

ORDINANCE NO. 558-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANSOM PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SANSOM PARK, AS PREVIOUSLY AMENDED, BY REPEALING IN ITS ENTIRETY CHAPTER 2, "ANIMAL CONTROL" AND REPLACING IT WITH CHAPTER 2, "ANIMAL CARE AND CONTROL"; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING PUBLICATION IN OFFICIAL NEWSPAPER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sansom Park, Texas is a Type-A General-Law Municipality and has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and it is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Title 10 of the Texas Health & Safety Code, the City Council of the City of Sansom Park, Texas has the authority to regulate and provide standards for the ownership, control, and care of animals in the city, and has determined that the following Ordinance is necessary to protect the health, safety, and welfare of the public; and

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

SECTION 1. FINDINGS INCORPORATED

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

SECTION 2. AMENDMENT TO CHAPTER 2 OF THE CODE OF ORDINANCES

The Code of Ordinances of the City of Sansom Part is hereby amended by repealing in its entirety Chapter 2, "Animal Control" and replacing it with Chapter 2, "Animal Care and Control," which shall hereafter read as follows:

CHAPTER 2 - ANIMAL CARE AND

CONTROL ARTICLE 2.01 DEFINITIONS

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

Adult dog/cat shall mean any dog or cat four months of age or older.

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

Animal control authority shall mean the animal services division of the city or its designee as determined by the City Council of the City of Sansom Park, which is authorized to represent and act for Sansom Park to receive reports of animal nuisances, animals at large, animal bites, and other animal matters, and to investigate bite reports, ensure quarantine of possibly rabid animals, carry out provisions of Texas law pertaining to control and eradication of rabies and otherwise enforce the provisions of this chapter.

Animal shelter shall mean any facility designated and/or operated by the City of Sansom Park for the purpose of impounding and caring for animals held under authority of this chapter.

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

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

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

Cat shall mean a domesticated member of the Family Felidae (felis catus).

City shall mean the City of Sansom Park, Texas.

City limits shall mean the corporate city limits of the City of Sansom Park, Texas.

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

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

Currently vaccinated shall mean vaccinated for rabies and satisfying the following criteria:

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

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

Dangerous animal shall mean an animal that:

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

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

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

- (21) a raccoon;
- (22) a panther;
- (23) a fox;
- (24) ajavelina;
- (25) a wolf;
- (26) a python;
- (27) a boa constrictor;
- (28) a crocodile;
- (29) an alligator;
- (30) any poisonous reptile; and
- (31) any hybrid of an animal listed in this definition.

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

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

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

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

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

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

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

- (1) Molests passersby or passing vehicles;
- (2) Attacks other domestic animals;
- (3) Trespasses on school grounds;

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

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

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

Person shall mean any individual, firm, association, syndicate, partnership, corporation, or other entity.

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

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

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

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

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

Serious bodily injury shall mean an injury characterized by bite wounds or ripping and tearing of muscle and/or bodily tissues that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

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

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

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

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

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

Vaccinated shall mean properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and administered by a veterinarian licensed to practice in the State of Texas.

ARTICLE 2.02 RABIES CONTROL

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

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

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

(c) Rabies tags.

(1) Concurrent with the issuance and delivery of the certificate of vaccination referred to in subsection (b) above, the owner of the animal shall:

(A) Outfit the animal with a collar or harness, and

(8) Affix a metal tag, serially numbered to correspond with the vaccination certificate number, bearing the year of issuance and the name and address of the issuing veterinarian to the collar or harness, and

(C) Require the animal to wear the collar or harness with the attached metal tag at all times.

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

(d) Animals exposed to rabies. Any person having knowledge of the existence of any animal known to have been, or suspected of being, exposed to rabies shall report such knowledge to the animal control authority within 24 hours, giving any information which may be required. Any animal that has been, or is suspected of having been, exposed to rabies shall be quarantined in accordance with Texas Health and Safety Code, Chapter 826.

ARTICLE. 2.03 ANNUAL REGISTRATION

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

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

- (A) the name, address, and telephone number of the owner of the vaccinated dog or cat;
- (B) the date of vaccination;
- (C) the year and number of the rabies tag;
- (D) the breed, age, color, and sex of the vaccinated dog or cat; and
- (E) whether the dog or cat is neutered, spayed, or intact; and

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

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

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

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

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

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

- (1) indicate on the registration application that the dog is a guard or attack dog and the location and hours of presence of the dog;
- (2) register the guard or attack dog with the police department; and
- (3) conspicuously post warning signs stating "GUARD DOG ON PREMISES" in letters not less than 2 inches high at the location or premises where the guard or attack dog is confined.

ARTICLE. 2.04. - ANIMAL BITES TO HUMANS.

(a) Reporting animal bites.

- (1) A person having knowledge of an animal bite to a human, except bites by rodents, rabbits, fowl, or reptiles, shall report the incident to the animal control authority as soon as possible, but no later than 24 hours after the time of the incident. The animal control authority will investigate each bite incident.
 - (2) Any person moving into the City from a location outside the City limits and owning an animal which has inflicted a bite on any person in the last ten days, shall report such fact to the veterinarian and the Animal Control Authority within 24 hours of the animal's arrival in the City limits.
- (b) Owner responsibility. If the biting animal is owned, the owner shall place that animal in quarantine, as prescribed in article 2.05 below.

ARTICLE. 2.05 PROCEDURES FOR ANIMAL QUARANTINE

- (a) Disposition of biting animals. The owner of an animal subject to quarantine pursuant to this chapter is required to quarantine the animal for a period of not less than ten days confinement from the date of the bite, at the owner's expense. The quarantine may be accomplished by:
- (1) Quarantine in the animal shelter, supervised by the local animal control authority;
 - (2) Quarantine at a veterinary clinic, supervised by a licensed veterinarian; or
 - (3) The owner of the animal may request permission from the animal control authority for home quarantine, which may be granted if the following requirements are met:
 - (A) A secure enclosure approved by the Animal Control Authority will be used to prevent escape.
 - (8) The animal has been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the manufacturer recommendations for the vaccine. If an unvaccinated animal is not over 16 weeks of age at the time of the potential exposure, it may be allowed home confinement.
 - (C) During the confinement period, the animal's owner must monitor the animal's behavior and health status and immediately notify the local rabies control authority if any change is noted.
 - (D) The animal was not a stray as defined in the Texas Health and Safety Code, §826.002, at the time of the potential exposure.

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

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

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

(e) Release.

(1) An animal that has been quarantined may be released by the animal control authority under the following conditions:

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

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

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

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

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

(g) Disposition of unclaimed, quarantined animal. The veterinarian or Animal Control Authority may sell the animal and retain the proceeds or keep, grant, or destroy an animal if the owner or custodian does not take possession of the animal before the fourth day following the final day of the quarantine period

ARTICLE. 2.06 ANIMALS IN CITY ATHLETIC FIELDS

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

(b) This article does not apply to a service animal if (1) the service animal is under the control of its disabled owner and the animal does not pose a direct threat to the health or safety of others or (2) the service animal is otherwise permitted in accordance with state or federal law.

ARTICLE 2.07 MAXIMUM NUMBER OF DOGS AND CATS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE. 2.08 KENNEL/PET SHOP REQUIREMENTS

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

ARTICLE. 2.09 PROHIBITED ANIMALS

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

(b) Swine. A person commits an offense if the person keeps swine on any property within the City limits.

(c) Livestock and fowl. Livestock and fowl, that are kept, owned or harbored within a land use zoning classification allowing same shall constitute a nuisance if any such animal is kept, fenced, stabled, or pastured within 100 feet of an occupied building. The term "occupied building" as used herein shall mean a building occupied by any person, other than buildings and structures owned or controlled by the owner of the animals involved. This subsection does not apply to "occupied buildings" constructed after the keeping of any livestock and/or fowl is in place.

(1) Any animal of the order Ungulata (such as antelope, deer, bison and camels) may not be kept on parcels of land of less than five acres and which are not zoned for agricultural use.

(2) Pigeons kept for purposes of competition and registered with a recognized association of pigeon fanciers shall be an exception to this article, provided that:

(A) A person may not keep more than 20 pigeons at one location.

(B) The enclosure for such birds is maintained in a sanitary and odor-free condition, and is located no less than 50 feet from an adjacent residential or commercial structure, excluding the residence or business of the owner.

(d) Exceptions for keeping of certain fowl. For the purposes of this subsection, fowl shall be limited to female chickens, hens. A person commits an offense if the person knowingly:

- (1) Keeps or maintains more than four fowl;
- (2) Keeps or maintains fowl in an adequate fowl shelter, including the fenced run, at a distance closer than 25 feet of an "occupied building" as defined in subsection 2.09(c);
- (3) Fails to provide an adequate fowl shelter as defined in article 2.01;
- (4) Keeps or maintains fowl in the front yard area;
- (5) Fails to provide fowl with fresh, clean water and food;
- (6) Fails to store fowl feed in secure containers protected from rodents, insects and other animals;
- (7) Keeps or maintains roosters;
- (8) Slaughters fowl;
- (9) Fails to keep or maintain fowl within a fowl shelter, pen, coop or hutch as defined in article 2.01. A fenced yard shall not qualify as a pen, coop or hutch;
- (10) Keeps or maintains fowl in a manner that creates offensive odors, fly breeding, or any other nuisance or condition that is injurious to the public safety, or welfare;
- (11) Sells eggs for profit. Any eggs produced by fowl permitted under this section shall be for personal use only;
- (12) Fails to allow an animal control officer to inspect the fowl shelter, pen, coop, or hutch and related premises.

(e) Livestock pens and enclosures; staking or pasturing livestock in public place

(a) It shall be unlawful for any person owning or having care, custody or control over any livestock, except the horses used by the city police department, to:

(1) Cause or permit any livestock to be pastured, herded, staked or tied in any street, lane, alley, park or other public place;

(2) Tie, stake or pasture or permit the tying, staking or pasturing of any animal upon any private property within the city without the consent of the owner or occupant of such property, or in such a way as to permit any livestock to trespass upon any street or other public place or upon any private property; or

(3) Permit any livestock to be or remain during the nighttime secured by a stake, or secured in any manner other than by enclosing such animal in a pen, corral or barn sufficient and adequate to restrain such livestock.

(b) It shall be unlawful for any person to keep or harbor any livestock within the city in a pen or other enclosure situated at any point closer than 200 feet to any residence, excluding the residence of the person keeping or harboring the livestock.

(c) It shall be unlawful for any person to keep or harbor any livestock within the city in a pen or other enclosure which has less than 600 square feet of area for each livestock.

(f) Exception for keeping swine and certain animals for bona fide or accredited educational purposes at a high school agricultural facility. It is an exception to the application of this article 2.09 that otherwise prohibited animals, including swine and other livestock and farm animals including, sheep, swine, goats, horses and cattle may be housed, pastured and fed within the city limits for certain educational purposes at a high school agricultural facility. The exemption extended above to high school agricultural facilities shall apply only to facilities situated upon property that is owned and maintained by a public-school district or a private school. The exception described herein does not include declared dangerous animals as defined herein or state law.

(1) Eligibility to keep certain animals: In order to keep any of the animals listed in subsection 2.09(f) of this article for educational purposes, the person responsible for the care and feeding of the animal or animals shall be enrolled as a student in a vocational agriculture course sanctioned by the state education agency, and such animals must be maintained by the student as a vocational agriculture project the maintenance of which will affect that student's grade.

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

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

(4) Applicability of other ordinances: The organization, district, or person in charge of animals exempt under this subsection from the other requirements and provisions of article 2.09 shall not be relieved of the operation of any of the other applicable provisions of this Code, including, without limitation, those governing sanitary conditions, nuisances, and noises.

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

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

ARTICLE 2.10 CARE AND HUMANE TREATMENT OF ANIMALS

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

- (1) Keep the animal in clean, sanitary, and healthy condition; and
- (2) Provide the animal sufficient nutritious and wholesome food, served to the animal in clean containers, to maintain the animal's good health; and
- (3) Provide the animal constant and adequate supply of fresh, clean, potable water served from a clean container that keeps the animal hydrated for environmental conditions; and

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

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

(6) Provide the animal with adequate shelter that:

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

(B) Keeps the animal dry; and

(C) Provides the animal natural or artificial shade from direct sunlight, and

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

(E) Is adequately ventilated.

(b) Abuse of animals prohibited. No person shall beat, cruelly ill-treat, torment, mentally abuse, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dog fight, cock fight, or other combat between animals or between animals and humans.

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

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

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

(f) Tying dogs and other animals. A person commits an offense if the person ties or tethers a dog or other animal in an unenclosed front or back yard, or by a fixed point, chain, or tether so as to create, as determined by the animal control authority, an

unhealthy situation for the animal or a potentially dangerous situation for a person or another animal. A person restraining a dog with a chain or tether shall attach the chain or tether to a properly fitted collar, not wrap a chain or tether directly around the animal's neck.

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

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

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

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

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

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

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

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

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

(B) Is a length shorter than the greater of:

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

(ii) Ten feet.

(C) Is in an unsafe condition; or

(D) Causes injury to the animal.

(3) Exceptions: Subsections (2)(B)(i) and (2)(B)(ii) above do not apply to:

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

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

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

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

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

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

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

(5) Penalty.

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

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

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

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

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

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

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

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

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

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

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

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

(m) Seizure. The animal control authority shall liberally utilize the authority granted by Texas Health and Safety Code § 821.022 to seize and impound any animal, if the animal control authority has reason to believe that an animal has been or is being

cruelly treated, pending a hearing before the municipal court on the issues of cruelty and disposition of the animal. Seizure of the subject animal prior to receiving a warrant is hereby authorized if such delay endangers the life of or would unreasonably prolong the suffering of the subject animal.

(n) Displaying for commercial purposes.

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

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

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

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

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

ARTICLE. 2.11 ANIMALS AT LARGE

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

(b) Confinement during estrus. Any unsprayed female dog or cat in the state of estrus (heat) shall be confined during such period of time in a house, building, or secure enclosure, and such enclosure shall be so constructed that no other dog or cat from outside such enclosure may gain access to the confined animal, other than as intended for planned breeding. Owners not complying may be ordered by the animal control authority to remove the animal in heat to a boarding kennel, veterinary hospital, or animal shelter for the duration of estrus. All expenses incurred as a result of such confinement shall be the responsibility of the owner. Failure to comply with the removal order of the animal control authority shall be a violation of this chapter and the dog or cat may be impounded.

(c) impoundment. The animal control authority is authorized to impound any animal at large.

ARTICLE. 2.12 IMPOUNDMENT

(a) Reasons for impoundment.

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

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

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

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

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

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

(d) Disposition of unclaimed animals.

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

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

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

(e) Adoption of animals.

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

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

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

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

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

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

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

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

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

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

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

(j) Animals of prisoners.

(1) Any person who is taken into the custody of the Sansom Park Police Department or other law enforcement personnel and having in his/her possession an animal shall be notified that the animal will be transferred to the animal control authority shelter.

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

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

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

ARTICLE. 2.13 NUISANCE

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

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

(c) Noise. A person commits an offense by keeping any animal or bird which, by causing frequent or long, continued noise, shall disturb the comfort of a person of ordinary sensibilities in the immediate vicinity.

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

(e) Nuisance complaints.

(1) Generally: The presence of nuisance animals should be reported to the animal control authority.

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

(3) Nuisance barking or other animal noise: Animal noise nuisances should be reported to the animal control authority or police department.

(4) In order for someone other than the animal control authority or a peace officer to file a formal complaint regarding an animal-related noise nuisance, that person must:

(A) In the presence of either an animal control officer or a clerk of the Sansom Park Municipal Court, complete and sign an official, notarized complaint form, alleging that the animal's owner has committed the crime of violating the city's nuisance code.

(B) If called, appear in municipal court as a witness on the date specified by the court.

ARTICLE. 2.14 DANGEROUS ANIMALS

(a) Dangerous animal report.

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

(2) The animal control officer shall investigate all reports filed under this subsection and may issue sworn reports based on the animal control authority's investigation or observation.

(b) Determination that animal is dangerous.

(1) If a person reports an incident described by subsection 2.14(a), the animal control officer shall investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control officer determines the animal is a dangerous animal, the animal control officer shall notify the owner in writing of the determination.

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

(3) To file an appeal under subsection 2.14(b)(2), the owner must:

(A) file a notice of appeal of the animal control officer's dangerous animal determination with the court;

(B) attach a copy of the determination from the animal control officer; and

(C) serve a copy of the notice of appeal on the animal control officer by mailing the notice through the United States Postal Service.

(4) Upon filing an appeal under 2.14(b)(2), the owner shall immediately deliver the animal to the city's animal control facility and the city shall provide for the impoundment of the animal in secure and humane conditions pending the result of a hearing under subsection 2.14(f).

(5) If the owner fails to deliver the animal as required by subsection 2.14(b)(4), the court shall issue a warrant authorizing the seizure of the animal. The animal control officer shall seize the animal or order its seizure and shall provide for the impoundment of the animal in secure and humane conditions. The owner may be ordered to pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the animal. The city council of the city may prescribe the amount of the fees.

(c) Knowledge of a dangerous animal. For purposes of this chapter, a person learns he or she is the owner of a dangerous animal and is subject to the requirements in subsection 2.14(d) upon the occurrence of any of the following:

(1) the owner knows of an attack described in the definition of dangerous animal found in article 2.01;

(2) the owner is notified by the animal control officer that the animal is a dangerous animal; or

(3) the owner is notified by the municipal court that the court has upheld the animal control officer's determination that the animal is a dangerous animal.

(d) Requirements of a Dangerous Animal.

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

(A) the person shall:

(i) register the dangerous animal with the animal control authority for the city;

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

(iii) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous animal causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the animal is kept; and

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

(B) the person shall deliver the animal to the animal control authority and the animal control authority shall provide for the impoundment of the animal in humane and secure conditions.

(2) Once in compliance with subsection 2.14(d)(1), the owner of a dangerous animal shall maintain compliance with subsection 2.14(d)(1) at all times thereafter.

(e) Failure to Comply.

(1) Any person may make a sworn application to the municipal court that the owner of a dangerous animal has failed to comply with subsection 2.14(d) or that a dangerous animal has attacked a person or another animal.

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

(3) If, after a hearing on an application filed under this subsection, the municipal court finds that the owner of the dangerous animal has failed to comply with subsection 2.14(d) or that the dangerous animal has attacked a person or

another animal, the municipal court shall order the animal control officer to humanely destroy the dangerous animal or that the dangerous animal be permanently removed from the city. The court shall also order the owner of the dangerous animal to pay all costs or fees assessed by the city related to the seizure, acceptance, impoundment, and destruction of the dangerous animal due to the sworn complaint filed under this subsection.

(4) If, after a hearing on an application filed under this subsection, the municipal court finds that the owner of the dangerous animal has not failed to comply with subsection 2.14(d) and that the dangerous animal has not attacked a person or a domesticated animal, the municipal court shall order that the animal control officer immediately release the dangerous animal to the owner, and the owner shall not be responsible for the costs of seizure or impoundment of the dangerous animal due to the sworn complaint filed under this subsection.

(5) Notwithstanding any other law or local regulation, a dangerous animal shall not be destroyed during the pendency of an appeal under subsection 2.14(g).

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

(f) Hearing.

(1) The court, on receiving notice of appeal under subsection 2.14(b)(2) or a sworn application under subsection 2.14(e)(1), shall set a time for a hearing to determine whether the animal is a dangerous animal or whether the owner of the animal has complied with subsection 2.14(d) or has attacked a person or a domesticated animal. A hearing under this subsection must be held not later than the 10th day after the date on which the animal is seized or delivered.

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

(A) the owner of the animal or the person from whom the animal was seized or who delivered the animal;

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

(C) the animal control officer.

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

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

(5) An owner or the person who made the report or filed the application may appeal the decision of the municipal court in the manner described by subsection 2.14(g).

(g) Appeal.

(1) A party to an appeal under subsection 2.14(b)(2) or a hearing on an application filed under subsection 2.14(e)(1) may appeal the decision to a county court or county court at law in the county in which the municipal court is located and is entitled to a jury trial on request.

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

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

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

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

(h) Registration.

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

(A) presents proof of:

(i) liability insurance or financial responsibility, as required by subsection 2.14(d);

(ii) current rabies vaccination of the dangerous animal; and

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

(b) pays the annual registration fee set forth in subsection 2.03.

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

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

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

(i) Dangerous animal ordered removed from the city.

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

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

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

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

(j) Attack by Dangerous animal.

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

(2)

(3) An offense under this subsection is a Class C misdemeanor.

(4) If a person is found guilty of an offense under this subsection, the court may order the dangerous animal humanely destroyed by the animal control officer.

(k) Violation.

(1) A person who owns or keeps custody or control of a dangerous animal commits an offense if the person fails to comply with subsection 2.14(d) or any other applicable city regulation relating to dangerous animals.

(2) An offense under this subsection is a Class C misdemeanor.

(3) If a person is found guilty of an offense under this subsection, the court may order the dangerous animal humanely destroyed by the animal control officer.

(l) Defenses.

(1) It is a defense to prosecution under subsection 2.14(j) or subsection 2.14(k) that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the animal in connection with that position.

(2) It is a defense to prosecution under subsection 2.14(j) or subsection 2.14(k) that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.

(3) It is a defense to prosecution under subsection 2.14(j) or subsection 2.14(k) that the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Occupations Code.

ARTICLE. 2.15 FEES

(a) Fees are found in Appendix A of the Code of Ordinances.

ARTICLE. 2.16 INTERFERENCE WITH CITY AGENTS

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

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

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

**ARTICLE. 2.17 ANIMAL SHELTER ADVISORY
COMMITTEE**

(a) Creation. There is hereby created, pursuant to the Texas Health and Safety Code, § 823.005, an animal shelter advisory committee.

(b) Purpose. The purpose of the committee shall be to assist animal shelters located within the city limits regarding compliance with Chapter 823 of the Health and Safety Code. Additionally, upon request of the city council, the committee may:

(1) provide recommendations to the city regarding its compliance with the Texas Rabies Control Act; and

(2) recommend ways to improve the efficiency and cost effectiveness of the city's animal control program.

(c) Terms. The committee shall consist of five members appointed by a majority vote of the city council. Committee members shall serve two-year terms except as provided below. Appointments shall be as follows:

(1) *Places 1, 3, and 5*. Terms expire on October first, each odd-numbered year.

(2) *Places 2 and 4*. Terms expire on October first, each even-numbered year.

(d) Members. The composition of the committee shall include at least one licensed veterinarian, at least one municipal official, at least one person whose duties include the daily operation of an animal shelter, and at least one representative from an animal welfare organization. The same person shall not be appointed to fulfill more than one of these requirements. Committee members are not required to reside in the City.

(e) Vacancies. Members of the committee shall be subject to removal at any time and for any reason by the city council. Any vacancy in the membership of the committee shall be filled by the city council for the unexpired term of the member whose place has, by removal or otherwise, become vacant.

(f) Meetings. The committee shall meet a minimum of three times per calendar year, as outlined in Texas Health and Safety Code, § 823.005.

(g) Quorum. A quorum of the committee shall consist of a majority of the members, excluding any vacancies. The presence of a quorum of the committee shall be required prior to a meeting being called to order.

(h) Voting. Approval of all items before the committee shall require a majority vote

of those in attendance.

(i) Rules. The committee may adopt rules, subject to city council approval, for conduct of its meetings.

SECTION 3. PENALTY CLAUSE

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 4. SEVERABILITY CLAUSE

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

SECTION 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. SAVINGS CLAUSE

All rights and remedies of the City of Sansom Park are expressly saved as to any and all violations of the Code of Ordinances of the City of Sansom Park, as amended, or any other ordinances affecting animal control or dangerous animals which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. PUBLICATION CLAUSE

The City Secretary of the City of Sansom Park is hereby directed to publish in the official newspaper of the City of Sansom Park, the caption, penalty clause, publication clause, and effective date clause of this ordinance two (2) days as authorized by Section 52.011 of the Local Government Code.

SECTION 8. EFFECTIVE DATE

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

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Sansom Park, Texas on the _____ day of _____, 2019.

APPROVED:

Jim Barnett, Jr., Mayor

ATTEST:

Wendy Blocker, City Secretary

APPROVED AS TO FORM:

Will A. Pruitt, City Attorney