



AGENDA
ANIMAL SERVICES ADVISORY COMMITTEE
REGULAR MEETING
7105 WHITLEY ROAD, WATAUGA, TEXAS 76148
WEDNESDAY, FEBRUARY 4, 2026
12:00 PM

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS

PRESENTATIONS

PUBLIC COMMENT This is an opportunity for citizens to address the Council on items not posted on the current meeting agenda. Only those who have submitted a proper "Request to Speak Form" Shall be permitted to speak. Citizens should provide their name and address for the record and will have no more than 3 minutes to speak. If representing an organization or group, the speaker should identify who they represent. Those wishing to speak are reminded 1). All comments are to be directed to the Council. 2) Be respectful of others. 3) No profanity permitted. 4) Violators will be removed from the premises. No discussion by the Council or Staff is allowed except to correct factual inaccuracies or request that the item be placed on a future agenda.

PUBLIC TESTIMONY FOR ACTION ITEMS This is an opportunity for citizens to address the Council on current agenda action items (excludes presentations and reports). Only those persons who have submitted a proper "Request to Speak Form" will be allowed to speak. Citizens will be required to state their name and address for the record. They have up to 3 minutes to speak, and their comments must be germane to the item. If speaking for an organization or group, the speaker should identify the group represented. Council members may ask questions or discuss the item with the citizens directly.

REPORTS

1. Supervisor Shelter Report

CONSENT AGENDA All of the items on the consent agenda are considered to be self-explanatory by the Council and will be enacted with one motion, one second, and one vote.

There will be no separate discussion of these items. Any council member wishing to pull an item may do so.

1. Consider approval of the Animal Advisory Board meeting minutes for October 15, 2025
Miranda Koenig, ACO

ACTION ITEMS

1. Discuss and consider action on changes to Chapter 6 city ordinances, update verbiage, and add new ordinances
Miranda Koenig, ACO

ITEMS FOR FUTURE AGENDAS

ADJOURNMENT

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625.

I, Linda Proskey, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on January 28, 2025, before 12:30 p.m., in accordance with Chapter 551 of the Texas Government Code.

/S/ Linda Proskey
City Secretary





AGENDA MEMORANDUM

DATE: January 20, 2026
TO: Animal Services Advisory Committee Member
FROM: Miranda Koenig, ACO
SUBJECT: Supervisor Shelter Report

BACKGROUND/INFORMATION:

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend the Council review and take action on the item presented. This item does not require a recommendation as it is a presentation/report.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Supervisor updates

REVIEWED BY:

Kevin Mead, Assistant Chief of Police

Sandra Gibson, City Manager

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

Approved - 1/27/2026

Approved - 1/28/2026

Final Approval - 1/28/2026

Supervisor updates:

We hired a new ACO, and he is currently being trained. He has almost 4 years of animal control officer experience.

We participated in the Bring Love Home Challenge in December, and we had 28 animal adoptions (12 dogs and 16 cats)

Our kennel technician, Scott Orwig, just went full-time, and he has been a HUGE help to us



AGENDA MEMORANDUM

DATE: January 28, 2026
TO: Animal Services Advisory Committee Member
FROM: Miranda Koenig, ACO
SUBJECT: Consider approval of the Animal Advisory Board meeting minutes for October 15, 2025

BACKGROUND/INFORMATION:

Meeting minutes from the October 15, 2025 Meeting

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

Respectfully recommend the Council review and take action on the item presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Animal Services 10.15.25 Draft Minutes

REVIEWED BY:

Sandra Gibson, City Manager

Linda Proskey, City Secretary

Approved as to form for inclusion on Agenda

New -



**MINUTES
ANIMAL SERVICES ADVISORY COMMITTEE
REGULAR MEETING
WEDNESDAY, OCTOBER 15, 2025
7105 WHITLEY ROAD, WATAUGA, TEXAS 76148
12:00 PM**

CALL TO ORDER

Chairperson Lieutenant Dwayne Letart called the meeting to order at 12:09 p.m.

ROLL CALL

VACANT	Place 1
Lieutenant Dwayne Letart	Vice Chairperson, Place 2
Miranda Koenig	Secretary, Place 4
Donald McLeod, DVM	Place 3

And

Linda Proskey	City Secretary
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ANNOUNCEMENTS

There were no announcements

PRESENTATIONS

There were presentations

PUBLIC COMMENT

There were no requests to speak

PUBLIC TESTIMONY FOR ACTION

There were no requests or public testimony

REPORT

1. Supervisor report on shelter activities.

Shelter capacity has improved, decreasing from 12 dogs and 12 cats to a current count of 8 dogs in the shelter. Staffing hours have been updated to Monday through Friday, from 11:00 a.m. to 5:00 p.m., with staff on-site during previous operating hours to provide animal care. We are actively seeking to fill a full-time Animal Control Officer position, which is posted on GovernmentJobs. Our foster program continues to do well, with 9 dogs and 3 cats currently placed in foster homes. The Dog Days Out program will be officially launched once all necessary supplies and materials have been received.

CONSENT AGENDA

1. Consider approval of the October 15, 2025, meeting minutes.

Miranda Koenig motioned to approve the minutes for the April 24, 2024, Animal Services Advisory Meeting. Donald McLeod seconded the motion.

Vote passed 3-0-0-0

Ayes: Koenig, Letart, McCool
Nays: None
Abstain: None
Absent: None

ACTION ITEMS

There were no action items

ITEMS FOR FUTURE AGENDAS

There were no requests for future agendas.

ADJOURNMENT

Vice Chairperson Letart adjourned the meeting at 12:14 p.m.

Approved: this _____ day of _____, 2025

Signed: this _____ day of _____, 2025

APPROVED:

Lieutenant Dwayne Letart
Vice Chairperson

ATTEST:

Miranda Koenig
Secretary



AGENDA MEMORANDUM

DATE: January 20, 2026

TO: Animal Services Advisory Committee Member

FROM: Miranda Koenig, ACO

SUBJECT: Discuss and consider action on changes to Chapter 6 city ordinances, update verbiage, and add new ordinances

BACKGROUND/INFORMATION:

Discuss recommended changes to Chapter 6.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Updates to Chapter 6
2. Action Items

REVIEWED BY:

Kevin Mead, Assistant Chief of Police
Sandra Gibson, City Manager
Linda Proskey, City Secretary

Approved - 1/27/2026
New -

Approved as to form for inclusion on Agenda

Chapter 6 ANIMALS¹

ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

When used in this chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

ADOPTER means a person who adopts an animal from an animal shelter or an animal adoption agency.

ADOPTION AGENCY means an animal welfare organization or animal placement group approved by the director to take impounded dogs and cats from animal services for adoption to the public.

ANIMAL means any nonhuman vertebrate.

ANIMAL SERVICES means the department so designated by the director or Chief of Police for animal care and control and enforcement of this chapter.

ANIMAL SERVICES OFFICER means an employee of animal services whose duty it is to enforce the provisions of this chapter.

ANIMAL SHELTER means a city-owned and operated animal shelter facility established for the impoundment, quarantine, care, adoption, euthanasia, and other disposition of unwanted, loose, diseased, or vicious animals.

ANIMAL WELFARE ORGANIZATION means a non-profit organization incorporated under state law and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes.

BODILY INJURY means physical pain, illness, or any impairment of physical condition.

CONTACT INFORMATION means the owner's name, mailing address, telephone number, and electronic mail address, if any.

Chief of police means the head of the police department for the city or anyone designated to serve in this capacity on an interim, acting, or temporary basis.

CURRENTLY VACCINATED means vaccinated against rabies by a licensed veterinarian, with a rabies vaccine licensed by the U.S. Department of Agriculture, and:

(A) not more than 12 months have elapsed since the animal's most recent vaccination date, if the most recent vaccination was with a one-year rabies vaccine or was the animal's initial vaccination; or

¹State law reference(s)—General police power, V.T.C.A., Local Government Code § 54.004; animals generally, V.T.C.A., Health and Safety Code chs. 821—828.

(B) Not more than 36 months have elapsed since the animal's most recent vaccination date, if the most recent vaccination was with a three-year rabies vaccine and the animal is a dog or cat that has received at least two vaccinations.

DOMESTIC ANIMAL

A **domestic animal** includes livestock, caged or penned fowl (excluding raptors), and commonly kept household pets. Domestic animals include, but are not limited to:

1. **Dogs**
2. **Cats**
3. **Ferrets**
4. **Birds** commonly kept as companion animals, excluding birds in the Falconiformes or Strigiformes Orders (no raptors)
5. **Pocket pets**, including mice, hamsters, gerbils, guinea pigs, and rabbits
6. **Fish**, including goldfish and tropical fish kept as companions
7. **Non-venomous, non-constrictor reptiles and amphibians** commonly kept as pets

EUTHANASIA means to put an animal to death in a humane manner.

FENCED YARD means an area that is completely surrounded by a substantial fence of sufficient strength, height, construction, materials, and design as to prevent:

- (A) any animal confined within from escaping; or
- (B) The head of a dog confined within from extending over, under, or through the fence.

FERAL CAT means any homeless, wild, or untamed cat.

Harboring means the act of keeping and caring for an animal or of providing premises to which the animal returns for food, shelter, or care for a period of three days.

LICENSED VETERINARIAN means a person licensed to practice veterinary medicine within the United States, or an authorized representative under that person's direct supervision.

LIVESTOCK means any fowl, horse, mule, burro, ass, cattle, sheep, swine, goat, llama, emu, ostrich, or other common farm animal.

LOCAL RABIES CONTROL AUTHORITY DESIGNATED

(a) The provisions of Chapters 823 and 826 of the Texas Health and Safety Code, as amended, are incorporated into this article by reference.

(b) The director is designated as the local rabies control authority for purposes of Chapter 826 of the Texas Health and Safety Code, as amended, and shall perform the duties required of a local rabies control authority under that chapter and under rules adopted by the Texas Board of Health pursuant to that chapter.

LOOSE means an unrestrained domestic animal or livestock that is outside the boundaries of the premises owned, leased, or legally occupied by the animal's owner.

MICROCHIP means a passive electronic device that is injected into an animal by means of a pre-packaged, sterilized implanting device for purposes of identification and/or the recovery of the animal by its owner.

Miniature pigs means Vietnamese (also called potbellied), Juliani (also called painted miniature), African Pygmy (also called Guinea hog), and Ossbaw Island pigs not exceeding 50 pounds in weight or 18 inches in height.

ONE-YEAR RABIES VACCINE means a rabies vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog, cat, or ferret against rabies for one year.

OWN means to have legal right of possession or to otherwise have care, custody, possession, or control of an animal.

OWNER means any person owning, harboring, or having care, custody, possession, or control of an animal. An occupant of any premises on which a dog or cat remains, or customarily returns to, is an owner for purposes of this chapter. If a person under the age of 17 years owns an animal, the parent, legal guardian, or head of the household is the owner for purposes of this chapter. There may be more than one owner for an animal.

PET means a domestic animal to be kept as a human's companion.

QUARANTINE means the strict confinement of an animal under order of the director or their designee, either

- (1) on the private premises of the owner or at a facility approved by the director or designee, and
- (2) restrained in a closed cage, paddock, or other secure manner approved by the animal care and control authority.

The quarantine period for a dog, cat, or domestic ferret following rabies exposure is ten (10) days from the date of exposure, or as otherwise recommended by the regional veterinarian of the Texas Department of Health.

PERSON means an individual or group of individuals acting in concert, a firm, partnership, association, corporation, or other legal entity.

PROHIBITED ANIMAL is any wild or exotic animal not normally born and raised in captivity, including any animal classified as a *dangerous wild animal* under Section 822.101 of the Texas Health and Safety Code, as amended. This also includes any hybrid of the listed species, except a dog-wolf hybrid. Prohibited animals include, but are not limited to, the following:

1. Reptiles

- Venomous lizards and snakes
- Crocodiles, alligators, caimans, and gharials

2. Mammals

- **Felines:** lions, tigers, bobcats, jaguars, leopards, cougars (excluding domesticated cats)
- **Canines:** wolves, dingos, coyotes, foxes, jackals and any canine hybrid (excluding domesticated dogs)
- **Mustelids:** weasels, skunks, martins, minks, badgers, otters (excluding ferrets)
- **Procyonids:** raccoons, coati

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- **Others:** bears, elephants, sloths, anteaters, armadillos, marsupials (kangaroos, opossums, koalas, wallabies, bandicoots, wombats), bats
 - **Primates:** monkeys, chimpanzees, orangutans, gorillas
 - **Rodents:** such as beavers and porcupines (excluding commonly domesticated pet rodents such as hamsters, gerbils, guinea pigs, rats, mice and chinchillas)

3. **Amphibians**

- Poisonous frogs
- Venomous amphibians

4. **Additional Prohibited Species**

- Hippopotamus, rhinoceros
- Non-human primates (other than spider monkeys or capuchins)
- Racers, boas (except red-tail boa), water snakes, pythons (except ball python)
- Hawks, eagles, vultures, owls

Prohibited animal does *not* include:

- Livestock or fowl
- Normal household pets such as dogs, cats, ferrets, hamsters, guinea pigs, gerbils, rabbits, cockatiels, fish
- Small, non-poisonous reptiles, snakes, or amphibians

PROPERLY FITTED means, with respect to a collar or harness used for a dog, a collar or harness that:

- (A) does not impede the dog's normal breathing or swallowing; and
- (B) is attached to the dog in a manner that does not allow for escape and does not cause injury to the dog.

PROTECTIVE CUSTODY means the holding of an animal in a city animal shelter:

- (A) due to the arrest, eviction, hospitalization, or death of the animal's owner;
- (B) pursuant to a court order; or
- (C) at the request of a law enforcement agency.

Running at large means:

- (1) Off-premises. Any dog, cat, or other animal which is not restrained by means of a leash or chain of sufficient strength and length to permit the animal's action to be controlled while off-premises.
- (2) Any dog, cat or other animal located in the bed or open area of a vehicle, truck or trailer such that the dog, cat, or animal could escape from the bed or open area shall be deemed to be "at large."
- (4) A dog intruding upon the property of another person other than the owner shall be termed "at large."

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- (5) Any animal within an automobile or other vehicle of its owner or owner's agent shall not be deemed "at large."

REGULATED ANIMAL means any animal other than a prohibited animal, livestock, or domestic animal.

RETAIL PET STORE means a business that regularly sells animals for pet purposes to an ultimate owner. The term includes any owner, operator, agent, or employee of the business.

SERVICE ANIMAL means:

(A) any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, and assisting non-ambulatory persons by pulling a wheelchair or fetching dropped items; and

(B) Any trained animal used by a governmental agency in police and rescue work.

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

TETHER means restraining an animal or the act of chaining, tying, fastening, or otherwise securing an animal to a fixed point so that it can move or range only within certain limits.

TETHERING DEVICE means a cable, chain, cord, leash, rope, or other means of attaching an animal to a stationary object.

THREE-YEAR RABIES VACCINE means a rabies vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog or cat against rabies for three years.

LOOSE means an unrestrained domestic animal or livestock that is outside the boundaries of the premises owned, leased, or legally occupied by the animal's owner.

Wild animal means all species of animals that exist in a natural unconfined state and are usually not domesticated.

(Code 2001, art. 2.100; Code 2010, § 2.01.001)

Sec. 6-2. Tampering with traps or equipment of animal control officer.

No person shall remove, alter, damage, or otherwise tamper with a trap or equipment set out by the animal control officer.

(Code 2001, art. 2.900; Code 2010, § 2.01.002)

Sec. 6-3. Authority to impound or destroy animals.

The city animal control officer, or any police officer, is authorized to:

- (1) Impound an animal which is diseased or endangers the health of a person or another animal.
- (2) Destroy an impounded animal at the city shelter if the animal control officer determines that recovery of the animal from injury, disease, or sickness is in serious doubt.
- (3) Destroy any animal suspected of having rabies, or any animal manifesting a disposition to bite, when such animals are found at large, after having made a reasonable but unsuccessful effort to capture the animal.

(Code 2001, art. 2.1200; Code 2010, § 2.01.003)

Sec. 6-4. SANITARY CONDITIONS; MAINTENANCE OF PREMISES.

(a) An owner of an animal commits an offense if he fails to:

- (1) keep any cage, pen, enclosure, or other area in which the animal is kept in a sanitary condition; or
- (2) Remove all animal excreta from the cage, pen, enclosure, or other area in which the animal is kept as often as necessary to maintain a healthy environment.

(b) A person commits an offense if he permits any yard, ground, premises, or structure belonging to, controlled by, or occupied by him to become nauseating, foul, offensive, or injurious to the public health or unpleasant and disagreeable to adjacent residents or persons due to the accumulation of animal excreta.

2010, § 2.01.004)

Sec. 6-6. Keeping swine, miniature pigs.

- (a) *Keeping swine prohibited.* It shall be unlawful to maintain and keep any hog, sow or pig in the city.
- (b) *Exception for miniature pigs.* It is an affirmative defense to subsection (a) of this section that the animal is a miniature pig which meets with the requirements set forth in subsection (d) of this section.
- (c) *Definition of miniature pigs.* Miniature pigs shall mean Vietnamese (also called potbellied), Juliani (also called painted miniature), African Pygmy (also called Guinea hog), and Ossbaw Island pigs not exceeding 50 pounds in weight or 18 inches in height.
- (d) *Requirements for keeping miniature pigs.*
- (1) It shall be unlawful for any person to keep, harbor or raise more than two adult miniature pigs in any one household within the city.
 - (2) All miniature pigs shall be kept indoors at all times other than times for evacuation of waste material or during exercise periods. Miniature pigs shall be subject to the estray provisions contained in section 6-344.
 - (3) All potbellied pigs shall receive annual vaccinations for erysipelas. It shall be the responsibility of the owner or harbinger of the miniature pig to forward to the animal control officer for the city an erysipelas vaccination certificate from a licensed veterinarian, which shall include the following information:
 - a. Name and address of the owner;
 - b. Name and address of the licensed veterinarian issuing the certificate;
 - c. Description and name of the pet;
 - d. Date of vaccination;
 - e. Tag number; and
 - f. Other appropriate information.
 - (4) Should the miniature pig die, be moved or acquire a new owner or harbinger, it shall be the registered owner's duty to inform the animal control officer.

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- (5) No person shall keep a miniature pig at any location within the city unless such person has filed with the animal control officer for the city an application to keep a miniature pig and such application has been approved by the animal control officer. It shall be an affirmative defense to filing an application that the miniature pig is not yet weaned (less than ten weeks old).
- (e) *Misdemeanor; penalty.* Any person who violates any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in accordance with the general penalty provision found in section 1-7.
- (Code 2001, art. 2.1300; Code 2010, § 2.01.006)

Sec. 6-7. Sale or display of animals prohibited in certain places.

- (a) *Definitions.* In this section, the following words shall have the following meanings:
- Animal* means any living vertebrate creature or invertebrate creature, including but not limited to dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowl and livestock.
- Humane organization* means a nonprofit corporation that maintains a permanent shelter facility within the state for the care and custody of sick, injured, lost, abandoned, unwanted or strayed animals and provides veterinary services for the care of the animals kept in its shelter facility under the supervision of a veterinarian who is employed or retained by the corporation.
- (b) *Restrictions; exceptions.*
- (1) It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for a commercial purpose a live animal on a roadside, public right-of-way, or commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.
 - (2) This section does not apply to:
 - a. An agent of a business that has a certificate of occupancy from the building inspection division authorizing the occupancy of the premises for purposes of operating a business selling pets;
 - b. An event primarily for the sale of agricultural livestock such as hooved animals or animals or fowl commonly raised for food, dairy, or fiber products;
 - c. A tax-exempt nonprofit humane organization; or
 - d. The sale or purchase of animals from a person's private residence, provided that such person does not regularly engage in the sale or purchase of animals at their private residence.

(Code 2001, art. 2.1600; Code 2010, § 2.01.007)

Sec. 6-8. – Prohibited Animals; Keeping of Wild Animals.

(a) Definition — Prohibited Animal.

A prohibited animal is any wild or exotic animal not normally born and raised in captivity, including any animal classified as a dangerous wild animal under Section 822.101 of the Texas Health and Safety Code, as amended. The term also includes any hybrid of a listed species, except a dog-wolf hybrid. Prohibited animals include, but are not limited to, the following categories:

Reptiles

Venomous lizards or snakes

Crocodiles, alligators, caimans, and gharials

Mammals

Felines: lions, tigers, bobcats, jaguars, leopards, cougars (excluding domesticated cats)

Canines: wolves, dingos, coyotes, foxes, jackals, and any canine hybrid (excluding domesticated dogs)

Mustelids: weasels, skunks, martins, minks, badgers, otters (excluding ferrets)

Procyonids: raccoons, coati

Other mammals: bears, elephants, sloths, anteaters, armadillos, marsupials (kangaroos, opossums, koalas, wallabies, bandicoots, wombats), bats

Primates: monkeys, chimpanzees, orangutans, gorillas

Rodents: including beavers and porcupines (excluding commonly domesticated pet rodents such as hamsters, gerbils, guinea pigs, rats, mice, and chinchillas)

Amphibians

Poisonous frogs

Venomous amphibians

Additional Prohibited Species

Hippopotamus, rhinoceros

Non-human primates (other than spider monkeys or capuchins)

Racers, boas (except red-tailed boa), water snakes, pythons (except ball python)

Hawks, eagles, vultures, owls

Prohibited Animal Does Not Include:

Livestock or fowl

Normal domesticated household pets such as dogs, cats, ferrets, hamsters, guinea pigs, gerbils, rabbits, cockatiels, fish

Small, non-poisonous reptiles, snakes, or amphibians

(b) Keeping of Wild or Prohibited Animals.

No person shall own, harbor, keep, sell, trade, or otherwise possess a prohibited animal within the city limits, except when such animal is maintained as part of:

A medical or scientific research program conducted under recognized institutional supervision;

A circus, amusement park, or carnival with proper permits;

An accredited zoo, wildlife sanctuary, or educational exhibit facility.

Any wild animal found within the city in violation of this section may be impounded, and disposition shall follow city animal control procedures and applicable state law.

(Code 2001, § 2.609; Code 2010, § 2.01.008)

State law reference(s)—Dangerous wild animals, V.T.C.A., Health and Safety Code § 822.101 et seq.

Sec. 6-9. Animal advisory committee.

The animal advisory committee assists the city in complying with the requirements of V.T.C.A., Health and Safety Code ch. 823 and is created pursuant to chapter 2 of this Code.

(Ord. No. 2021-047, § II, 10-21-2021)

Secs. 6-10—6-17. Reserved.

Sec. _____. Abandonment of Animals at the Municipal Animal Shelter

(A) Prohibited Conduct

It shall be unlawful for any person to:

1. Abandon, leave, or deposit an animal at the Watauga Animal Services shelter, or on city property associated with the shelter, outside of posted business hours or without the consent of authorized Animal Services staff; or
2. Fail to reclaim an animal that has entered the shelter as a stray when the owner has been positively identified and notified in accordance with shelter procedures.

(B) Definition

For purposes of this section, *abandonment* means the willful leaving of any animal at or near the animal shelter unattended, or the failure of an identified owner to reclaim an impounded animal after proper notification, regardless of the intent to relinquish ownership.

(C) Penalty

Any person who violates this section commits a Class C misdemeanor and, upon conviction, shall be subject to a fine not to exceed \$500. Each abandoned animal shall constitute a separate offense.

(D) Impoundment

Any animal abandoned at or near the shelter, or left unclaimed by an identified owner, shall be impounded by Watauga Animal Services and handled in accordance with city policy and state statutes.

(E) Additional Remedies

The city may pursue civil remedies in addition to the penalties described herein, including cost recovery for the care, treatment, or disposition of any animal unlawfully abandoned.

Sec. _____. Feeding of Feral Cats and Wildlife Prohibited

(A) Prohibited Conduct

It shall be unlawful for any person to feed intentionally, place food, or otherwise provide sustenance for feral or free-roaming cats, or for non-domesticated wildlife, **on any public or private property within the city limits.**

(B) Definitions

1. *Feral Cat* – A free-roaming cat that is not socialized to humans and has no verifiable owner.
2. *Wildlife* – Includes, but is not limited to, coyotes, foxes, raccoons, skunks, opossums, and other non domesticated animals.
3. *Feral Cat Colony* – A managed group of free-roaming cats that are sterilized, vaccinated, ear-tipped, and cared for in accordance with a city-approved Trap-Neuter-Return (TNR) program.

(C) Exceptions

1. Bird feeders placed and maintained for the sole purpose of feeding wild birds.
2. Individuals or organizations who are registered with Watauga Animal Services as maintaining a feral cat colony and who are actively participating in a Trap-Neuter-Return (TNR) program approved by the city.
3. Feeding of animals in the temporary custody of licensed wildlife rehabilitators, veterinarians, or city-authorized personnel.
4. Feeding of owned domestic pets (dogs, cats, poultry, or livestock) is maintained in compliance with city ordinances.

(D) Public Nuisance

Any feeding activity in violation of this section that results in the congregation of feral cats or wildlife, unsanitary conditions, or a threat to public health or safety is hereby declared a **public nuisance.**

(E) Penalty

Any person violating this section commits a **Class C misdemeanor** and, upon conviction, shall be subject to a fine not to exceed **\$500**. Each day a violation occurs shall constitute a separate offense.

ARTICLE II. BEEKEEPING REQUIREMENTS²

Sec. 6-18. Definitions.

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

Apiary means a place or area where a bee colony is kept.

Bee means any stage or type of the common domestic western honey bee *Apis mellifera*, and includes queen, worker and drone bees, and brood in all stages of development.

²Editor's note(s)—Ord. No. 2021-047, § III, adopted Oct. 11, 2021, repealed Art. II, §§ 6-18—6-24, which pertained to the Animal Advisory Committee and derived from Code 2001, §§ 9.1901—9.1907; Code 2010, §§ 1.04.121—1.04.127; Ord. No. 1537, § I, 1-27-2014; Ord. No. 1678, § I, adopted Oct. 22, 2018; and Ord. No. 2019-005, § VI, July 8, 2019.

Bee colony or colony means a means a collective of a bee family, typically consisting of one queen and any number of worker bees, drone bees and brood in stages of development.

Beehive or hive means a structure housing or intended to house one or more bee colonies and is inclusive of the hive and related equipment and appurtenances. Bee hives may be of the Langstroth, Warre, or Top Bar Hive types.

Beekeeper means any person, company or association that keeps and maintains a live bee colony.

Nucleus colony means a bee colony housed in a beehive structure that consists of a frame that does not exceed nine and five-eighths inches in depth, contains no more than five brood frames, and has no superstructure(s).

(Ord. No. 2024-002, § II, 2-12-2024)

Sec. 6-19. Hazardous activities and nuisances.

- (a) Any person who shall place, keep or maintain an apiary, bee colony or bee hive, and who shall allow such to become a hazard to the general health and welfare of the community, shall be guilty of a misdemeanor.
- (b) It shall be considered a public nuisance and it shall be unlawful for any person to own, harbor or keep bees in such a manner as to deny the lawful use of adjacent property or endanger the health and safety of others.

(Ord. No. 2024-002, § II, 2-12-2024)

Sec. 6-20. Apiary maintenance.

- (a) A person may not place or maintain a beehive within ten feet of the property line of the tract or lot on which the beehive is situated, or within ten feet of any other structure, as measured from the nearest point of the beehive to the property line or structure, and must not be placed within or on any building line, yard setback, right-of-way, or easement.
- (b) An apiary located on residential property shall be placed and maintained in the rear yard and must be enclosed within a fence of not less than four feet in height.
- (c) No more than two colonies may be kept or maintained within an apiary located on residential property.
- (d) An adequate water source for all bee colonies must be maintained on site.

(Ord. No. 2024-002, § II, 2-12-2024)

Sec. 6-21. Flyway barrier.

- (a) A flyway barrier shall be constructed, installed and maintained within five feet of a beehive if the beehive is located within at least 25 feet of any property line.
- (b) A flyway barrier shall:
 - (1) Be located within five feet of the hive;
 - (2) Consist of a solid wall, fence, dense vegetation, or combination of these materials, at least eight feet in height;
 - (3) Be placed along the side of the beehive that contains the entrance to the hive; and
 - (4) Extend at least ten feet on either side of the hive.

(Ord. No. 2024-002, § II, 2-12-2024)

Sec. 6-22. Beehive maintenance.

- (a) Bee colonies shall be kept and maintained in beehives that are not overcrowded or in a condition or configuration that encourages swarming.
- (b) A nucleus colony shall not be located, kept or maintained in an apiary for a period of more than 30 consecutive days. A person shall dispose of or combine a nucleus colony with an authorized colony not later than the 30th day after the date the nucleus colony is established or acquired.
- (c) No beehive may consist of more than two brood boxes, exclusive of superstructures that are smaller than the brood box of the hive.
- (d) Each beehive within an apiary or situated on residential premises shall contain signage or clear markings affixed to the hive that identify the name, address and telephone number of the beekeeper and, if different, the owner or person in control of the premises on which the apiary is located if the owner or person in control of the apiary does not reside on the property on which the apiary is placed.
- (e) If the owner or person in control of an apiary does not reside on the property on which the apiary is placed, a conspicuous sign shall be placed at the primary entrance to the property on which an apiary is located that clearly displays the name, address and telephone number of the beekeeper and, if different, the owner or person in control of the premises on which the apiary is located.
- (f) Within 30 days of the establishment of an apiary and the placement of a beehive, the owner or person in control of real property on which the apiary is located shall notify, in writing, the city's animal control department of the location of the apiary, the number of beehives and bee colonies within the apiary, and the name, telephone number and address of the beekeeper and, if different, the owner or person in control of the premises on which the apiary is located.
- (g) A beekeeper shall, before the establishment of an apiary or the placement of a beehive on property, participate in a beekeeper training course or program and shall, in conjunction with the written notification required in this section, provide the city's animal control department with a course completion certificate.

(Ord. No. 2024-002, § II, 2-12-2024)

Sec. 6-23. Inspection and maintenance.

- (a) The city's animal control officer or any police officer may inspect an apiary between the hours of 8:00 a.m. and 5:00 p.m. If the owner of the apiary resides on the tract or the owner's name is marked on the colony, the animal control officer or any police officer shall attempt to give the owner notice of inspection.
- (b) It shall be presumed that the owner or person in control of the premises on which an apiary is located is the owner of the beehive and its bee colony(ies). A person may rebut the presumption of ownership by presenting the city's officer with a written documentation identifying the name, address, and telephone number of the owner of the beehive and bee colony.

(Ord. No. 2024-002, § II, 2-12-2024)

Sec. 6-24. Administrative enforcement; destruction or relocation.

- (a) If the city's animal control officer or a police officer determines that a bee colony poses a threat to public health or safety, displays aggressive characteristics including stinging or attempting to sting without

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provocation, is susceptible to swarming, if a beehive is abandoned, or if an apiary, hive or colony is kept or maintained in violation of any provision of this article, the city may, after notice and hearing:

- (1) Remove or compel the removal, relocation or destruction of a beehive or bee colony;
 - (2) Require the repair, reconstruction or reconfiguration of an apiary, flyway, or beehive; or
 - (3) Prohibit the establishment of an apiary or the placement of a beehive or bee colony on the premises for a period of not more than two years.
- (b) Written notice must be issued to the beekeeper or owner or person in control of the premises in which the bee colony is situated, allowing the owner or beekeeper a period of 20 days to either correct the offending condition, remove the apiary, or relocate the bee colony to premises outside the city limits.
- (c) Written notice may be served personally on the beekeeper or owner, sent by certified mail (whereby receipt is presumed on the third day after deposit in the mail), or by affixing the notice to the main entrance of the premises in which the apiary or beehive is located.
- (d) A beekeeper or owner may, upon receipt of notice, appeal the determination of the city's officer. An appeal must be in writing, delivered to or served on the animal control department within ten days of service, and must state the bases of the appeal. Failure to timely file a written notice of appeal is a waiver and forfeiture of the appeal. The timely submission of an appeal stays enforcement.
- (e) Upon receipt of a proper notice of appeal, the city's municipal court shall promptly conduct a hearing, with notice to all parties, and may sustain or reverse the enforcement action, or modify the enforcement action as justice may require. The municipal court's determination shall be final and binding.
- (f) Failure to comply with a written order under this section shall be an offense under this article.
- (g) Should any person fail to comply with the city's notice after appeal or with the order of the municipal court, as appropriate, the city may enter onto the premises in which an apiary, beehive or bee colony is maintained and may remove or destroy the beehive or bee colony without further notice to the beekeeper or owner of the premises. The beekeeper or owner shall compensate the city for its costs. Should compensation not be made within 30 days of delivery of notice of costs to the owner of the property, the city may file a statement of expense with the county clerk of Tarrant County and impose a lien on the property on which the work was performed, in order to recover its costs and interest thereon until paid.
- (h) Notwithstanding the provisions of this section, if the city's animal control officer or police officer determines that a bee colony poses an imminent threat to public health and safety, the city may take such action as may be necessary or appropriate to remove or abate the threat, including, but not limited to the destruction of the bee colony and the removal beehive(s). In such circumstances, the removal or destruction of a bee colony or beehive need not be preceded by written notice.

(Ord. No. 2024-002, § II, 2-12-2024)

Sec. 6-25. Criminal enforcement.

- (a) Any person company or association which shall violate any provision of this article shall be guilty of a class C misdemeanor and on conviction may be punished by a fine in accordance with the general penalty provision found in section 1-7 of this Code. Each day that the violation continues shall constitute a separate offense and shall be treated accordingly.
- (b) A beekeeper as well as the owner or person in control of real property on which an apiary, beehive or bee colony is placed, are each responsible for compliance with the provisions of this article and each may be charged with any violation hereof.

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- (c) A violation of section 6-19 of this article is a strict liability offense; knowledge or intent need not be alleged or proven in the prosecution of an offense.
 - (d) The remedies provided in this section are cumulative of all other remedies, including, but not limited to those specified in section 16-24 of this article and under state law, and each may be enforced individually or in combination.

(Ord. No. 2024-002, § II, 2-12-2024)

Secs. 6-26—6-33. Reserved.

ARTICLE III. DOGS AND CATS³

DIVISION 1. GENERALLY

Sec. 6-34. Violation notice.

- (a) *Issuance; contents.* When violations of the licensing, rabies vaccination, or animal at large requirements of this chapter are observed by any animal control officer or police officer, the officer may issue a violation notice in lieu of a citation. The violation notice will stipulate a compliance date and an 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 contest such violation and waives all rights to a hearing on the issues relating to that violation. Failure to pay associated fees and/or late fees by the compliance date shall constitute a violation of this chapter.
- (b) *Fees.* Provided for in the fee schedule found in chapter 12.

(Code 2001, § 2.208; Code 2010, § 2.02.001)

Sec. 6-35. LOOSE ANIMALS.

- (a) An owner commits an offense if the owner fails to restrain the animal, at all times:
 - (1) in a fenced yard;
 - (2) in an enclosed pen;
 - (3) in a structure; or
 - (4) by a tethering device, but only if the animal is in the owner's immediate possession and accompanied by the animal's owner, and, if the animal is a dog, the owner complies with the requirements in Section (Tethering dog section) of this chapter.
- (b) An owner commits an offense if the owner restrains a domestic animal without providing the domestic animal access, at all times, to potable water and shelter which protects the domestic animal from direct sunlight, standing water, and extreme weather conditions, including conditions in which:

³State law reference(s)—Authority to restrain and impound dogs and cats, V.T.C.A., Health and Safety Code § 826.033.

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- (1) the actual or effective outdoor temperature is below 32 degrees Fahrenheit;
 - (2) a heat advisory has been issued by a local or state authority or jurisdiction; or
 - (3) a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.
- (c) It is a defense to prosecution under Subsection (a) that the animal was:
- (1) a dog in an off-leash site (Dog Park)
 - (2) a feral cat participating in a trap, neuter, and return program approved by the director.
- (d) It is a defense to prosecution under Subsection (b) that:
- (1) the domestic animal was a dog;
 - (2) the dog was restrained by a tethering device while in the owner's immediate possession and accompanied by the dog's owner; and

Sec. 6-36. Confinement of unspayed females during estrus.

Any unspayed female dog or cat in the state of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure and said area of enclosure shall be so constructed that no other dog or cat may gain access to the confined animal. Owners who do not comply shall be ordered to remove the animal in heat to a boarding kennel, veterinary hospital or animal shelter. 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 control officer shall be a violation of this section as prescribed in this article.

(Code 2001, § 2.206; Code 2010, § 2.02.003)

Sec. 6-37. Multiple pet ownership permit.

- (a) *Limit on number of dogs and cats.* No person shall keep or harbor more than three dogs and two cats, or three cats and two dogs. Puppies and kittens under four months of age shall not be counted for purposes of this article.
- (b) *Permit required.* Any person, firm, or corporation wishing to keep more than three dogs and two cats or three cats and two dogs and who does not possess a kennel permit may procure a multiple pet ownership permit from the city. The permit, once issued, shall be a defense to the terms of this article.
- (c) *Issuance; duration; fee.* Such permit shall be issued through the office of permits for a fee as provided for in the fee schedule found in chapter 12, and shall be valid for one year from date of issuance.
- (d) *Revocation.* Such permit contemplated by this article may be revoked by the chief of police if:
 - (1) The facilities, upon inspection, show that they are inadequate for the number of animals sought to be kept:
 - a. Facilities shall be of sufficient size as to allow the animal to move about freely. This shall apply to each animal kept. Size of the facility shall be in proportion to the size of each individual animal's height and weight;

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- b. Adequate food and water must be provided so that each animal kept shall be maintained in good health and free of malnutrition and/or dehydration;
 - c. The premises shall be maintained in a sanitary condition and reasonably free from animal waste, parasites, insects and flies that could be harmful to the animal's health and/or to the health of the general public;
 - d. The premises must provide adequate protection from the common elements, i.e., rain, heat, and cold;
- (2) The animals kept are causing a stench or odor which is offensive to a person of ordinary sensibilities;
 - (3) The animals are maintained in a manner which is dangerous to the health of the animals themselves or adjacent animals; or
 - (4) The animals are causing noise which is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent, or neighboring premises.
- (e) *Consultation prior to revocation.* Prior to revoking this permit, the chief of police, or his assigned agent, shall consult with a doctor of veterinary medicine and/or a representative from the department of state health services.

(Code 2001, § 2.304; Code 2010, § 2.02.004)

Secs. 6-38—6-62. Reserved.

DIVISION 2. IMPOUNDMENT

Sec. 6-63. Authorized.

Animals owned or harbored in violation of this chapter or any other ordinance or law of the state may be taken into custody by an animal control officer or other designated official and impounded. A suitable animal shelter shall be provided by the impounding agency for the purpose of boarding and caring for any animal impounded under the provisions of this chapter.

(Code 2001, § 2.201; Code 2010, § 2.02.031)

Sec. 6-64. Redemption of animal by owner; disposition of unredeemed animals.

If the owner of an impounded animal can be determined, oral notification of the impoundment followed by written notification sent to the owner's last known address by regular mail shall be provided to said owner immediately. The owner of the impounded animal may redeem and recover the animal upon payment of the impoundment fee, reasonable care and feeding charges, veterinary fees, rabies vaccination fees, and such other costs as determined by the animal control officer in the city police department. If such animal is not redeemed and recovered **within three calendar days** after initial notification (written or oral) to the owner, the animal shall be deemed abandoned and may be placed for adoption, subject to the adoption policies of the city, or the animal control officer may humanely euthanize said animal by injection or other means. If the animal is not redeemed and

recovered by the original owner, the original owner shall be responsible for all charges (including euthanasia) even though the animal may have been adopted or euthanized.

(Code 2001, § 2.202; Code 2010, § 2.02.032)

Sec. 6-65. Disposition of animal being held on complaint.

If a complaint has been filed in municipal court for the city against the owner of an impounded animal for a violation of this chapter, the animal shall not be released except on the order of the court, which may also direct the owner to pay any penalties for violation of this chapter in addition to all impoundment fees. Surrender of an animal by the owner thereof to the animal control 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 chapter.

(Code 2001, § 2.203; Code 2010, § 2.02.033)

Sec. 6-66. Unauthorized removal 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, without the consent of the impounding agency.

(Code 2001, § 2.204; Code 2010, § 2.02.034)

Sec. 6-67. Fees.

- (a) Fees are provided for in the fee schedule found in chapter 12.
- (b) A dog or cat bearing a current license tag and impounded for the first time is eligible for a 50 percent reduction in the impoundment fee. (Change to reflect no city registration, but for microchipping)
- (c) When an unaltered animal has been impounded, a \$15.00 refund will be provided to the owner in the event that written evidence that the animal has been altered is presented to the city within 30 days of the initial impoundment.

(Code 2001, § 2.207; Code 2010, § 2.02.035)

Secs. 6-68—6-82. Reserved.

DIVISION 3. LICENSE⁴

Sec. 6-83. Issuance requirements.

All dogs and cats four months of age or older which are kept, harbored, or maintained within the corporate limits of the city shall be licensed. Cat and dog licenses shall be issued by the animal control officer or his agents upon payment of the required fee for each cat or dog. The license fee for cats and dogs shall be as set forth in the fee schedule found in chapter 12. Before a city license will be issued, the owner of the cat or dog must present a certificate from a licensed veterinarian showing that said cat or dog has been vaccinated in accordance with the requirements of section 6-135, as now or hereafter amended. If the veterinarian is unable to verify the same, or if

⁴State law reference(s)—Registration of dogs and cats, V.T.C.A., Health and Safety Code § 826.031 et seq.

such prior vaccination is now undocumented, the owner shall sign an affidavit stating the veterinarian or clinic, the address, the date and the owner of the animal at the time the vaccination occurred. The owner shall state his name and address and the breed, color, and sex of the cat or dog to be licensed. Said license shall be valid for one year from the date of issuance.

(Code 2001, § 2.601; Code 2010, § 2.05.001)

Sec. _____.Microchipping of Dogs and Cats

- (a) An owner of a dog or cat commits an offense if the dog or cat does not have a microchip.
- (b) It is a defense to prosecution under Subsection (a) that:
 - (1) the dog or cat was under four months of age;
 - (2) the dog or cat was being held for adoption by animal services or an animal welfare organization;
 - (3) the owner of the dog or cat has resided in the city for fewer than 30 days;
 - (4) the dog or cat qualifies for a medical exception from a licensed veterinarian;
 - (5) the dog or cat owner is not a resident of the city and is staying in the city for fewer than 60 days; or
 - (6) The person charged produces to the court proof of a registered microchip showing the dog or cat was implanted with a microchip at the time the citation was issued or not later than 20 days after the citation was issued.
- (c) The owner of a dog or cat shall maintain his or her current contact information with a microchip registration company.
 - (1) If the owner's contact information changes, the owner shall update the microchip registration company not later than 30 days after the change in the contact information.
 - (2) If the ownership of a dog or cat changes, the new owner shall provide the microchip registration company with his or her contact information not later than 30 days after the change in ownership.
 - (3) It is a defense to prosecution under this subsection that the person charged produces to the court proof that the contact information was current and the correct owner was listed at the time the citation was issued, or the contact information was corrected and made current not later than 20 days after the citation was issued.

Sec. 6-86. Fees.

Fees are provided for in the fee schedule found in chapter 12.

(Code 2001, § 2.604; Code 2010, § 2.04.004)

Secs. 6-87—6-100. Reserved.

DIVISION 4. KENNELS

Sec. 6-101. Permit required; distance of kennels from residences.

A kennel is defined as any premises designed or used for the boarding, selling or breeding of animals where more than three dogs and two cats or three cats and two dogs are to be boarded, sold, or bred. A kennel shall not be allowed until a kennel permit is issued by the city. The chief of police shall determine, after inspection, whether

or not such permit shall be issued. No permit shall be issued for a kennel to operate within 1,000 feet of any residence. Grooming parlors where no animals are to be kept overnight and veterinarian clinics shall not be considered kennels, nor subject to this article.

(Code 2001, § 2.301; Code 2010, § 2.03.001)

Sec. 6-102. Duration of permit; fee.

Such permits shall be valid from the date of issuance until December 31 of the year for which such permit was issued. The permit fee shall be an amount as set forth in the fee schedule in appendix A of this Code.

(Code 2001, § 2.302; Code 2010, § 2.03.002)

Sec. 6-103. Suspension or revocation of permit.

Any kennel permitted under this article found to be in violation of any zoning law, health law, or any other applicable law of the city or of the state, or that is maintained in such manner as to be detrimental to the health, safety, or peace of mind of persons residing in the immediate vicinity, may have its kennel permit suspended or revoked without prior notice by the chief of police.

(Code 2001, § 2.303; Code 2010, § 2.03.003)

Secs. 6-104—6-134. Reserved.

DIVISION 5. RABIES VACCINATION⁵

Sec. 6-135. Required.

Every owner of a dog or cat four months of age or older shall have such animal vaccinated against rabies by a licensed veterinarian. The animal must receive a booster vaccination within the 12-month interval following the initial vaccination. The owner shall then have the option of continuing the yearly vaccination or having the animal vaccinated every three years. Any person establishing residence within the city shall comply with this requirement within ten days of establishing such residence. 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 after a ten day observation period beginning with the date of the bite, scratch, or attack.

(Code 2001, § 2.501; Code 2010, § 2.04.001)

Sec. 6-136. Certificate.

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 a certificate shall contain the following information:

- (1) The name, address, and telephone number of the owner of the vaccinated animal;

⁵State law reference(s)—Rabies vaccinations, V.T.C.A., Health and Safety Code § 826.021 et seq.

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- (2) Identifying information of the animal, including species, sex (including neutered if applicable), approximate age (three months to 12 months, 12 months or older), size (pounds), predominant breed, and colors;
 - (3) The vaccine used, producer, expiration date, and serial number;
 - (4) The date of vaccination;
 - (5) The date in which the vaccination expires (revaccination due date);
 - (6) The rabies tag number if a tag is issued; and
 - (7) The veterinarian's signature or signature stamp and license number.

(Code 2001, § 2.502; Code 2010, § 2.04.002)

Sec. 6-137. 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.

(Code 2001, § 2.503; Code 2010, § 2.04.003)

Secs. 6-138—6-157. Reserved.

DIVISION 6. GUARD DOGS⁶

Sec. 6-158. Definitions.

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

Anti-escape means any housing, fencing, or device which the guard dog cannot go over, under, through or around.

Commercial property means:

- (1) A portion of land and/or buildings zoned for or utilized for commercial business uses in the city, including temporary sites.
- (2) Any vehicle utilized for commercial business purposes in the city.

Guard dog means any dog that is utilized to protect commercial property, as defined in this section.

Handler means a person who is responsible for and capable of controlling the operation of a guard dog.

Housing means any location where the guard dog is kept when not utilized for protection purposes.

(Code 2001, § 2.801; Code 2010, § 2.08.001)

⁶State law reference(s)—Private Security Act, V.T.C.A., Occupations Code ch. 1702; licensing and duties of guard dog companies, V.T.C.A., Occupations Code § 1702.109 et seq.; qualifications for guard dog company license, V.T.C.A., Occupations Code § 1702.116.

Sec. 6-159. Permit.

- (a) A separate guard dog permit application must be made for each dog on commercial property where guard dogs are to be used or where dogs are to be kept, boarded, bred, sold, let for hire, or trained for a fee for guard dog purposes. Procedures for permit application, for inspection of guard dog facilities, and for issuance of dog identification tags will be established by the chief of police. Permits for both permanent and temporary locations may be transferred to a new location operated by the same business firm during the permit year. However, such transfers shall not be effective until an animal control officer has inspected and approved the required facilities at the new location and the information required in subsection (c) of this section for permit applications has been recorded.
- (b) Advance notification of three working days to the chief of police shall be required for permit transfers.
- (c) Guard dog permit applications shall include the following information:
 - (1) The business name, address and telephone number of the commercial property where guard dogs are to be used;
 - (2) The name, address and telephone number of the dog's handler who can be reached at any time during the day or night;
 - (3) The number of dogs to be used and a general description of their use;
 - (4) The location where dogs are to be housed; and
 - (5) Any other information that the chief of police reasonably deems necessary for the enforcement and administration of this article. Permit holders shall immediately notify the chief of police if any information recorded as part of the permit application is changed during the course of the period for which the permit is issued.
- (d) An animal control officer shall inspect the facilities where the guard dog is to be used and housed at the time the guard dog permit is applied for and when it is renewed.
- (e) If the inspection reveals that the requirements of this article are met, a permit fee established by resolution of the city council for each approved commercial property shall be paid to the city and a special guard dog identification tag shall be issued by the animal control officer. The permit shall be displayed at the approved commercial property and an identification tag shall be affixed to the collar for each dog used. Nothing in this article shall exempt guard dogs from any of the other provisions of this chapter.
- (f) Each permit shall be valid from the date of issuance until December 31 of the year for which the permit was issued. The renewal fee shall be established by resolution of the city council.
- (g) Each permit must be obtained prior to housing or utilizing guard dogs at the commercial property.
- (h) Each dog covered by this article shall be issued a tag varying in color from the standard city license tag. Said tag shall be attached to the collar or harness of the dog at all times and shall bear the words "Guard Dog" or "Attack Dog."
- (i) The area of premises in which such dog is confined shall be conspicuously posted with warning signs bearing letters not less than two inches in height, stating "Guard Dog on Premises."

(Code 2001, § 2.802; Code 2010, § 2.08.002)

Sec. 6-160. Exceptions.

Dogs which are used to protect the property of their owner's private residence shall be excluded from the provisions of this article unless said residence is located on premises utilized for commercial purposes.

(Code 2001, § 2.803; Code 2010, § 2.08.003)

Sec. 6-161. Prohibited in public places; vicious dogs.

It shall be unlawful for any owner or person in control of any guard dog to keep or permit the same in or about any public house, public place, street, or alley. The chief of police shall have the authority to revoke the dog license of an owner of a dog which is determined to be vicious, in accordance with the provisions of this Code.

(Code 2001, § 2.804; Code 2010, § 2.08.004)

Secs. 6-162—6-190. Reserved.

DIVISION 7. DANGEROUS DOGS⁷

Sec. 6-191. Registration requirements.

It shall be unlawful for any person to own, keep, harbor, or in any way possess a dangerous dog within the city, unless such dog is properly registered with the city, the registration fees paid, and said dangerous dog maintained within the city in accordance with the requirements of this article.

(Code 2001, § 2.1401; Code 2010, § 2.09.001)

Sec. 6-192. Definitions.

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

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

Dog means a domesticated animal that is a member of the canine family.

Owner means any person who owns, harbors or keeps, who causes or permits to be harbored or kept, or who has custody or control of, an animal, or who permits an animal to remain on or about their premises. (Should have already been changed with Attorney Berman)

Secure enclosure means a fenced area or structure that is:

⁷State law reference(s)—Dangerous dogs, V.T.C.A., Health and Safety Code § 822.041 et seq.; local regulation of dangerous dogs, V.T.C.A., Health and Safety Code § 822.047.

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- (1) Locked;
 - (2) Capable of preventing the entry of the general public, including children;
 - (3) Capable of preventing the escape or release of a dog;
 - (4) Clearly marked as containing a dangerous dog; and
 - (5) In conformance with the requirements for enclosures established in section 6-196 of this article.

(Code 2001, § 2.1402; Code 2010, § 2.09.002)

State law reference(s)—Similar provisions, V.T.C.A., Health and Safety Code § 822.041.

Sec. 6-193. Compliance.

It shall be unlawful for any person to own, keep, harbor, or in any way possess a dangerous dog within the city without complying with the following standards and requirements.

(Code 2001, § 2.1403; Code 2010, § 2.09.003)

Sec. 6-194. Determination that dog is dangerous.

- (a) **Not later than the 30th day after a person learns that he is the owner of a dangerous dog, the person shall register the dangerous dog with the city police department. The city police department shall annually register a dangerous dog if the owner (Should have already been changed with Attorney Berman)**
 - (1) Presents proof of:
 - a. Liability insurance or financial responsibility, as required by section 6-199;
 - b. Current rabies vaccination of the dangerous dog; and
 - c. The availability of the secure enclosure in which the dangerous dog will be kept;
 - (2) Pays the initial registration and permit fees provided for in the fee schedule found in chapter 12 per dangerous dog. For every year thereafter, an owner of a registered dangerous dog must also pay a fee as provided for in the fee schedule found in chapter 12 to the city for the city to verify and ensure compliance with the standards and requirements of this article. This amount is payable on the anniversary date of the initial registration of the dangerous dog; and
 - (3) Complies with on-site inspections by the animal control officer of the city police department, which shall be conducted every 180 days to insure compliance with the standards and requirements of this article and shall include a canvass of the residences within 250 feet of the subject property in order to determine the occurrence of any incidents or attacks relating to the dangerous dog.
- (b) The city police department shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar, which shall remain on the animal at all times.
- (c)
 - (1) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the city police department of the new address. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee as provided for in chapter 12, the city police department shall issue a new registration tag to be placed on the dangerous dog's collar.
 - (2) If an owner of a dangerous dog sells or otherwise gives up possession of the dog, then both the previous owner and the new owner must each present a letter signed by both parties acknowledging

that the city police department has identified the dog in question as a dangerous dog and notify the city police department of the new address of the dangerous dog. The letter must be delivered to the animal control division of the city police department not later than ten days after the sale or transfer.

- (3) For purposes of this article, a person learns that the person is the owner of a dangerous dog when:
- a. The owner knows of an attack described in section 6-192.
 - b. The owner is informed by the city police department.
- (d) If a person reports an incident described by section 6-192, the city police department animal control officer shall investigate the incident. If, after receiving the sworn statements of any witnesses, the city police department determines the dog is a dangerous dog, it shall notify the owner of that fact by certified mail, return receipt requested, or hand delivered by a member of the city police department. The notice is deemed received ten days after it is placed in a United States Postal Service receptacle.
- (e) An owner, not later than the 15th day after the date the owner is notified that the dog is a dangerous dog, may appeal the determination to the municipal court for the city, or to a justice or county court of competent jurisdiction. To file an appeal, the owner must file a notice of appeal with the court, attach a copy of the determination, and serve a copy of the notice of appeal on the city police department by mailing the notice through the United States Postal Service. An appeal of the decision of the court may be taken in accordance with state law. (Should have already been changed with Attorney Berman)
- (f) (1) If the court determines that the dog is a dangerous dog, the court shall order the animal control officer to continue to impound the dangerous dog in secure and humane conditions until such time as the court orders disposition of the dog and the dog is returned to the owner, the court orders disposition of the dog and the dog is thereby humanely destroyed, or the dog is deceased.
- (2) The court shall order the animal control officer to humanely destroy the dog if the court determines after notice and hearing that the owner has not complied with the requirements of this article. The court shall order the animal control officer to return the dog to the owner if the court determines the owner has fully complied with this article either after a hearing or without a hearing based on the recommendation of the animal control officer that the owner has complied with the requirements of this article.

(Code 2001, § 2.1404; Code 2010, § 2.09.004)

Sec. 6-195. Leash, muzzle, microchip, and spay or neutering requirements.

- (a) No person shall permit a dangerous dog to go outside its kennel or pen unless such dog is securely leashed with a leash no more than six feet in length and with a minimum tensile strength of 1,000 pounds. No person shall permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs shall not be leashed to inanimate objects, including but not limited to trees, posts, fences, traffic-control devices, or buildings.
- (b) The dangerous dog shall be secured with a muzzle in a manner that will not cause injury to the dog nor interfere with its vision or respiration but shall prevent it from biting any person or animal when the dangerous dog is taken off the property of the owner for any reason.
- (c) The owner of a dangerous dog shall cause the dangerous dog to be spayed or neutered as a precondition of registration, and not more than 30 days after the person learns that he is the owner of a dangerous dog. The owner of the dangerous dog shall certify in writing to the city animal control officer that such spaying or neutering has been accomplished not later than ten days after the spaying or neutering procedure. (Should have already been changed with Attorney Berman)

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- (d) It shall be the duty of the owner of a dangerous dog to present the animal to the city animal control officer immediately after the owner learns that he is the owner of a dangerous dog, if the dog is not already in the custody of the animal control officer. The animal control officer shall implant a microchip identification device on the dangerous dog. The dog's microchip shall be registered with a national registry. The cost of the service shall be at the owner's expense as listed in the fee schedule in chapter 12.

(Code 2001, § 2.1405; Code 2010, § 2.09.005)

Sec. 6-196. Confinement generally.

All registered dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided herein. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered dangerous dogs must be locked with a key or a combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet. The enclosure shall be posted with signs on all sides in four-inch letters stating "Beware of Dangerous Dog" and shall include a symbol indicating the presence of a dangerous dog which is readily understandable by young children. All structures that are erected to house dangerous dogs must comply with all zoning and building regulations of the city following personal inspection by the director of public works or his designee. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(Code 2001, § 2.1406; Code 2010, § 2.09.006)

Sec. 6-197. Confinement indoors.

No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no dangerous dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(Code 2001, § 2.1407; Code 2010, § 2.09.007)

Sec. 6-198. Warning signs.

All owners of dangerous dogs within the city shall display in a prominent place (visible from the street area in front of the residence or property) on their premises a warning sign bearing letters not less than four inches in height stating "Beware of Dangerous Dog" and shall include a symbol indicating the presence of a dangerous dog which is readily understandable by young children. In addition, a similar sign shall be posted on the kennel or pen where the dangerous dog is kept.

(Code 2001, § 2.1408; Code 2010, § 2.09.008)

Sec. 6-199. Insurance.

All owners of dangerous dogs shall provide proof to the city of liability insurance in a single-incident amount of \$100,000.00 for bodily injury or death of any person, or for damage to property owned by any person which may result from the ownership of such animal.

(Code 2001, § 2.1409; Code 2010, § 2.09.009)

State law reference(s)—Similar provisions, V.T.C.A., Health and Safety Code § 822.042(a)(3).

Sec. 6-200. Identification photographs.

All owners of registered dangerous dogs shall provide to the city two color photographs of the animal in two different poses showing the color and approximate size of the animal.

(Code 2001, § 2.1410; Code 2010, § 2.09.010)

Sec. 6-201. Reporting requirements.

All owners of registered dangerous dogs shall, within ten days of an incident, report the following information, in writing, to the city:

- (1) Removal from the city or death of said dog;
- (2) Birth of offspring;
- (3) New address if the owner moves within the city; or
- (4) Any act of vicious behavior by the dangerous dog.

(Code 2001, § 2.1411; Code 2010, § 2.09.011)

Sec. 6-202. Attack by dangerous dog.

- (a) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person, animal or fowl outside the dog's enclosure and causes bodily injury to the other person.
- (b) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person, animal or fowl outside the dog's enclosure and causes bodily injury to the other person, animal or fowl.
- (c) An offense under this article is a class C misdemeanor unless the attack causes serious bodily injury, in which case the offense is a third degree felony, or if the attack causes death, in which case the offense is a second degree felony, consistent with V.T.C.A., Health and Safety Code § 822.005.
- (d) If a person is found guilty of an offense under this article, the court may order the dangerous dog destroyed by a person authorized under V.T.C.A., Health and Safety Code § 822.004.

(Code 2001, § 2.1412; Code 2010, § 2.09.012)

State law reference(s)—Similar provisions, V.T.C.A., Health and Safety Code § 822.044.

Sec. 6-203. Offenses.

- (a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with section 6-193.
- (b) An offense under section 6-193, unless otherwise provided, is an offense.

(Code 2001, § 2.1413; Code 2010, § 2.09.013)

Sec. 6-204. Defenses.

- (a) It is a defense to prosecution under section 6-202 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 dog in connection with that position.
- (b) It is a defense to prosecution under section 6-202 that the person is an employee of the institutional division of the state 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 6-202 that the person is a dog trainer or an employee of a guard dog company under the Private Investigators and Private Security Agencies Act (V.T.C.A., Occupations Code ch. 1702).

(Code 2001, § 2.1414; Code 2010, § 2.09.014)

Secs. 6-205—6-231. Reserved.

ARTICLE IV. RABIES REPORTS AND QUARANTINE⁸

Sec. _____. QUARANTINE.

(a) Definition.

Quarantine means the strict confinement of an animal under order of the Director of Animal Services or their designee, either:

on the private premises of the owner or at a facility approved by the Director or designee; and

restrained in a closed cage, paddock, secure enclosure, or other manner approved by the animal care and control authority.

The quarantine period for a dog, cat, or domestic ferret following rabies exposure shall be ten (10) days from the date of exposure, or as otherwise recommended by the regional veterinarian of the Texas Department of Health.

(b) Authority.

The Director is authorized to order an animal quarantined in accordance with Chapter 826, Texas Health and Safety Code, and applicable rules adopted by the Texas Board of Health.

(c) Reporting Requirement.

Any person with knowledge of a likely rabies exposure to a human must report the incident to the Director as soon as possible, except in cases involving low-risk animals as defined in 25 TAC §169.22.

(d) Owner Responsibility.

An owner of an animal commits an offense if, after notification by the Director that the animal has bitten, scratched, or likely exposed a person to rabies, the owner fails to:

surrender the animal to the Director for quarantine at the city animal shelter;

⁸State law reference(s)—Rabies reports and quarantine, V.T.C.A., Health and Safety Code § 826.041 et seq.

deliver the animal to a veterinary clinic approved by the Director for quarantine at the owner's expense; or quarantine the animal on the owner's property in a secure enclosure approved by the Director.

Sec. 6-232. Reports of animal bites.

Every physician or other medical practitioner who treats a person for any animal bite shall within 12 hours report such treatment to the city police department or animal control officer, giving the name, age, sex, and precise location of the bitten person and such other information as the officer or agency may require.

(Code 2001, § 2.605; Code 2010, § 2.06.001)

Sec. 6-233. Reports of 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 city police department or animal control officer, stating precisely where such animal may be found. If a known or suspected rabid animal bites or scratches a domestic animal, such incident shall also be reported as required above.

(Code 2001, § 2.606; Code 2010, § 2.06.002)

Sec. _____. QUARANTINE; CRIMINAL PENALTY.

(a) A person commits an offense if the person fails or refuses to quarantine or present for quarantine or testing an animal that:

is required to be placed in quarantine or presented for testing under Section 826.042, Texas Health and Safety Code, and department rules; or

is required to be placed in quarantine under ordinances or rules adopted by the city pursuant to Chapter 826.

(b) An offense under this section is a Class C misdemeanor.

Sec. _____. Disposition of wild animals.

Any wild animal that has bitten a person shall be captured and humanely euthanized, and the brain shall be immediately submitted to a qualified laboratory for rabies testing. The cost of such examination shall be borne by the city.

(Code 2001, § 2.607; Code 2010, § 2.06.003)

Sec. 6-263. Complaints.

In the event that the animal control officer of the police department of the city receives a complaint concerning an animal which has bitten a human being or attacked and killed another animal, a sworn complaint must be submitted with the following information:

- (1) The name, address and telephone number of the complainant and any other witnesses to the incident;
- (2) The date, time and location of the incident;

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- (3) The description of the animal;
 - (4) The name, address and telephone number of the animal or owner;
 - (5) A statement that the animal attacked and/or killed another animal;
 - (6) A statement that the animal attacked and/or bit another human being;
 - (7) A statement that the animal has exhibited vicious propensities in past conduct; and
 - (8) Any other facts and circumstances relevant to the reported incident.

(Code 2001, § 2.702; Code 2010, § 2.06.002)

ARTICLE VI. ANIMAL CARE

Sec. 6-290. Definitions.

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

Direct physical control means within the owner's observation and in such close proximity as to permit the owner reasonable opportunity to control the animal, should it become necessary to do so in order to protect the animal, a human or another animal from harm. (Needs to say restrained, not in owner observation)

Dog tethering means using a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system.

Properly fitted means a restraint that measures the circumference of a dog's neck plus a minimum of one inch additional length. With respect to a harness, properly fitted means a restraint that is of an adequate size, design, and construction as to be appropriate for the dog's size and weight.

(Code 2001, § 2.1101; Code 2010, § 2.10.001)

Sec. 6-291. Humane treatment required; abandonment; cruelty.

- (a) No owner shall fail to provide his animal with veterinary care when needed to prevent suffering.
- (b) No person shall beat, cruelly treat, torment, mentally abuse, overload, overwork, or abuse an animal, or cause, instigate, or permit any bullfight, or other combat between animals or between animals and humans.
- (c) Every owner or other person having care and control of any animal shall provide the following for each animal under his care and control:
 - (1) Sufficient food, in clean containers, as to maintain the animal in good health;
 - (2) Clean water, in a clean container, available to the animal at all times;
 - (3) Adequate shelter, An owner of a dog commits an offense if the fenced yard, or other outdoor pen or structure, used as the primary living area for the dog, or as an area where the dog regularly eats, sleeps, drinks, or eliminates, does not meet all of the following requirements:
 1. The area must be designed, constructed, and composed of materials sufficient to prevent the dog's escape;

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2. The area must provide the dog access to a doghouse, building, or shelter that meets the requirements of subsection (b); and
 3. The area must allow the dog to remain dry and protected from the elements, including wind, precipitation, and direct sunlight.

(b) **Doghouse, Building, or Shelter.** A doghouse or other building or shelter for a dog must:

1. Have a weatherproof top, bottom, and sides, consisting of at least three closed walls and a roof;
2. Have an opening on no more than one side that allows the dog to remain dry and provides adequate shade during daylight hours to prevent overheating or discomfort;
3. Have a floor that is level, dry, and elevated or constructed to keep the dog out of water or mud in wet conditions;
4. Be free from cracks, depressions, and rough areas that might harbor insects, parasites, or other pests;
5. Be of adequate size to allow the dog to stand erect with the head up, turn around easily, and sit or lie down in a comfortable, normal position;
6. Contain sufficient clean and dry bedding material or other means of protection from the weather to allow the dog to retain body heat in cold conditions suitable for the breed and condition;
7. Provide a suitable means for the prompt elimination of excess liquid;
8. Be structurally sound, maintained in good repair, and constructed of materials that protect the dog from injury; and
9. Allow the dog easy access in and out.

- (d) No person shall donate or agree to donate any live animal as a prize for or as an inducement to enter any contest, game, or other competition or an inducement to enter a place of business, or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (e) 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 or incident to the city police department or to the local humane society.
- (f) No person shall expose any known poisonous substance, whether mixed with food or not, so that same shall be liable to be eaten by any domestic animal or person. This section is not intended to prohibit the prudent use of herbicides, insecticides, or rodent control materials. No person shall expose an open trap or metal jaw type device or trap that shall be liable to injure any domestic animal or person.
- (g) A person commits an offense if the person intentionally, knowingly, or recklessly fails to comply with any provision or requirement of this section. An offense under this section is punishable by a fine in accordance with section 1-7. 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.

(Code 2001, § 2.1102; Code 2010, § 2.10.002; Ord. No. 1582, § I, 1-26-2015; Ord. No. 1583, § I, 2-23-2015)

Sec. 6-292. Unlawful restraint of dogs.

- (a) It shall be unlawful for a person to use a chain, rope, tether, leash, cable or other device to attach a dog to a stationary object or trolley system.

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- (b) It is an affirmative defense to a violation of subsection (a) of this section that the dog tethering:
- (1) Is during a lawful animal event, veterinary treatment, grooming, training or law enforcement activity;
 - (2) Is required to protect the safety or welfare of a person or the dog, and the dog's owner maintains direct physical control of the dog; or
 - (3) Occurs on the owner's premises:
 - a. While the dog is within the owner's direct and immediate physical control; and
 - b. Prevents the dog from advancing within 15 feet of the edge of any public street.
- (c) The affirmative defenses provided in subsection (b) of this section are only available if the following specifications are met:
- (1) The chain, rope, tether, leash, cable, or other device is attached to a properly fitted collar or harness worn by the dog;
 - (2) The chain, rope, tether, leash, cable, or other device is not placed directly around the dog's neck;
 - (3) The chain, rope, tether, leash, cable, or other device does not exceed 1/20 of the dog's body weight;
 - (4) The chain, rope, tether, leash, cable, or other device, by design and placement, allows the dog a reasonable and unobstructed range of motion without entanglement; and
 - (5) The dog has access to adequate shelter and clean and wholesome water.
- (d) A person commits an offense if the person intentionally, knowingly, or recklessly fails to comply with any provision or requirement of this section. An offense under this section is punishable by a fine in accordance with section 1-7. If a person fails to comply with this section with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense.
- (e) This section does not prohibit a person from walking a dog with a hand-held leash.
- (Code 2001, § 2.1103; Code 2010, § 2.10.003)

Sec. 6-293. Trap-neuter-vaccinate-return program.

- (a) Trap-neuter-vaccinate-return ("TNVR") for feral cat colonies in the city is the preferred method for controlling the population of feral or community cats. The city's animal services department and animal control officers shall prioritize trap-neuter-vaccinate-return program as the preferred outcome for feral cat populations.
- (b) The trapping of feral cats is permitted only for the purpose of the TNVR program unless a feral cat is injured and veterinary care is required. Persons may trap feral cats and transport the cat to a licensed veterinarian. The cat shall be sterilized or neutered, marked, whether by notching or tipping one ear or otherwise, and vaccinated by a licensed veterinarian. The person may then release the cat on the property on which it was trapped.
- (c) Persons participating in the city's TNVR Program may act as a community caregiver for feral cat colonies. Community caregivers shall be responsible for trapping and transporting the cats within the colony to a licensed veterinarian for sterilization or neutering, vaccination and marking, and for releasing the animal to the colony from which it was trapped.
- (d) It shall be a defense to prosecution under section 6-35 (running at large), section 6-36 (confinement of unspayed females) section 6-37 (multiple pet ownership), and section 6-83 (license; issuance requirements) of this chapter if the person is participating in the city's TNVR program and has provided notice to the city's animal control department of such participation.

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- (e) The TNVR program and the provisions of this section shall apply only to feral cats, defined herein as undomesticated cats that reside outdoors, and shall not apply to domesticated cats or any cat determined by an animal control officer of the city to be vicious or to have bitten, severely scratched or injured any person.

(Ord. No. 2024-016, § II, 6-10-2024)

Secs. 6-294—6-317. Reserved.

ARTICLE VII. LIVESTOCK AND FOWL⁹

DIVISION 1. GENERALLY

Sec. 6-318. Running at large; staking on unenclosed lot or public property.

- (a) It shall hereafter be unlawful for any person to allow or permit any cow, calf, steer, bull, bullock, heifer, sheep, goat, hog, horse, mare, colt, mule, or jennet owned or controlled by said person to run at large, or be in or upon any street or alley or in or upon any unenclosed vacant lot within the corporate limits of the city, or to stake out any of the animals above mentioned upon any unenclosed lot or any street or other public property in the city.
- (b) It is an affirmative defense to subsection (a) of this section that the animal is a miniature pig which meets with the requirements set forth in section 6-6(d).

(Code 2001, art. 2.1500; Code 2010, § 2.11.001)

Sec. 6-319. Breeding animals within public view.

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 public view.

(Code 2001, § 2.409; Code 2010, § 2.11.002)

Sec. 6-320. Location of pens and enclosures.

It shall be unlawful for any person to keep any horse, cow, cattle, sheep, or goat within 100 feet of another residence or occupied building, or any hog within 500 feet of another's residence or occupied building.

(Code 2001, § 2.410; Code 2010, § 2.11.003)

Secs. 6-321—6-343. Reserved.

DIVISION 2. IMPOUNDMENT¹⁰

⁹State law reference(s)—Livestock, V.T.C.A., Agriculture Code ch. 141.

¹⁰State law reference(s)—Estrays, V.T.C.A., Agriculture Code ch. 142.

Sec. 6-344. Impoundment authorized; filing of information.

- (a) It shall be the duty of the animal control officer, in absence of action by the county sheriff's office, to take up any and all estrays that may be found in and upon any street or alley or in or upon any unenclosed lot in the city, or otherwise to be found at large, and to confine such estrays for safekeeping. Upon impounding an estray, the animal control officer shall prepare a notice of estray and file such notice in the estray book located in the office of the animal control officer.
- (b) The notice of estray shall contain the following information:
 - (1) The name and address of the person who notified the animal control officer of the estray.
 - (2) The location of the estray when found.
 - (3) The location of the estray until disposition.
 - (4) A description of the animal including its breed, color, sex, age, size, all markings of any kind, and any other identifying characteristics.

(Code 2001, § 2.401; Code 2010, § 2.11.031)

Sec. 6-345. Notice of impoundment.

When an estray has been impounded, the animal control officer shall make a diligent search of the register of recorded brands in the county for the owner of the estray. If the search does not reveal the owner, the animal control officer shall advertise the impoundment of the estray in a newspaper of general circulation in the county at least twice during the next 15 days following impoundment and post a notice of the impoundment of the estray on the public notice board of the county sub-courthouse and of the city hall.

(Code 2001, § 2.402; Code 2010, § 2.11.032)

Sec. 6-346. Recovery by owner prior to sale.

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

- (1) The owner has provided the animal control officer with an affidavit of ownership of the estray containing at least the following information:
 - a. The name and address of the owner.
 - b. The date the owner discovered that the animal was estray.
 - c. The property from which the animal strayed.
 - 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 control officer has approved the affidavit.
- (3) The affidavit has been filed in the estray book.
- (4) The owner has paid all estray handling fees to those entitled to receive them.
- (5) The owner has executed an affidavit of receipt containing at least the following information:
 - a. The name and address of the person receiving the estray.
 - b. Date of receipt of the estray.

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- c. Method of claim to the estray (owner, purchaser at sale).
 - d. If purchased at sale, the amount of gross purchase price.
 - e. Amount of estray handling fees paid.
 - f. The net proceeds of the sale.

(6) The animal control officer has filed the affidavit of receipt in the estray book.

(Code 2001, § 2.403; Code 2010, § 2.11.033)

Sec. 6-347. Impoundment fees.

For each and every estray taken and impounded, there shall be paid to the city by the owner thereof or his agents the sum as provided for in the fee schedule found in chapter 12 for the taking and impounding of the estray and the further sum as provided for in the fee schedule found in chapter 12 per day, except for the first day and for every subsequent day that the animal shall remain in the custody of the animal control officer, such fee being charged for the care and feeding of such animal. The owner shall also pay for any veterinarian or drug fees incurred on behalf of the animal while it is in the custody of the city.

(Code 2001, § 2.404; Code 2010, § 2.11.034)

Sec. 6-348. Sale procedures; disposition of proceeds.

- (a) If the ownership of an estray is not determined within 14 days following the final advertisement required by this division, title to the estray rests in the city and the animal control officer shall then cause the estray to be sold at a public auction.
- (b) Title to the estray shall be deemed vested in the animal control officer for purposes of passing a good title, free and clear of all claims to the purchaser at the sale.
- (c) The purchaser of an estray at public auction may take possession of the animal upon payment thereof.
- (d) 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 control 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 control officer shall have the right to refuse all bids and arrange for another public auction or sealed bidding procedure.

(Code 2001, § 2.405; Code 2010, § 2.11.035)

Sec. 6-349. Recovery of sale proceeds by owner.

- (a) Within 12 months after the sale of an estray under the provisions of this division, 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 control officer with an affidavit of ownership;
 - (2) The animal control officer has approved the affidavit;

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- (3) The approved affidavit has been filed in the estray book.
- (b) After the expiration of 12 months from the sale of an estray as provided by this division, the sale proceeds shall escheat to the city.
- (Code 2001, § 2.406; Code 2010, § 2.11.036)

Sec. 6-350. Use of impounded animal.

During the periods of time an estray is held by one who impounded the estray, the estray may not be used by any person for any purpose.

(Code 2001, § 2.407; Code 2010, § 2.11.037)

Sec. 6-351. Death or escape of impounded animal.

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 control officer. The report shall be filed in the estray book.

(Code 2001, § 2.408; Code 2010, § 2.11.038)

Secs. 6-352—6-373. Reserved.

DIVISION 3. BACKYARD CHICKENS

Sec. 6-374. Definitions.

Backyard chicken means a female chicken (hen) which is possessed or harbored for providing organic egg production in compliance with this article.

Chicken coop means an enclosed structure which meets the construction standards set forth in section 6-377 ("Construction standards for chicken coops and exercise yards").

Exercise yard means the enclosure attached to the chicken coop that provides exercise for the backyard chickens and prohibits the backyard chickens from escaping such enclosure, which meets the construction standards set forth in section 6-377 ("Construction standards for chicken coops and exercise yards").

Prohibited fowl means roosters, chickens, turkeys, pheasants, quail, guineas, geese, ducks, pigeons, peacocks, emu, ostriches and other similar feathered animals regardless of age or sex which are kept on property within the city but which shall not include backyard chickens kept in accordance with this article.

(Ord. No. 1702, § I, 5-13-2019)

Sec. 6-375. Backyard chickens allowed; permits.

- (a) A person may harbor or possess no more than six backyard chickens on residential property or on property owned or leased by the city, a school, or an educational facility within the city after first having obtained a permit from the city for such location and payment of a nonrefundable application fee set forth in the fee schedule found in chapter 12.

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- (b) *Permit application.* A person who desires to harbor or possess backyard chickens on residential property within the city on which the person identifies as the person's primary residence shall:
- (1) Submit an application for a permit to animal services on a form provided by the city accompanied by a site plan showing the proposed location for the chicken coop on the property, and a floor plan and side elevations for the chicken coop to be located on the property. The site plan shall also include all property lines, building lines, yard setbacks, right-of-way, easements and/or other structures located on the property;
 - (2) Pay a nonrefundable registration fee in the amount set forth in the fee schedule found in chapter 12;
 - (3) If the applicant is a person other than the owner of the property on which the backyard chicken(s) will be kept, submit with the permit application written authorization from the property owner to keep backyard chickens on the property identified in the permit application, which authorization must bear the property owner's notarized signature;
 - (4) Successfully attend and complete an education program offered by the city for the keeping of backyard chickens and submit the certificate of completion of the program with the application for permit;
 - (5) The premises for which an application is submitted shall be inspected upon initial application to determine a backyard is large enough for the construction of a chicken coop and exercise yard that will meet the standards set forth in this article. Further, upon completion of the construction of the chicken coop, the structure shall be inspected again to ensure compliance with the requirements of this article.
- (c) Not more than one permit may be issued for an individual property, tract or residential lot.
- (d) The permit is non-transferable and shall be valid and effective until the permit holder no longer resides at the property for which the permit was issued, in the event the person ceases to harbor or keep backyard chickens on the property, or the permit is otherwise revoked pursuant to this article.
- (e) The permit shall not supersede, replace or control over any recorded deed restrictions, covenants or other restrictions applicable to such residential property.

(Ord. No. 1702, § I, 5-13-2019)

Sec. 6-376. Standards for keeping backyard chickens.

A person keeping backyard chickens on residential property or on property owned or leased by the city, a school district, an educational facility or non-profit organization within the city shall comply with the following:

- (a) Not more than six backyard chickens may be kept on an individual property, tract or residential lot;
- (b) Backyard chickens shall be kept within a secure chicken coop constructed with three or more sides with a roof or other cover capable of allowing the chickens within the coop to remain dry and protected from the elements and which provides for direct access by an enclosed passage between the roosting area and exercise yard. Backyard chickens shall be kept within the chicken coop and exercise yard except when being removed to be transported off the property, or returned from a location off the property; provided, however, during day light hours, backyard chickens, under the direct supervision and control of a responsible person, may be allowed to roam in the rear yard outside of the chicken coop and exercise yard if the entire rear yard is secured by an enclosed perimeter fence not less than four feet in height prior to allowing a permit for a backyard chicken coop;
- (c) No more than one chicken coop and one exercise yard shall be allowed on the property and must be located in the rear half of the lot; however, the use of a garage or indoor space may be used for extreme cold or brooding. The coop and exercise yard may not be located less than five feet from any property line or any other structure and must not be placed within any building line, yard setback,

right-of-way, and/or easement. The property plat and the zoning district regulations in section 115-62 of the city Code of Ordinances should be referenced when determining where these lines, setbacks and easements may exist during the initial inspection of the premises and prior to obtaining a permit under this article;

- (d) The rear yard of the residence or location must be properly fenced and not less than four feet in height prior to allowing a permit for a backyard chicken coop;
- (e) The height of the chicken coop shall not exceed the greater of eight feet or the lowest height of the existing fence enclosing the rear yard where the chicken coop is located, but in no case greater than eight feet in height, excluding the height of any structure being used to house or maintain the chicken coop;
- (f) The chicken coop shall provide at least five square feet of area per backyard chicken, but in no case, exceed a total of 80 square feet of area;
- (g) The exercise yard shall be not less than 15 square feet in area per backyard chicken not exceed a total of 120 square feet in area;
- (h) Chicken coops and exercise yards must be maintained in a sanitary condition and the accumulation of backyard chicken waste on the property is prohibited;
- (i) Adequate food, shelter, water, and care shall be provided in a humane manner to the backyard chicken(s);
- (j) All hay, grain and feed shall be enclosed in such a manner that the same is not accessible to rats, flies, mosquitos or other rodents and insects;
- (k) The feeding of vegetables, meat scraps and garbage shall be done only in impervious containers on an impervious platform;
- (l) Watering troughs or tanks shall be provided by the permit owner, which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitos or other insects;
- (m) Nuisance odors or excessive noise shall not be allowed to travel beyond the property line and disturb neighbors of ordinary sensibilities;
- (n) Manure and droppings shall be removed from pens, yards, coops and other enclosures regularly and handled or disposed of in such a manner as to keep the premises free of any nuisance;
- (o) No backyard chicken or backyard chicken byproducts, including, but not limited to eggs, may be sold by, under the direction of, or with the consent of the permit holder;
- (p) Medical treatment from a Texas-licensed veterinarian must be timely obtained by the permit holder and provided to any backyard chicken(s) showing symptoms of illness or injury;
- (q) Any processing of deceased backyard chickens shall not occur in any area visible from the public right-of-way; and
- (r) Properly clip and maintain the wings of the backyard chickens so as to prevent the backyard chickens from flying over the backyard fence.

(Ord. No. 1702, § I, 5-13-2019)

Sec. 6-377. Construction standards for chicken coops and exercise yards.

- (a) *Chicken coops.* Chicken coops shall be constructed in accordance with the following requirements:

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- (1) The chicken coop must be constructed in a workmanship like manner of naturally decay-resistant wood, or wood that has been pressure treated to resist decay or galvanized steel or aluminum;
 - (2) The chicken coop may be located above the exercise yard; and
 - (3) The tallest part of the chicken coop shall not exceed the greater of eight feet above grade or the lowest height above grade of the existing fence enclosing the rear yard where the chicken coop is located, but in no case greater than eight feet in height, excluding the height of any structure used to house or maintain the chicken coop.
- (b) *Exercise yard construction.* Exercise yards shall be constructed in accordance with the following requirements:
- (1) The exercise yard shall be constructed in a workmanship like manner of a frame of naturally decay resistant wood, wood that has been pressure treated to resist decay, galvanized steel or aluminum;
 - (2) The exercise yard frame shall be maintained in good and sound condition; and
 - (3) The exercise yard frame shall securely hold the wire enclosure on all edges of the enclosure.
- (Ord. No. 1702, § I, 5-13-2019)

Sec. 6-378. Keeping of prohibited fowl unlawful.

It shall be unlawful for any person to keep, stable, board, possess, harbor or house any prohibited fowl on premises under the person's control within the city limits.

(Ord. No. 1702, § I, 5-13-2019)

Sec. 6-379. Roosters and crowing backyard chickens not authorized.

- (a) A permit issued pursuant to this article does not authorize the possession or keeping of a rooster on any property within the city. It is an offense for any person to keep, harbor or possess a rooster within the city. A person convicted of such offense shall be subject to a penalty of a fine in an amount not to exceed \$200.00.
- (b) It shall be a defense to a violation of this section if on the date of the offense if the permit holder did not reasonably know the sex of the fowl, and the rooster was 60 days old or younger.
- (c) A permit issued pursuant to this article does not authorize the possession or keeping of a crowing backyard chicken on any property within the city. It is an offense for any person to knowingly and intentionally keep, harbor or possess a crowing backyard chicken within the city. A person convicted of such offense shall be subject to a penalty of fine in an amount not to exceed \$200.00. A crowing backyard chicken shall mean:
 - (1) A backyard chicken which crows in a similar manner to a rooster;
 - (2) Creates excessive noise which travels beyond the property line and disturbs neighbors of ordinary sensibilities; and
 - (3) For which a noise violation complaint has been sustained in municipal court.

(Ord. No. 1702, § I, 5-13-2019)

Sec. 6-380. Keeping excess backyard chickens.

A person commits an offense if the person possesses or keeps more than six backyard chickens on any property within the city. Each day that a person keeps or possesses more than six backyard chickens on property

within the city shall constitute a separate offense. A person convicted of an offense under this section shall be subject to a penalty or fine in an amount not to exceed \$100.00 for each backyard chicken in excess of six that the person has possessed or kept on property within the city.

(Ord. No. 1702, § I, 5-13-2019)

Sec. 6-381. Other violations; enforcement.

The animal services officer shall have the authority to issue citations for any violation(s) under this article.

(Ord. No. 1702, § I, 5-13-2019)

Sec. 6-382. Revocation of permit.

- (a) A permit issued by the city pursuant to this article may be revoked upon a finding by the animal services manager or other applicable city staff after written notice to the permit holder that the permit holder has violated any provision of this article. The permit holder may appeal the revocation to the city manager, or designee whose decision shall be final. The permit holder shall have until 5:00 p.m. of the fifth business day following receipt of the notice of revocation to appeal the permit revocation to the city manager by submitting such appeal in writing to the city manager (email shall constitute "writing" for the purposes of this section). The appeal shall be heard by the city manager within ten business days following receipt of a timely notice of appeal at a hearing at which the animal services and permit holder may submit oral and documentary evidence and testimony, and are provided an opportunity to ask questions of witnesses. No rules of evidence will apply to the conduct of such hearing. The city manager, or designee, shall make a final determination to either repeal or uphold the permit revocation, which decision shall be final. If the permit holder fails to timely file an appeal of the permit revocation, or if the city manager, or designee upholds the permit revocation following an appeal, the permit holder will have 72 hours to remove the backyard chickens from the city following the date the notice of revocation is delivered to the permit holder or the date the city manager, or designee denies the appeal of the permit revocation, whichever is later.
- (b) A permit issued by the city pursuant to this article shall be revoked upon a finding by animal services or other applicable city staff that the permit holder has been convicted of three or more violations of the Code of Ordinances including this article. A permit revoked pursuant to this subsection (b) is not appealable and such person (and such premises while owned or occupied by any such person) shall not be eligible for a permit for back yard chickens under this article.

(Ord. No. 1702, § I, 5-13-2019)

Sec. 6-383. Fee schedule

Application for permit for keeping backyard chickens, including education program, shall be \$60.00, or as increased by the city council.

(Ord. No. 1702, § I, 5-13-2019)

Secs. 6-384—6-400. Reserved.

1. Updated & Expanded Definitions

- Clarifies and standardizes definitions for key terms such as *animal*, *animal services*, *animal services officer*, *animal shelter*, *adoption agency*, *adopter*, and *animal welfare organization*.
- Adds or refines definitions related to bodily injury, contact information, vaccination status, ownership, and custody to reduce ambiguity during enforcement and hearings.
- Improves clarity to align enforcement language with actual shelter and field operations.

2. Animal Ownership & Responsibility

- Strengthens language defining owner responsibility, including requirements for accurate contact information.
- Clarifies accountability for animals in temporary care, fostering, or rescue placement.
- Updates responsibility standards when animals are involved in incidents or complaints.

3. Vaccination & Medical Standards

- Clarifies what qualifies as being currently vaccinated, particularly for rabies.
- Aligns vaccination language with USDA-licensed vaccines and veterinary standards.
- Supports clearer enforcement when vaccination status is questioned.

4. Dangerous / Aggressive Animal Provisions

- Refines language related to bodily injury, aggressive behavior, and enforcement thresholds.
- Improves clarity for determining when an animal meets criteria for enforcement action.
- Helps ensure consistent application of dangerous dog provisions.

5. Animal Services Authority & Enforcement

- Clarifies the authority of Animal Services Officers to enforce Chapter 6.
- Strengthens consistency between ordinance language and shelter operations.
- Improves internal and external understanding of enforcement roles

6. Shelter, Adoption & Rescue Operations

- Updates language regarding adoption agencies, rescue partners, and shelter operations.
- Better defines how animals move between Animal Services, rescues, fosters, and adopters.
- Supports transparency and accountability in placement decisions.

7. Administrative & Legal Clarity

- Cleans up outdated or unclear wording that could create enforcement challenges.
- Reduces gray areas that may complicate citations, hearings, or appeals.
- Helps ensure ordinances are easier to interpret by staff, courts, and the public.

Overall Goal of Red-Text Changes

- Modernize Chapter 6
- Improve enforceability and consistency
- Align ordinance language with current shelter practices
- Reduce confusion for staff, residents, and animal owners
- Strengthening public safety and animal welfare outcomes

? *Why are these updates necessary?*

These updates modernize Chapter 6 so it reflects how Animal Services actually operates today. Many definitions and processes were outdated or unclear, which created enforcement and legal challenges.

? *Does this create new restrictions for residents?*

No new restrictions—this primarily clarifies existing expectations. It helps residents better understand their responsibilities and helps staff enforce the ordinance consistently.

? *Does this increase enforcement or citations?*

No. It improves consistency, not enforcement volume. Clear language reduces disputes, appeals, and confusion when citations are issued—especially related to rabies and aggressive animals.

? *Why focus so much on definitions?*

Definitions are the foundation of enforcement. When terms like “owner,” “custody,” or “vaccinated” are unclear, cases can be challenged or dismissed. Clear definitions protect the city and ensure fairness.

? *How does this improve public safety?*

It strengthens clarity around dangerous or aggressive animals, rabies compliance, and officer authority—allowing quicker, more consistent responses when safety concerns arise.

? *Does this affect rescues or fosters negatively?*

No. It actually improves transparency by clearly defining roles between the city, rescues, fosters, and adopters. This protects both the animals and partner organizations.

? *Is this aligned with state law?*

Yes. The updates align local ordinances with **Texas rabies law, veterinary standards, and accepted animal welfare practices.**

? What is the overall benefit to the city?

Fewer disputes, clearer expectations, better public safety outcomes, stronger legal footing, and improved animal welfare—without adding unnecessary burden on residents.