceeding five business days if, in the discretion of the ACA, there is a possibility of reuniting the animal with its owner within a reasonable amount of time.

NUISANCE

§ 90.1301 Offensive odors

A person commits an offense if the person keeps any animal in such a manner as to endanger the public health, or to annoy a person of ordinary sensibilities by the accumulation of animal wastes which cause foul or offensive odors or are a hazard to any other animal or human.

§ 90.1302 Animals defecating

An owner of an animal commits an offense if the person permits, either willfully or through failure to exercise proper care and control, any animal to defecate upon the sidewalk or parkway or any public street, or upon the floor of any common hall in any entrance way, stairway or wall of any public place or building or any private property except the owners. It shall be an affirmative defense to prosecution under this section if the owner immediately removes any excreta deposited by the owner's animal or the animals are performing in a parade or circus.

§ 90.1303 Noise

A person commits an offense by keeping any animal or bird which, by causing frequent or long, continued noise, shall disturb the comfort of a person of ordinary sensibilities.

§ 90.1304 Bees

The keeping of bees in such manner as to deny the lawful use of adjacent property or endanger personal health and welfare is prohibited.

§ 90.1305 Nuisance complaints

(A) Generally. The presence of nuisance animals should be reported to the ACA.

(B) Humane traps. If a person shall report a nuisance animal, the ACA may provide the person a trap to set for the animal. The ACA may, upon capture, impound the animal.

(C) Nuisance barking or another animal noise. Animal noise nuisances should be reported to the ACA or police department.

(D) For someone other than the ACA or a peace officer to file a formal complaint regarding an animal-related noise nuisance, that person must file a complaint with the Municipal Court Clerk. The complainant may be required to appear in municipal court as a witness on the date specified by the court.

DANGEROUS ANIMALS

§90.1401 Dangerous animal report

(A) The ACO may receive a report concerning a dangerous animal. Such report and any supporting statement must be in writing and sworn to.

(B) The ACO shall investigate all reports filed under this section and may issue sworn reports based on the ACA's investigation or observation.

§ 90.1402 Determination that animal is dangerous

(A) If a person reports an incident described by section 90.1401, the ACO shall investigate the incident. If, after receiving the sworn statements of any witnesses, the ACO determines the animal is a dangerous animal, the ACO shall notify the owner in writing of the determination.

(B) An owner, not later than the 15th day after the date the owner is notified that an animal owned by the owner is a dangerous animal, may appeal the determination of the ACO to the municipal court.

(C) To file an appeal under section (b) above, the owner must:

(1) File a notice of appeal of the ACO's dangerous animal determination with the court;

(2) Attach a copy of the determination from the ACO; and

(3) serve a copy of the notice of appeal on the ACO by mailing the notice through the United States Postal Service.

(D) Upon filing an appeal under subsection (b) above, the owner shall immediately deliver the animal to the city's animal control facility and the city shall provide for the impoundment of the animal in secure and humane conditions pending the result of a hearing under section 90.136.

(E) If the owner fails to deliver the animal as required by section (d) above, the court shall issue a warrant authorizing the seizure of the animal. The ACO shall seize the animal or order its seizure and shall provide for the impoundment of the animal in secure and humane conditions. The owner may be ordered to pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the animal. The city council of the city may prescribe the amount of the fees.

§ 90.1403 Knowledge of a dangerous animal

For purposes of this chapter, a person learns he or she is the owner of a dangerous animal and is subject to the requirements in section 90.1404 upon the occurrence of any of the following:

(1) The owner knows of an attack described in the definition of dangerous animal found in section 90.1401;

(2) The owner is notified by the ACO that the animal is a dangerous animal; or

(3) The owner is notified by the municipal court that the court has upheld the ACO's

determination that the animal is a dangerous animal.

§ 90.1404 Requirements of a dangerous animal

(A) Not later than the 30th day after a person learns that the person is the owner of a dangerous animal:

(1) the person shall:

(a) Register the dangerous animal with the ACA for the city;

(b) Restrain the dangerous animal at all times on a leash in the immediate control of a person capable of controlling the dangerous animal or in a secure enclosure;

(c) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous animal causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the ACA for the area in which the animal is kept; and

(d) Comply with all other applicable city regulations, requirements, or restrictions on dangerous animals; or

(2) The person shall deliver the animal to the ACA and the ACA shall provide for the impoundment of the animal in humane and secure conditions.

(B) Once in compliance with subsection (A) above, the owner of a dangerous animal shall maintain compliance with subsection (A) above at all times thereafter.

§ 90.1405 Failure to comply

(A) Any person may make a sworn application to the municipal court that the owner of a dangerous animal has failed to comply with section 90.130 or that a dangerous animal has attacked a person or another animal.

(B) Upon the filing of a sworn application under this section, the court shall order the ACO to seize the dangerous animal and shall issue a warrant authorizing the seizure. The ACO officer shall seize the dangerous animal or order its seizure and shall provide for the impoundment of the dangerous animal in secure and humane conditions. The owner may be ordered to pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the dangerous animal. The governing body of the city may prescribe the amount of the fees.

(C) If, after a hearing on an application filed under this section, the municipal court finds that the owner of the dangerous animal has failed to comply with section 90.130 or that the dangerous animal has attacked a person or another animal, the municipal court shall order the ACO to humanely destroy the dangerous animal or that the dangerous animal be permanently removed from the city. The court shall also order the owner of the dangerous

animal to pay all costs or fees assessed by the city related to the seizure, acceptance, impoundment, and destruction of the dangerous animal due to the sworn complaint filed under this section.

(D) If, after a hearing on an application filed under this section, the municipal court finds that the owner of the dangerous animal has not failed to comply with section 90.130 and that the dangerous animal has not attacked a person or a domesticated animal, the municipal court shall order that the ACO immediately release the dangerous animal to the owner, and the owner shall not be responsible for the costs of seizure or impoundment of the dangerous animal due to the sworn complaint filed under this section.

(E) Notwithstanding any other law or local regulation, a dangerous animal shall not be destroyed during the pendency of an appeal under section 90.1407.

(F) If the owner of a dangerous animal seized due to a sworn application filed under this section cannot be located before the 15th day after the seizure and impoundment of the dangerous animal, the dangerous animal shall be considered abandoned and the city shall be deemed the owner of the dangerous animal. The court may order the humane destruction of a dangerous animal abandoned under this section upon application of the ACA, without a hearing.

§ 90.1406 Hearing

(A) The court, on receiving notice of appeal under section 90.1402(B) or a sworn application under section 90.1405(A), shall set a time for a hearing to determine whether the animal is a dangerous animal or whether the owner of the animal has complied with section 90.1404 or has attacked a person or a domesticated animal. A hearing under this section must be held not later than the 10th day 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 animal or the person from whom the animal was seized or who delivered the animal;

(2) The person who made the report or filed the application; and

(3) The ACO.

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

(D) The court shall determine the estimated costs to house and care for the impounded animal during any appeal process and shall set the amount of bond for an appeal adequate to cover those estimated costs.

(E) An owner or the person who made the report or filed the application may appeal the decision of the municipal court in the manner described by section 90.1407.

Section 90.1407 Appeal

(A) A party to an appeal under section 90.1402(B) or a hearing on an application filed under section 90.1405(A) may appeal the decision to a **county court or county court at law** in the county in which the municipal court is located and is entitled to a jury trial on request.

(B) As a condition of perfecting an appeal, not later than the 10th calendar day after the date the decision is issued by the municipal court, the appellant must file a notice of appeal and, if applicable, an appeal bond in the amount determined by the municipal court from which the appeal is taken.

(C) Notwithstanding subsection 30.00014, Government Code, or any other law, a person filing an appeal from a municipal court **under subsection (A)** is not required to file a motion for a new trial to perfect an appeal.

(D) Notwithstanding any other law, a county court or a **county court at law** has jurisdiction to hear an appeal filed under this section.

(E) A decision of a county court or **county court at law** under this section may be appealed in the same manner as an appeal for any other case in a county court or county court at law.

§ 90.1408 Registration

(A) The city shall annually register a dangerous animal if the owner:

(1) Presents proof of:

(a) Liability insurance or financial responsibility, as required by section 90.1404;

(b) Current rabies vaccination of the dangerous animal; and

(c) The secure enclosure in which the dangerous animal will be kept; and

(2) Pays the annual registration fee.

(B) The city shall provide to the owner registering a dangerous animal a registration tag. The owner of the dangerous animal shall attach the current registration tag to a collar or harness that is worn at all time by the dangerous animal.

(C) If an owner of a registered dangerous animal sells or moves the dangerous animal to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the ACO of the new address. On presentation by the new owner of the dangerous animal's prior registration tag and payment of dangerous animal registration transfer fee, the city shall issue a new registration tag.

(D) An owner of a dangerous animal shall notify the ACO of any attacks the dangerous animal makes on people or other animals.

§ 90.1409 Dangerous animal ordered removed from the city

(A) A dangerous animal ordered to be removed from the city under this chapter must be removed from the city **within ten (10) days** of the date of the order.

(B) It shall be unlawful for a person to harbor, keep, or have possession of a dangerous animal previously ordered to be removed from the city under this chapter within the corporate limits of the city.

(C) The ACO or any officer enforcing this chapter shall seize any dangerous animal that has been ordered to be removed from the city that is found to be at any location within the corporate limits of the city and shall provide for the impoundment of the dangerous animal in humane and safe conditions.

(D) Upon application by the ACO, without a hearing, the court shall order that a dangerous animal be humanely destroyed if it was previously ordered to be removed from the city and is later found to be in the city.

§ 90.1410 Attack by dangerous animal

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

(B) An offense under this section is a class C misdemeanor.

(C) If a person is found guilty of an offense under this section, the court may order the dangerous animal humanely destroyed by the ACO.

§ 90.1411 Violation

(A) A person who owns or keeps custody or control of a dangerous animal commits an offense if the person fails to comply with section 90.134 or any other applicable city regulation relating to dangerous animals.

(B) An offense under this section is a class C misdemeanor.

(C) If a person is found guilty of an offense under this section, the court may order the dangerous animal humanely destroyed by the ACO.

§ 90.1412 Defenses

(A) It is a defense to prosecution under section 90.140 or section 90.141 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person

employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the animal in connection with that position.

(B) It is a defense to prosecution under section 90.140 or section 90.141 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 a defense to prosecution under section 90.140 or section 90.141 that the person is a dog trainer or an employee of a guard dog company under chapter 1702, Occupations Code.

FEES

§ 90.1501 Generally

The city council shall establish fees for all animal-related services provided by the city's ACA, including those for adoption, immunization, and multi-pet permits.

§ 90.152 Impoundment and boarding

The owner must pay all fees for impoundment, quarantine, and boarding, as well as veterinary bills and other fees that are due to the designated animal shelter.

Schedule of Animal Shelter Fees

Dogs, Cats and Other Small Animals	Fee	Each Additional Day
City registration and tags - 1-year tag	\$8.00	
City registration and tags - 3-year tag	\$18.00	
Dangerous animal registration and tag (annual)	\$100.00	
Owner animal surrender	\$25.00	
Multi pet -	\$25.00	
1st impound	\$35.00	\$0.00
2nd impound	\$50.00	\$0.00
3rd or more impounds	\$100.00	\$0.00
Animal quarantine - resident	\$150.00	
Animal quarantine - nonresident	\$200.00	

Microchip – resident	\$10.00	
Microchip – nonresident	\$20.00	

INTERFERENCE WITH CITY AGENTS

§ 90.1601 Interference with City agents

(A) A person commits an offence if the person interferes with or hinders any agent of the city in the performance of any duty pursuant to this chapter or seeks to release any animal in the custody of the city or its agents, except as provided in this chapter.

(B) A person commits an offense if the person fails to comply with any lawful order of the ACA in the performance of any duty pursuant to this chapter.

(C) A person commits a class B misdemeanor offense under Texas Penal Code, section 38.15 if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with an officer with responsibility for animal control while the officer is performing a duty or exercising authority imposed or granted under chapter 821 or 822 of the Texas Health and Safety Code.