

AN ORDINANCE REPEALING THE ANIMAL CONTROL ORDINANCES OF THE CITY OF ADDISON, AND ADOPTING A NEW ANIMAL CONTROL ORDINANCE FOR THE CITY OF ADDISON; PROVIDING FOR A PENALTY: AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON:

SECTION 1. Definitions. For the purpose of these rules:

(A) "Dog" means a domesticated member of the family canidae, but shall not include a wolf, fox or other wild animal of this family.

(B) "Prohibited Animal" means an animal not normally considered domesticated including, but not limited to, the following:

- (1) Class Reptilia: Family Helodermatidea (the Venomous Lizards); Family Viperidea (Rattlesnakes, Pit Vipers and true Vipers); Family Elapidae (Coral Snakes, Cobras and Mambas); Family Colubridae Dispholidus typus (Boomsland), Cyclagras gigas (Water Cobra) and Boiga dendrophila (Mangrove Snake) only; Order Phidia (Racers, Boas, Water Snakes and Pythons); Order Crocodilia (Crocodiles, Alligators, Caimans and Gavials);
- (2) The following members of the Class Aves: Order Falconiforms (such as Hawks, Eagles and Vultures) and subdivision Ratitae (such as Ostriches, Rheas, Cassowaries and Emus);
- (3) Class Mammalia: Order Carnivora Family Felidae (such as Ocelots, Margays, Tigers, Jaguars, Leopards and Cougars), except commonly accepted domesticated cats; the Family Canidae (such as Wolves, Dingos, Coyotes and Jackals), except domesticated dogs; Family Mustelidae (such as Weasels, Martins, Mink, Badgers); Family Procyonidae (Raccoon); Family Ursidae (such as Bears);

and Order Marsupialia (such as Kangaroos and Common Opossums); Order Edentata (such as Sloths, Anteaters and Armadillos); Order Proboscidea (Elephants); Order Primata (such as Monkeys, Chimpanzees and Gorillas); Order Rodentia (such as Porcupines); and Order Ungulata (such as Antelope, Deer, Bison and Camels).

(C) "Vicious Animal" shall mean any individual animal of any species that has on two occasions, without provocation, attacked or bitten any person or other animal; or any individual animal which the Supervisor of Animal Control has reason to believe has a dangerous disposition; or any species of animal which the Supervisor has reason to believe has a dangerous disposition likely to be harmful to humans or other animals.

(D) "Animal Control Officer" shall mean any person designated by the supervisor of Animal Control to enforce the provisions of this ordinance.

(E) "Owner" shall mean any person, firm or corporation having title to any animal, or a person who has, harbors or keeps, or who causes or permits to be harbored or kept, an animal in his care, or who permits an animal to remain on or about his premises.

(F) "Supervisor of Animal Control" shall mean the person designated by the City Manager to supervise all aspects of Animal Control.

(G) "Running at Large" shall mean not completely confined by a building, wall or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash, or held in the hands of the owner or keeper, or under direct supervision of the owner within the limits of the owner's private property.

(H) "Animal Control" shall mean the Animal Control Division of the city.

SECTION 2. Enforcement.

(A) Enforcement of this Ordinance shall be the responsibility of the

Supervisor of Animal Control or any Animal Control Officer.

(B) Any Animal Control Officer shall have the authority to issue citations for any violation of this Ordinance. If the person being cited is not present, the Animal Control Officer may send the citation to the alleged offender by registered or certified mail.

(C) It shall be unlawful for any person to interfere with any Animal Control Officer in the performance of his duties.

SECTION 3. Running at Large Prohibited; Authority to Impound.

(A) It shall be unlawful for any dog or any other animal possessed, kept or harbored, other than a cat, to run at large, as defined in Section 1. (G) of this Ordinance.

(B) The Supervisor of Animal Control is authorized to impound such animals running at large, other than a cat, and may impound a cat under conditions specified in Section 4 of this Ordinance and when he has received a complaint that the cat causes a nuisance or hazard to the health or welfare of human or animal population.

SECTION 4. Impoundment.

(A) Animals subject to impoundment. The following animals may be impounded:

- (1) Cats and dogs not exhibiting evidence of being vaccinated or registered as described in Section 5 of this Ordinance.
- (2) Any animal infected or kept under conditions which could endanger the public or animal health.
- (3) Any animal that creates a nuisance, as defined in this Ordinance.
- (4) Any animal running at large, as stipulated in this Ordinance.
- (5) Any animal treated in a manner determined by the Supervisor of Animal Control to be cruel or inhumane.

(6) Any animal that has bitten a human being or needs to be placed under observation for rabies determination, as determined by an Animal Control Officer.

(7) Any animal violating any provision of this Ordinance.

(B) Right of Property Owner to Confine; Notification of Animal Control. If any of the animals named in this Section are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify an Animal Control Officer to come and impound such animal. When so notified, it shall be the duty of an Animal Control Officer to have such animal impounded as herein provided.

(C) Notification of Animal Owner of Impoundment by Animal Control. Reasonable effort shall be made by an Animal Control Officer to contact the owner of any animal impounded which is wearing a current registration tag; however, final responsibility for location of an impounded animal is that of the owner.

(D) Reclaiming Impounded Animals Generally. The owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees and any veterinarian bills incurred by Animal Control for the welfare of the animal, and upon compliance with vaccination and registration provisions of this Ordinance, except where prohibited in Subsections (E) and (F) of this Section.

(E) Reclaiming Animals Impounded for Mistreatment. Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by the court of jurisdiction.

(F) Reclaiming Animals Under Rabies Quarantine. If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine.

(G) Designation of Place of Impoundment. The City Manager shall select and establish a place for impoundment of all animals impounded under any provision of this Ordinance.

(H) Disposition of Unreclaimed Animals Generally. Any animal, except vicious or wild animals, not reclaimed by the owner, may be humanely euthanized after being impounded for seventy two (72) hours, except that any animal wearing a current registration tag shall be impounded for six (6) days.

(I) Disposition of Impounded Vicious or Wild Animals. Any impounded vicious or wild animal, unless there is reason to believe that it has an owner, may be immediately disposed of as may be deemed appropriate by the Supervisor of Animal Control.

(J) Adoption of Impounded Cats or Dogs Authorized; Redemption by Owner. Any impounded cat or dog not wearing a registration certificate may be given up for adoption after seventy two (72) hours, except for those under quarantine. Any impounded cat or dog wearing a registration certificate may be given up for adoption on the seventh day of confinement. If the rightful owner appears for his cat or dog within thirty (30) days of adoption, he may redeem the animal by paying the adoptee all documented expenses incurred for the animal.

(K) Disposition of Animal upon Direction of Owner. An owner who no longer wishes responsibility for an animal or believes the animal to be in an ill or injured condition may sign a written waiver, supplied by Animal Control, allowing the animal to be immediately euthanized in a humane manner; provided that no warm blooded animal that has bitten a human being shall be euthanized before expiration of the ten day quarantine period.

(L) Disposition of Injured or Ill Animals. Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a non profit humane organization.

SECTION 5. Impoundment Fees; Adoption Procedure for Dogs and Cats.

(A) Impoundment fees generally. Impoundment fees shall be (for impoundments in a twelve month period as follows):

	<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth</u>
(1) Dogs and Cats.	\$10.00	\$20.00	\$30.00	\$40.00
(2) Small Livestock.	\$20.00	\$30.00	\$40.00	\$50.00

(B) Daily Handling Fees for Animals in Addison City Pound. A daily handling fee shall be charged for every day, or fraction thereof, that an animal is at the animal shelter. Said fee shall be \$6.00 per day.

(C) Quarantine fee. The owner of any cat or dog held in quarantine for observation purposes shall be charged five dollars (\$5.00) for every day or fraction of a day an animal is at the animal shelter; this fee is in addition to any impoundment fee.

(D) Adoption (Procedures):

- (1) An individual may adopt an animal (dogs and cats only) from the city animal shelter under the following conditions:
 - (a) The animal has been classified as adoptable by the supervisor of animal control;
 - (b) The prospective adopter has proper facilities to care for the animal;
 - (c) The prospective adopter obtains all necessary vaccinations and registrations; and
 - (d) The fee for adoption shall be ten dollars (\$10.00).

The purchaser of any dog or cat must have it vaccinated, (and) spayed or neutered, and obtain a license within thirty (30) days after purchase or animal control shall have the right of immediate return of the animal to the animal shelter; provided, the supervisor of animal control shall allow additional time in the case of dogs or cats less than six (6) months of age.

(2) The supervisor of animal control may refuse to allow a person to adopt a cat or dog whom he has reason to believe:

- (a) Would not be able to obtain a registration certificate under restrictions of this ordinance;
- (b) Would not have proper facilities to contain or care for the animal as required by this ordinance;
- (c) Wants the dog or cat for the purpose of resale or for purposes other than pet ownership; and
- (d) Would not be a suitable owner within the sole discretion of the supervisor of animal control.

SECTION 6. ANIMAL QUARANTINE

(A) Authority to Quarantine. The supervisor of animal control shall have the authority to order the quarantine of animals responsible for bite incidents, or suspected of having any zoonotic disease considered to be a hazard to the human population or other animals.

(B) Animals Subject to Quarantine; Conduct of Quarantine. Every animal that bites a human or attacks another animal in an unnatural manner, or has rabies or any other zoonotic disease, or is under suspicion of having rabies or any other zoonotic disease shall be immediately confined by the owner, who shall promptly notify animal control or an animal control officer of the place where such animal is confined and the reason therefore. The owner shall not permit such animal to come in contact with any other person or animal. The owner shall surrender possession of such animal to animal control on demand for supervised quarantine. Supervised quarantine shall be at the animal shelter or a veterinary hospital, or by any other method of adequate confinement approved by the supervisor of animal control. The quarantine shall be for not less than ten (10) days and shall be under the supervision of the supervisor of animal control. Written reports must be prepared on the first, fifth and tenth days of quarantine immediately following

the date of said bite incident. A release from quarantine may be issued if no signs of rabies or other diseases have been observed during the quarantine period.

Any animal quarantined other than the animal shelter shall be observed by a veterinarian in the same manner as outlined above, and the owner shall immediately notify animal control as to the veterinarian supervising the quarantine.

If the supervisor of animal control orders quarantine other than in the animal shelter or veterinary hospital, the owner shall be responsible for confining the animal. He shall also be required to obtain the same veterinary supervision of the animal and release from quarantine as would be required in a veterinary hospital or at the animal shelter.

(C) Violation of Quarantine, Cause for Seizure and Impoundment. The violation of quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by animal control. It shall be unlawful for any person to interrupt the observation period.

(D) Investigation of Animal Bite Report; Killing of Biting Animal Prohibited. All animal bite reports shall be investigated by animal control. Without permission of the supervisor of animal control, it shall be unlawful for any person to kill or remove from the city limits any animal that has bitten a person or other animal, or that has been placed under quarantine, except when it is necessary to kill such animal to protect the life of any person or animal.

(E) Authority to Direct Disposition of Suspected Rabid Animals. The supervisor of animal control shall direct the disposition of any animal suspected of being rabid or having any other zoonotic disease considered to be a hazard to any other animal or human being.

(F) Surrender of Carcasses of Dead Animals Suspected of Rabies. The dead carcass of any dead animal exposed to rabies or suspected of having

been rabid shall upon demand, be surrendered to animal control.

(G) Manner of Disposing of Animals Exposed to Rabies. Every animal that has been bitten by another animal shall be immediately confined by the owner, who shall promptly notify animal control of the place where such animal is confined and the reason therefore. The owner shall not permit such animal to come in contact with any person or animal. Any animal exposed to rabies shall be handled in one of the following manners:

(1) Humane destruction, with notification to, or under supervision of, animal control;

(2) If not currently vaccinated, quarantine in a veterinary hospital for at least six (6) months immediately following the date of the exposure; or

(3) If currently vaccinated, immediate revaccination and quarantine for at least thirty (30) days immediately following the date of the exposure.

(H) Refusal to Surrender Animal on Demand for Rabies Control Purposes. No person shall fail or refuse to surrender an animal for supervised quarantine or humane destruction, as required herein for rabies control, when demand therefore is made by the supervisor of animal control.

(I) Notification to Animal Control upon Escape, Sickness or Death of Quarantined Animal. Any person having possession of, or responsibility for, any quarantined animal shall immediately notify animal control if such animal escapes, or becomes or appears to become sick, or dies, and in case of death of the animal while under quarantine, shall immediately surrender the dead animal to animal control for diagnostic purposes.

SECTION 7. Animal Nuisance

The following shall be considered a public nuisance and shall be unlawful:

(A) Reserved.

(B) The keeping of any animal in such a manner as to endanger the public health; annoy neighbors by the accumulation of animal wastes which cause foul and offensive odors, or are considered to be a hazard to any other animal or human being; or by continued presence on the premises of another.

(C) All animal pens, stables or enclosures in which any animal may be kept or confined which, from use, have become offensive to a person of ordinary sensibilities.

(D) Persistent laxness in supervision of cats so that their running at large results in disturbance to persons of ordinary sensibilities.

SECTION 8. Wild Animals.

(A) It shall be unlawful to keep any wild animal inside the Town limits of Addison.

(B) It shall be unlawful to release or allow to run at large any wild or vicious animal inside the Town limits of Addison.

SECTION 9. VICIOUS ANIMALS

(A) Authority to Destroy if Found Running at Large. Any vicious animal found running at large may be destroyed by any peace officer or animal control officer in the interest of public safety.

(B) Authority to Require Removal from City; Appeals from Orders of Removal. The supervisor of animal control may order any owner or person having care, control or custody of any vicious animal to take any such animal permanently from the town. This animal must be removed immediately following receipt of such an order, even if an appeal is initiated. This order may be appealed in writing within ten (10) days to a committee made up of the chief of police or his representative, and the city attorney or his representative. Such committee may uphold, reverse or modify the supervisor of

animal control's order and may stipulate restrictions on the animal as a condition to allowing the animal to remain in the city. If the committee upholds the supervisor of animal control's order, the owner or person having control, care or custody shall not bring the animal back inside the city limits.

(C) Failure to Remove, Grounds for Impoundment or Destruction.

If the owner or person having care, custody or control of a vicious animal fails to remove such animal as provided for in subsections (A) and (B) of this section, such animal may be impounded and/or destroyed.

(D) Owner to Report Disposition and Relocation. The owner or person having care, custody or control of a vicious animal must report the disposition and relocation of such animal to the supervisor of animal control, in writing within ten (10) days after the expiration date for removal of such animal from the city. Each day thereafter such information is not provided shall constitute a separate offense.

(E) Search and Seizure Warrants Authorized. The supervisor of animal control shall be authorized to obtain a search and seizure warrant if there is reason to believe that an animal ordered removed from the city for being vicious has not been so removed.

SECTION 10. Commercial Businesses.

(A) A person who sells in the city a warm-blooded animal, except as excluded in this section, to any person or entity for use, retention, resale, or transfer of the animal as a pet shall:

(1) Have had the animal examined by a veterinarian in the past thirty (30) days; and

(2) Furnish the purchaser a certificate in the following format and containing specific information identified in the parentheses, which certificate shall be signed by the seller:

The (description of animal) sold by (name of seller) to (name of Buyer) on (date of sale) (is) (is not) a primate and has been examined on (date of examination) by (name of Veterinarian), a licensed veterinarian who certified that the animal was found free of disease or parasites. (signature of seller)

Subsection (A) of this section does not apply to the sale of the following animals:

any domestic animal	finches	rats
psittacine birds	hamsters	mice
canaries	guinea pigs	gerbils

(B) A person commits an offense if he knowingly sells an animal which has a disease or internal parasites for use, retention, resale or transfer as a pet.

(C) If an animal is a primate, the seller shall furnish a certificate from a licensed veterinarian certifying that the animal was tested for tuberculosis and is free of the disease.

(D) A person commits an offense if he knowingly makes a false statement in a certificate required under this section.

(E) No person shall conduct the commercial business of selling, grooming, breeding, showing, exhibiting or boarding of animals without a valid permit from animal control.

(F) Every person holding a permit hereunder shall maintain accurate records of all transactions involving animals, which records shall show the date, type of animal, animal registration number, and parties to such transaction. Such records shall be kept for a period of one year and must be available for inspection upon request by animal control.

(G) Application for permits shall be made to animal control on forms furnished by animal control. The application will not be approved until certification has been received from appropriate city officials that the

zoning, construction and facility comply with existing ordinances for establishments housing such business. If the permit application is approved by the supervisor of animal control, he shall issue the permit upon payment of the appropriate fee.

Animal control shall make any inspections necessary to assure compliance under this chapter. Animals shall be kept under sanitary conditions so as not to endanger the public or animal health, or create a nuisance.

(H) All permits issued under this section shall be valid for the following twelve (12) months and shall be renewed annually thereafter by proper written application and payment of fee. No permit issued under this section shall be renewed without the approval of the supervisor of animal control. No permit shall be transferable.

(I) All businesses described in this section must display the required permits in public view at said business.

(J) Licensed veterinarians and veterinary clinics are exempt from this section.

(K) The supervisor of animal control may revoke any permit for failure to comply with regulations contained herein. Revocation may be appealed within ten (10) days to an administration appeals board comprised of the city manager or his representative, the police chief or his representative, and the city attorney or his representative.

(L) The fee for the permit as provided in this section is \$50.00 per year.

SECTION 11. Sanitary Conditions for Keeping Animals.

The owner or person in possession of animals shall keep yards, pens and enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes, or other noxious insects,

or in any manner to endanger the public health or safety, or create a public nuisance.

All persons keeping such animals shall comply with the following sanitary regulations.

(A) Manure and droppings shall be removed from pens, yards, cages and other enclosures at least twice daily, and handled or disposed of in such manner as to keep the premises free of any nuisance.

(B) Any pen or enclosure shall be maintained in such a manner as not to be less than five (5) feet from any adjoining residentially zoned property.

SECTION 12. Pet and Animal Care Guidelines.

The following are established as guidelines for pet and animal care and (are) not intended to contravene the provisions for animal cruelty contained in the Texas Penal Code.

(A) Provision of Food, Shelter and Care Generally. No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(B) Abuse of Animal, Fighting. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, or other combat between animals or between animals or humans.

(C) Abandonment. No owner of any animal shall abandon such animal.

(D) Striking with a Vehicle. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible, and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

SECTION 13. Animal Registration.

(A) Vaccination of Dogs and Cats Required; Metal and Paper Certificates Thereof. All dogs and cats over four (4) months of age must be vaccinated annually for rabies with an antirabies vaccine approved by the city Sanitarian and administered by a duly authorized veterinarian. A metal certificate of vaccination with the year of vaccination, a certificate number and the name, address and phone number of the vaccinating veterinarian must be securely attached to a collar or harness that must be worn by the dog or cat at all times. In addition to the metal certificate, a paper certificate must be issued stating the name of the owner, the address of the owner, a description of the dog or cat, the date of the vaccination, the number of the metal certificate and the kind of vaccine used.

(B) Registration Procedures and Requirements. No owner shall have within the city any dog or cat four (4) months of age or older unless such dog or cat is currently registered with animal control. A current metal registration certificate, issued by animal control or a veterinarian authorized by animal control to issue the certificate, must be affixed to a collar or harness that must be worn by the dog or cat at all times. No dog or cat shall be registered until it has a current vaccination.

Application for initial issuance or renewal of each registration must be made by the owner, in writing or in person, and be accompanied by a fee of five (5) dollars, unless the cat or dog being registered has been neutered or spayed and proof of such surgical sterilization can be shown to an animal control officer or a veterinarian authorized to issue such registrations; then the fee will be three (3) dollars. If the original current registration certificate is lost or destroyed, the owner may obtain a duplicate registration from the supervisor of animal control by paying a fee of one (1) dollar. Dogs and cats under the age of one year shall be registered at the sterilized (dog or cat registration) fee. Animals may be exempted from the sterilization

provision upon written recommendation from a veterinarian that such alteration would be harmful or dangerous to the animal.

Registration certificates shall be renewed annually. The registration period will be from January 1 to December 31. Certificates for the new period shall be available for sale at least thirty (30) days in advance of and sixty (60) days following January 1 and shall constitute a valid registration upon issuance.

A registration and/or vaccination certificate (and tag) shall be valid only for the animal for which it was originally issued.

If there is a change in ownership of a registered dog or cat, the new owner shall have the registration transferred to his name. There shall be no charge for said transfer. Application for such transfer shall be made to the animal control in writing or in person.

Fee-exempt registrations may be issued for the following:

- (1) Police or Sheriff's Department dog; and
- (2) Dogs trained to assist the auditorily or visually impaired person.

Eligibility for fee-exempt registration does not relieve the owner of his responsibility under the other provisions of this chapter.

(C) Denial of Registration. The supervisor of animal control may refuse to register a cat or dog, or (may) revoke a permit issued to any person who has been convicted in any duly authorized court of jurisdiction in the State of Texas, or (who) resides with any person so convicted, of any of the following:

- (1) Cruelty to animals as defined in the Texas Penal Code, Article 42.11, inhumane treatment, or negligence to an animal; and
- (2) Four (4) or more separate and distinct violations of an animal control ordinance of a municipality in the State of Texas within any twelve month period.

Any person denied such a registration may appeal the refusal to a committee made up of the chief of police or his appointed representative, the city manager or his appointed representative, and the city attorney or his appointed representative. This committee shall uphold or overturn the supervisor of animal control's refusal to issue a registration certificate.

(D) Guard Dogs, Special Provisions. Every person having care, control or custody of any dog which has received guard dog training must register such dog with the supervisor of animal control. Any dog which has received guard dog training may be destroyed when such dog is found running at large. The owners or keepers of guard dogs shall be subject to the provisions of this section. An ID collar, identifying the dog as a guard dog, must be worn at all times, and the dog must wear a muzzle when out of confinement.

SECTION 14. Establishing a Shelter.

The City Council shall select and establish facilities in the city for impoundment, maintenance, and destruction of stray, diseased or vicious animals.

SECTION 15. Enforcement Interpretation.

This Ordinance shall be enforced by the regulatory authority or his representative.

SECTION 16. Penalties.

That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor thereof and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred (\$200.00) Dollars. Each day upon which such a violation occurs constitutes a separate violation.

SECTION 17.

All other Ordinances and parts of Ordinances in conflict with this


Ordinance shall be, and the same are hereby repealed, but the repeal of such Ordinances or parts of Ordinances shall not affect any right, property or claim which was or is vested in the City of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the Ordinances or sections thereof so repealed.

SECTION 18.

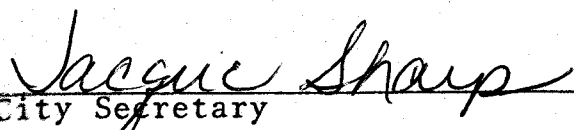
That the fact that the present Animal Code is inadequate and out of date creates an urgency and an emergency in the preservation of the public health, safety and welfare and requires this ordinance to take effect from and after its passage as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS

This the 13 day of April, 1982.

Mayor 

ATTEST:


City Secretary