

ORDINANCE NO. 090-057

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS,
AMENDING CHAPTER 4, ANIMALS AND FOWL, OF THE
CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, TO
PROVIDE FOR DEFINITIONS; TO PROVIDE FOR
IMPOUNDMENT; TO PROVIDE FOR IMPOUNDMENT FEES AND
ADOPTION PROCEDURES; TO PROHIBIT CERTAIN ANIMALS;
TO PROVIDE FOR REPEAL; TO PROVIDE FOR SEVERABILITY;
TO PROVIDE PENALTIES; AND TO PROVIDE AN EFFECTIVE
DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF
ADDISON, TEXAS:

SECTION 1. That Section 4-1 of the Code of Ordinances,
Town of Addison, Texas, is hereby amended to read as follows:

Sec. 4-1. Definitions.

For the purposes of this chapter, the following
terms, phrases, words and their derivations shall have
the meaning given herein. When not inconsistent with the
context, words used in the present tense include the
future, words in the plural number include the singular
number, and words in the singular number include the
plural number. The word "shall" is always mandatory and
not merely directory.

Animal means any live creature, domestic or wild,
vertebrate or invertebrate, not of human species.

Animal Control shall mean the Animal Control
Division of the City.

Animal Control Officer shall mean any person
designated by the Supervisor of Animal Control to enforce
the provisions of this chapter.

Cat means every domestic mammal of the feline species regardless of age or sex, but does not include a lion, tiger, or other Wild Animals of this family.

City or Town means the Town of Addison, Texas.

City Council or Council means the City Council of the Town of Addison, Texas.

Dangerous Dog or Vicious Dog means:

- (1) Any Dog which because of its physical nature or vicious propensity is capable of inflicting serious physical harm or death to human beings and would constitute a danger to human life or property;
- (2) Any Dog which attacks a human being or other domestic Animal without provocation;
- (3) Any Dog which has behaved in such a manner that the Owner thereof knows or should reasonably know that the Dog is possessed of tendencies to attack or to bite human beings;
- (4) Any Dog certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human life or property upon the basis of reasonable medical probability.

Dog means every domestic mammal of the canine species regardless of age, or sex, but does not include a wolf, fox or other Wild Animal of this family.

Fowl means any of various birds, including chickens, turkeys, geese, ducks, doves, guineas, swans, peafowls or any other free, uncaged bird or fowl, except parakeets, canaries, or other birds of similar size that are customarily kept within cages and birds which are allowed by state law to be destroyed.

Livestock means cattle, swine, sheep, horses, llama, donkeys, burros and goats.

Owner shall mean any person or persons, 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.

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.

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

Vicious Animal means any Animal which is fierce, ferocious, or has displayed an extraordinary inclination to approach or growl at a person or Animal in an angry, threatening or ill-tempered manner when such person or Animal was not doing acts ordinarily calculated to cause well-tamed Animals to respond in such a manner; or to bite, bite at, attack or snap at a person or Animal; or has displayed habits indicating a lack of docility or a lack of complete taming.

Wild Animal means an Animal which retains its wild nature or is 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 (boomslang); Cyclagras gigas (water cobra) and Boiga dendrophila (mangrove snake) only; order Phidia (racers, boas, water snakes and phthons); 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).

SECTION 2. That Section 4-5 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

Sec. 4-5. 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 4-14 of this chapter.
- (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 herein.
- (4) Any Animal Running At Large, as stipulated in this chapter.
- (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 Dangerous Dog, as defined herein.
- (8) Any Animal that is abandoned, voluntarily or involuntarily by its Owner.
- (9) Any Vicious Animal, as defined herein.
- (10) Any Wild Animal, as defined herein.
- (11) Any Animal whose Owner has been arrested or hospitalized, is missing or has died and there is no person present sixteen (16) years of age or older who will assume the duties of providing food, water and shelter for such Animal.
- (12) Any Animal violating any provisions of this chapter.

(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 chapter, except where prohibited in subsections (e) and (f) of the 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 quaranties. 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 chapter.

(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. 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.

(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 nonprofit humane organization.

Town SECTION 3. That Section 4-6 of the Code of Ordinances, of Addison, Texas is hereby amended to read as follows:

Sec. 4-6 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:

	First	Second	Third	Fourth
(1) Dogs and Cats	\$10.00	\$20.00	\$30.00	\$40.00
(2) Other Animals	\$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 seven dollars (\$7.00) per day or reasonable fees commensurate with fees charged the City by outside contractor for quarantine or boardng.

(c) Quarantine fee. The Owner of any Animal held in quarantine for observation purposes shall be charged seven dollars (\$7.00) 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 adoptor has proper facilities to care for the Animal;

(c) The prospective adoptor 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 must 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 chapter;

(b) Would not have proper facilities to contain or care for the Animal as required by this chapter;

(c) Wants the Dog or Cat for the purpose of resale or for purposes other than pet ownership; and

(d) Would not be suitable Owner within the sole discretion of the Supervisor of Animal Control.

(e) Notwithstanding any of the foregoing, the Supervisor of Animal Control shall have the authority to waive any and all impoundment, handling, quarantine, or adoption fees whenever it is appropriate in his opinion to do so.

SECTION 4. That Sec. 4-9 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

Sec. 4-9. Prohibited Animals.

(a) It shall be unlawful and an offense to keep inside the corporate limits of the City or to release or allow to Run at Large inside the corporate limits of the City any of the following Animals as defined in this chapter:

- (1) Wild Animals
- (2) Vicious Animals

(b) Upon the impoundment of any prohibited Animal, Owner may reclaim such Animal pursuant to the provisions contained in Sec. 4-5 herein but shall not permit such Animal to be kept or harbored upon such Owner's premises in the City.

SECTION 5. That the Code of Ordinances, Town of Addison, Texas, is hereby amended by adding a section to be numbered 4-17, which section reads as follows:

Sec. 4-17. Requirements on Keeping Livestock and Fowl.

(a) It shall be unlawful for any Owner to keep or harbor any Livestock or 3 or more Fowl within the corporate limits of the City in any pen, stable, shed, coop or enclosure, if any part of such enclosure or structure is within one hundred fifty (150) feet of any residence, business or commercial establishment or office (other than the Owner's residence, business or commercial establishment or office), grocery stores, restaurants, schools, hospitals and nursing homes.

(b) It shall be unlawful for any Owner to keep or harbor any Livestock within the corporate limits of the City where there is less than five thousand (5,000) square feet for each Animal. It shall be unlawful for any Owner to keep or harbor 3 or more Fowl within the corporate limits of the City where there is less than one hundred (100) square feet for each Fowl.

SECTION 6. That the Code of Ordinances, Town of Addison, Texas, is hereby amended by adding a section to be numbered

4-18, which section reads as follows:

Sec. 4-18. Numbers of Dogs Allowed.

It shall be unlawful and an offense to keep or harbor more than four (4) dogs six (6) months of age or older on any lot or lots within the city.

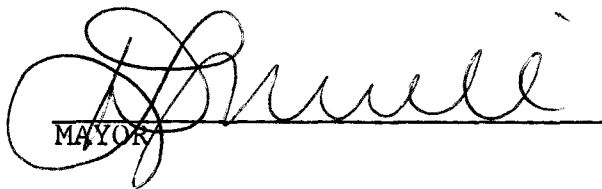
SECTION 7. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 8. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 9. Any person, firm or corporation violating any of the provisions of this Ordinance, shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Five Hundred and no/100 Dollars (\$500.00) for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 10. This ordinance shall take effect and be in force from and after its adoption as provided by law.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this 11th day of December, 1990.


MAYOR

ATTEST:


CITY SECRETARY

C11-Animal-Animal3

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