Chapter 6

ANIMALS AND FOWL*

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ARTICLE I. IN GENERAL

Sec. 6-1. Definitions and interpretation.

(a) The responsibility for the control of rabies within the city shall rest with the department, and the director of the department is duly designated as the local health authority for the purpose of the Rabies Control Act of 1981 (Chapter 826 of the Texas Health and Safety Code).

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

Commercial breeder means any person who:

(1) Breeds dogs or cats for the purpose of selling; or

(2) Sells or offers for sale unneutered or unspayed offspring of dogs or cats to another person.

Current rabies vaccination means a rabies vaccination that was administered in compliance with the requirements of Chapter 826 of the Texas Health and Safety Code and Title 25 of Chapter 169 of the Texas Administrative Code and that has not expired under the terms thereof.

Department means the department of health and human services.

Director means the director of health and human services or his designee.

Dog kennel means any lot, enclosure, premises, structure or building whereon or wherein four or more dogs over the age of six months are kept or maintained for any purpose whatsoever.

Humane organization means a nonprofit corporation that maintains a permanent shelter facility within the city for the care and custody of sick, injured, lost, abandoned or strayed animals and provides veterinary services for the care of the animals kept in its shelter facility under the supervision of a veterinarian who is employed or retained by the corporation.

Licensee means the person holding a license for a dog or cat issued pursuant to division 2 of article IV of this chapter.

Neuter refers to permanent sterilization to render male animals incapable of impregnating female animals by means of either surgery performed to remove the testicles or chemical sterilization by which the animals are injected

*Charter reference—General authority to regulate animals, Art. II, § 16(k), (l), (q), (u), (w), (x).

Cross references—Animal regulations at airports generally, § 9-63; riding of animals over airport landing areas, § 9-66; restriction on location of abattoirs or rendering plants, § 10-271 et seq.; animals in food service establishments, § 20-21, Item 28; hunting at Lake Houston, § 23-9; notice to be given of use of guard dogs, § 28-5; carrying advertisements on animals, § 28-40; noisy animals and birds, § 30-13; riding or driving animals in parks, § 32-30; molesting animals in parks, § 32-31; hunting in parks, § 32-34; fishing in parks, § 32-35; the Houston Zoo, § 32-146 et seq.; bringing animals onto zoo grounds, § 32-152; application of traffic ordinances to persons riding animals, § 45-20.

with a drug approved by the United States Food and Drug Administration for that purpose.

Running at large or *to run at large* means the going upon public or private property by an animal without the owner or person in charge thereof having direct physical control over the animal; the terms include any animal whatsoever that may be staked, tied or hobbled in any manner within the city limits in such manner as to allow such animal to go or get upon the public streets or sidewalks.

Spay refers to permanent sterilization to prevent female animals from having estrus (heat) cycles and eliminating the ability to become pregnant by means of either surgery performed on an animal to remove the ovaries and uterus or chemical sterilization by which female animals are injected with a drug approved by the United States Food and Drug Administration for that purpose.

Sterilized refers to a spayed or neutered dog or cat.

Sterilized pet license means a current and valid license issued under this chapter for a dog or cat that has been spayed or neutered.

Unsterilized refers to a dog or cat that has not been spayed or neutered.

Unsterilized pet license means a current and valid license issued under this chapter for a dog or cat that has not been spayed or neutered.

Veterinarian means any person who is duly licensed to practice as a doctor of veterinary medicine by the licensing authority of any one or more of the 50 United States or the District of Columbia, provided that such person is acting within the course and scope of his license and practicing in a state or district in which such license is recognized for the practice of veterinary medicine.

Veterinary hospital means any place where medical and surgical treatment is administered to animals by or under the supervision of a veterinarian.

(c) The violation of any provision of this chapter 6 is hereby declared to be unlawful. Unless another penalty is expressly applicable as provided in any section or subsection hereof, then a violation shall be punishable as provided in section 1-6 of this Code and the provisions of section 1-6 are expressly invoked for such purpose. Provided, however, any violation of any provision of this chapter which constitutes an offense under Chapter 826 of the Texas Health and Safety Code or other applicable state laws shall be punishable as provided thereunder.
(Code 1968, § 6-1; Ord. No. 69-985, § 1, 7-2-69; Ord. No. 69-1769, § 1, 9-24-69; Ord. No. 71-2189, § 1, 12-11-79; Ord. No. 81-198, § 1, 2-4-81; Ord. No. 85-296, §§ 1—3, 3-1-85; Ord. No. 93-996, § 1, 8-18-93; Ord. No. 03-393, § 1, 4-23-03; Ord. No. 05-104, § 1, 2-2-05; Ord. No. 06-996, § 1, 10-4-06; Ord. No. 07-148, §§ 2—4, 1-31-07)

Sec. 6-2. Owner's responsibility for animals at large.

An owner or any other person having the right of possession of an animal shall ensure that such animal does not run at large in violation of this chapter and shall be subject to punishment under this chapter without regard to whether he was acting with a culpable mental state.
(Code 1968, § 6-1.1; Ord. No. 80-744, § 1, 4-20-80)

Sec. 6-3. Running at large of domestic animals or fowl prohibited.

The running at large of domestic animals or domestic fowl, within the city limits is hereby declared to be a nuisance and it shall be unlawful for the owner or keeper of any such animal or fowl to permit the same to run at large within the city.
(Code 1968, § 6-2; Ord. No. 69-985, § 1, 7-2-69)

Charter reference—Authority to prohibit livestock from being at large, Art. II, § 16(k).

Sec. 6-4. Impoundment of animal running at large.

(a) It shall be the duty of the department to establish an animal control center in the city, at such place as may be designated by the city council, where all animals found running at large in violation of section 6-3 of this Code shall be received and taken care of.

(b) The provisions of this section shall not apply to "estrays" as defined in section 142.002 of the Texas Agriculture Code.
(Code 1969, § 6-3; Ord. No. 69-985, § 1, 7-2-69; Ord. No. 71-942, § 1, 5-25-71; Ord. No. 78-2552, § 1, 12-19-78)

Charter reference—Authority to impound livestock found at large, Art. II, § 16(k).

Sec. 6-5. Unauthorized impoundment of animals.

(a) It shall be unlawful for any person, other than a peace officer, an animal control officer of the department or a member or employee of a humane organization approved by the health officer to engage in the catching or impounding of animals. It is a defense to prosecution under this section that:

(1) The animal impounded was unlawfully running at large upon property under the possession or control of the person catching it;

(2) The animal was caught and held in a humane manner, and

(3) That the capture of the animal was promptly reported to the animal control center for the pick-up of said animal.

(b) The provisions of this section shall not apply to "estrays" as defined in section 142.002 of the Texas Agriculture Code.
(Code 1968, § 6-7; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-6. General regulations as to care, keeping and using of animals.

Every owner, caretaker or user of any animal within the city limits shall be required to observe the following rules, regulations, terms and conditions in connection with the care, keeping and using of such animals, and any person violating any provisions hereof shall be deemed guilty of an offense:

(1) All stables or other enclosures in which such animal is kept and the ground upon which same is situated shall be kept and maintained in a clean and sanitary condition, and all stables and fences surrounding such lot where the animal is kept and the feed troughs and water troughs, with which such animals are fed and watered, shall be free from any projection or thing whereon or whereby such animal may be injured.

(2) All animals shall be fed with a quantity of good, wholesome food sufficient to keep them in a good, well-nourished condition, and such food shall be served to such animals in a clean, sanitary manner.

(3) All work and milk animals shall be fed salt at proper and regular intervals.

(4) All horses or mules worked or used shall have good substantial shoes upon each hoof.

(5) No animal shall be used or worked where there are any sores upon such animal's body, legs, head or shoulders.

(6) All harness used on any work animal shall be fitted to such animal and shall be free from any wire, rivets, break, tear or anything else that will irritate or make sores on such animal.

(7) No animal shall be worked to any wagon, which wagon has not been, and is not being kept, well-greased, or where either the pole or the singletree is in such condition as may cause injury to such animals.

(8) No animal drawing a wagon or other vehicle which is loaded shall be driven faster than a walk.

(9) All animals shall be provided with pure, clean water in sufficient quantities at all times.

(10) No sick or crippled animal shall be worked or used, nor shall such animal be led or driven in, on, upon or through any street of the city.

(11) No person shall run, or be concerned with the running, of any horse race in, along or across any public road, public square or public street in the city.

(Code 1968, §§ 6-8, 6-19; Ord. No. 69-985, § 1, 7-2-69)

Charter reference—Authority of city to provide for animal welfare regulations, Art. II, § 16(w).

Sec. 6-7. Destruction of wounded animals.

(a) When from any cause it may happen that any animal within the corporate limits of the city shall be so wounded, maimed or injured as to render its recovery hopeless, then it shall be the duty of the health officer to cause it to be destroyed. Such destruction shall take place as soon after such injury as practicable, and shall be conducted in such manner as the health officer shall determine to be the least painful. Upon destruction, the health officer shall direct or cause the carcass thereof to be lawfully removed and disposed of. When the health officer shall cause any animal to be destroyed under this section, it shall be his duty to file a report in writing of such destruction with the city secretary. Such report shall show:

(1) A description of the animal destroyed, and the name of the owner thereof, if known.

(2) The injury which made destruction necessary, and how same was inflicted, and by whom, if known.

(3) The names of at least two reliable witnesses, who are conversant with the facts of the injury and the destruction.

(b) The provision of subsection (a) shall not apply to veterinarians or veterinary hospitals.
(Code 1968, § 6-10; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-8. Breeding of livestock.

It shall be unlawful for any person to breed, or permit or cause to be bred, any livestock within the corporate limits of the city, unless the same shall be done within the confines of an enclosure. For the purposes of this section, an "enclosure" shall be construed to mean a barn or other building.
(Code 1968, § 6-11; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-9. Driving livestock through streets.

It shall be unlawful for any person to drive cattle, horses, mules, hogs, sheep or goats over the public streets and ways of the city unless prior written permission to do so has been obtained from the chief of police. Any person desiring such permission shall make written request therefor to the chief of police designating the type and number of such animals to be driven, the route upon which they will be driven, the means of control thereof which will be employed and the time or times at which they will be driven. The chief of police shall grant such permission unless he affirmatively determines upon investigation of the request that it would pose a burden upon pedestrian or vehicular traffic or otherwise pose a danger to the safety or welfare of the public.
(Code 1968, § 6-13; Ord. No. 69-985, § 1, 7-2-69)

Charter reference—Authority to regulate the driving of livestock through streets, Art. II, § 16(q).

Sec. 6-10. Staking, hitching or hobbling animals.

(a) It shall be unlawful for any person to stake, tie or hobble any animal whatsoever on any lot of which he is not the owner.

(b) It shall be unlawful for any person to obstruct any street or sidewalk by hitching or staking out any animal or to permit any animal to be so hitched or staked out that it can go upon or across any street or sidewalk.

(c) It shall be unlawful for any person to tie or fasten any animal to any tree, or to the box around any tree, planted or growing in any street or public place, or to a fence or lamppost which is the property of another without such other person's consent therefor.
(Code 1968, § 6-14; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-11. Keeping of swine and goats prohibited; exception for milch goats.

It shall be unlawful for any person to keep or maintain within the limits of the city one or more hogs, swine, pigs, or goats, other than milch goats. This section shall not apply to milch goats for which a permit has been obtained from the health officer. Any person desiring a milch goat permit shall make written application therefor to the health officer setting forth the number of milch goats to be kept, and the place where they will be kept. Such person shall also furnish proof that each goat to be kept has been tested for and found to be free of brucellosis within the preceding 30 days and shall pay a nonrefundable fee of $10.00 for examination of the place where the milch goat or goats are to be kept. The health

officer shall cause such place to be examined and shall issue the permit unless the examination reveals that it is unsanitary or that milch goats can not be kept at such place in conformity with section 6-12. Permits issued pursuant to this section shall be valid for one year from the date of issuance. However, such a permit may be subject to suspension or revocation upon the finding pursuant to a public hearing conducted by the health officer that the holder of such permit has failed to comply with the applicable provisions of this article, provided that the holder of such permit shall be given prior notice of date, time and place of the hearing setting forth the grounds upon which the suspension or revocation is based and affording the holder an opportunity to appear in person and/or through counsel, present evidence and cross examine all witnesses appearing at such hearing.
(Code 1968, § 6-15; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-12. Restriction on keeping of milch goats.

It shall be unlawful for any person to keep, possess or maintain in the city any milch goats or any pens or enclosures in which any such milch goats are kept, possessed or maintained, within 100 feet of any actual residence or habitation of human beings, or within 100 feet of any church, school or hospital, other than the residence of the keeper, possessor or owner of such milch goats, such distance of 100 feet to be measured in a straight line from the nearest point of any pen or enclosure in which such milch goats or sheep are kept to the nearest point of such actual residence or place of human habitation, or church, school or hospital. Provided that this section shall not apply to a qualified institution, approved by the health officer, where such milch goats are being kept for teaching and research purposes.
(Code 1968, § 6-16; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-13. Restrictions on keeping cattle.

(a) It shall be unlawful for any person to keep, possess, or maintain any cow, calf, steer, or bull or any horse, mule, donkey or other animal of the equine family on any uncovered parcel of land unless such parcel of land shall have a minimum area of 5,000 square feet for one such animal, and 2,500 additional square feet for each additional animal.

(b) It shall be unlawful for any person to keep, possess or maintain any cow, calf, steer or bull or any horse, mule, donkey or other animal of the equine family within 100 feet of any actual residence or building used for human habitation (other than that of the keeper or owner of such animal), or any restaurant, cafe, or other public eating place, or any church, school or hospital. Such distance of 100 feet shall be measured in a straight line from the nearest point of the shed, stable, barn, pen or fenced enclosure or area in which the animal is contained to the nearest point of such actual residence or building used for human habitation, restaurant, cafe or other public eating place, or church, school or hospital.
(Code 1968, §§ 6-17, 6-18; Ord. No. 69-985, § 1, 7-2-69; Ord. No. 86-43, § 1, 1-21-86)

Sec. 6-14. Exemption from sections 6-11 through 6-13.

The provisions of sections 6-11 through 6-13 shall prohibit neither the temporary keeping of the animals for slaughter by slaughterhouses, for treatment by veterinary hospitals or for exhibition at fairs, shows, and circuses, nor the temporary or permanent keeping of the animals mentioned in sections 6-11 through 6-13 for teaching or research purposes at a medical school, a veterinary school, a high school agricultural facility, a licensed hospital, or a nonprofit university or college providing a degree program; provided that the person in charge of such animals 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. 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.
(Ord No. 01-535, § 1, 6-13-01)

Sec. 6-15. Storage, disposal, etc., of manure.

(a) Every person owning or leasing any stable or other building where any horse, mule or cattle is kept shall maintain a substantial and sufficient

receptacle for manure, which must be so constructed and kept as to protect the contents from rain and so screened as to prevent access to flies, and all manure from such horse, mule or cattle must be placed in such receptacle.

(b) All persons owning or leasing any stable where horses, mules or cattle are kept shall have all manure from such animals removed from their premises at least twice in each week, and at no time shall the manure be allowed to accumulate in such a manner as to be a nuisance.

(c) In no event or circumstance shall any manure be thrown or deposited in any street or public place, or suffered to remain in such places. No person hauling manure through the streets shall permit the same to litter the streets.
(Code 1968, § 6-20; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-16. Shooting or catching wild birds.

It shall be unlawful for any person to shoot or attempt to shoot or kill with any air rifle, bow and arrow, slingshot or firearm or other means, or to ensnare or catch by any means whatsoever any wild birds, old or young, within the limits of the city.
(Code 1968, § 6-21; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-17. Rabies control, generally.

(a) Confinement of animals that bite, scratch, attack, etc.:

(1) Except as provided in subsection (a)(2) below, every animal that has rabies or symptoms thereof, and every animal that bites, scratches, or otherwise attacks any person within the city shall be impounded at once and held under observation by the health officer at the animal control center for ten days. If the owner of the animal desires, the animal may be confined for observation in a veterinary hospital or clinic approved by the director at the owner's expense for the same period of time as the animal would be confined for observation at the animal control center. The director shall approve such a request upon a showing that the veterinary hospital or clinic proposed by the owner is able to properly confine and observe such animals, and that it is willing and available to confine the owner's animals. Provided, however, no dog may be confined in a veterinary hospital or clinic pursuant to this section if the dog is to be surrendered pursuant to article VI of this chapter.

(2) Except where a dangerous dog must be surrendered to the director pursuant to article VI of this chapter, any dog that bites, scratches or otherwise attacks any person within the city limits while the animal is confined on the owner's premises may be quarantined on the owner's premises for a period of ten days immediately following the date such animal has attacked a person if the animal has a current rabies vaccination and a current city license at the time the attack occurred, provided that the animal is examined by a veterinarian either at the animal control center or at a private veterinary clinic at the beginning of the quarantine period, and again ten days later. If the animal is examined by a veterinarian at any place other than the animal control center, the owner shall provide the animal control center with a written report from such veterinarian setting out the results of each such examination within three days after the examination has been made.

(3) Any owner or keeper of an animal subject to impoundment under this section that fails to keep the animal confined, fails to have the animal examined by a veterinarian, or fails to provide the animal control center a veterinarian's report of the results of an examination when required to do so under the provisions of this subsection (a) shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than $100.00 nor more than $2,000.00.

(b) No animal that has rabies shall be allowed at any time on the streets or public ways of the city. No animal that has been suspected of having rabies shall be allowed at any time on the streets or public ways of the city until such animal has been released from observation by the health officer or under his direction.

(c) The owner, keeper or person in charge of any animal that has rabies or symptoms thereof, or that has been exposed to rabies, or that has bitten, scratched or otherwise attacked any person within the city shall, on demand, turn over such animal to the health officer.

(d) The body of any animal that has died of rabies shall not be disposed of except as directed by the health officer.

(e) The health officer shall check and record all cases of rabies and of suspected rabies.

(f) Any person having knowledge of an animal bite is hereby required to report it immediately to the department.
(Code 1968, § 6-22; Ord. No. 69-985, § 1, 7-2-69; Ord. No. 71-942, § 1, 5-25-71; Ord. No. 78-2552, § 2, 12-19-78; Ord. No. 86-795, §§ 2, 3, 6-3-86; Ord. No. 92-1449, § 4, 11-4-92)

Charter reference—Penalties for ordinance violations, Art. II, § 12.

Cross references—Dangerous dogs, § 6-151 et seq.; assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 6-17.1. Reserved.

Editor's note—Ord. No. 2006-955, § 1, adopted September 20, 2006, repealed § 6-17.1 in its entirety. Formerly, said section pertained to tattoos and derived from Ord. No. 85-296, § 13, 3-1-85.

Sec. 6-18. Veterinarians to report communicable diseases.

Every veterinarian or other person who is called to examine or professionally attend any animal within the city having glanders or farcy, rabies, tuberculosis, or any other communicable disease shall, within 24 hours thereafter, report in writing to the department the following facts:

(1) The location of such diseased animal.

(2) The name and address of the owner thereof.

(3) The type and character of the disease.
(Code 1968, § 6-23; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-19. Powers of enforcement officers.

The health officer, the animal control officers and other authorized employees of the department shall have all of the powers and authority of police officers to the extent only and no further of enforcing this chapter and other ordinances of the city relating to animals and fowl.
(Code 1968, § 6-25; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-20. Notice of violations.

All duly appointed and qualified peace officers, the animal control officers of the department, and the urban park rangers of the parks and recreation department are authorized to issue written citations to persons violating this chapter or any other ordinance governing the regulation of animals.
(Code 1968, § 6-26; Ord. No. 69-985, § 1, 7-2-69; Ord. No. 03-1275, § 2, 12-17-03)

Sec. 6-21. Sale and coloring of baby fowl and rabbits.

(a) It shall be unlawful for any person to sell, offer or display for sale, barter, lease or give away any baby chickens, ducklings, goslings or rabbits. It is a defense to prosecution hereunder that the baby animal, if a chicken, duckling or gosling, is three weeks of age or older at the time of the alleged offense. It is a defense to prosecution hereunder that the baby animal, if a rabbit, is two months of age or older at the time of the alleged offense.

(b) It shall be unlawful for any person to dye, stain or otherwise alter the natural color of any chicken, duckling, gosling or rabbit.

(c) It shall be a defense to prosecution under subsection (a) or (b) above that the animal was sold, offered for sale, bartered, leased, given away or dyed or stained for commercial use or breeding purposes, for scientific, educational or governmental purposes or any other purpose not related to its being furnished or kept as a pet.
(Ord. No. 85-296, § 4, 3-1-85)

Sec. 6-22. Congregations of unconfined and unlicensed stray cats and dogs.

It shall be unlawful for any person intentionally to cause, suffer or permit the maintenance of an attractive environment for the assembly of a congregation of unconfined and unlicensed stray

cats or dogs by the placement of dog food or cat food. For purposes of this section a "congregation of unconfined and unlicensed stray cats or dogs" means any three or more dogs or cats which:

(1) Are not confined in such a manner that they cannot of their own volition enter or leave the lot, tract or parcel of land upon which the food is placed; and

(2) Are not wearing valid city license tags issued pursuant to Article IV of this chapter.

For purposes of this section, "cat food" or "dog food" means any commercially prepared cat or dog food or any other food item or product which is subject to consumption by dogs or cats. It shall be an affirmative defense that the dogs or cats were feral and that the person placed the food solely for the purpose of apprehending stray cats and dogs and delivering them to the animal control center or a humane organization or to vaccinate them against rabies and license them.
(Ord. No. 85-296, § 12, 3-1-85)

Sec. 6-23. Enforcement by neighborhood protection official.

The neighborhood protection official shall have concurrent authority with the health officer to enforce the provisions of articles I, II, and VI of this chapter. However, the neighborhood protection official shall not impound any animal or issue any permit hereunder.
(Ord. No. 91-1102, § 2, 7-31-91; Ord. No. 93-514, § 13, 5-5-93; Ord. No. 94-674, § 4, 7-6-94; Ord. No. 98-613, § 16, 8-5-98; Ord. No. 06-996, § 2, 10-4-06)

Sec. 6-24. Defecation by dogs or cats.

(a) It is the duty of each person in control of a dog or cat to promptly remove and dispose of, in a sanitary manner, feces left by such dog or cat.

(b) It shall be the duty of each person in control of a dog or cat to be in possession of materials to remove feces left by such dog or cat.

(c) It is an affirmative defense to prosecution under this section that the person in control of the dog or cat is the owner of the premises, or the owner's agent of the premises, where the dog or cat deposits feces.

(d) Violation of this section is unlawful and any violation shall be punishable upon conviction by a fine of not less than $75.00 or more than $500.00. Each act in contravention of this section is a separate offence.
(Ord. No. 03-1275, § 1, 12-17-03)

Sec. 6-25. Acceptance of donations, gifts or bequests.

The director is authorized to accept, on behalf of the city, donations, gifts and bequests, which shall be used solely for the care of the animals in the care and control of the city. Funds shall be used exclusively for the purpose for which they are donated.
(Ord. No. 07-148, § 5, 1-31-07)

Secs. 6-26—6-30. Reserved.

ARTICLE II. KEEPING OF FOWL, RABBITS AND GUINEA PIGS

Sec. 6-31. Location restrictions for fowl.

It shall be unlawful, except as provided in sections 6-33 and 6-34 of this Code, for any person to keep, possess or maintain in the city any chickens, turkeys, geese, ducks, pea-fowls, or any other bird or fowl, except parakeets, canaries, parrots, cockatoos, macaws or similar size birds, or any pens, enclosures, or other structures in which any such fowl are kept or possessed within 100 feet of any actual residence or habitation of human beings, or within 100 feet of any church, school or hospital, other than the residence of the keeper, possessor or owner of such fowl, such distance of 100 feet to be measured in a straight line from the nearest point of any pen, enclosure, or other such structure in which such fowl are kept to the nearest point of such actual residence or place of human habitation, or church, school or hospital.
(Code 1968, § 6-37; Ord. No. 70-1448, § 1, 8-25-70; Ord. No. 99-404, § 2, 4-28-99)

Sec. 6-32. Location restrictions for rabbits and guinea pigs.

It shall be unlawful, except as provided in section 6-33, for any person to keep, possess or

maintain in the city any rabbits or guinea pigs, or any pens, enclosures, hutches, cages or other structures in which any such rabbits or guinea pigs are kept, possessed or maintained, within 100 feet of any actual residence or habitation of human beings, or within 100 feet of any church, school or hospital, other than the residence of the keeper, possessor, or owner of such rabbits or guinea pigs, such distance of 100 feet to be measured in a straight line from the nearest point of any pen, enclosure, hutch, cage or other such structure in which such rabbits or guinea pigs are kept to the nearest point of such actual residence or place of human habitation, or church, school or hospital.
(Code 1968, § 6-38)

Sec. 6-33. Keeping for commercial purposes.

It shall be unlawful for the owner or keeper of any geese, ducks, turkeys, chickens or other domestic fowl or rabbits or guinea pigs, where such fowl or animals are kept for sale or for any purpose other than domestic use or home consumption, to allow such fowl or animals to roam in open pens on the ground; but such owner or keeper may keep such fowl or animals for sale or commercial purposes, provided he keeps such fowl or animals in batteries or coops arranged inside of buildings and kept in a sanitary condition, and he shall remove all droppings from such buildings, batteries or coops at least once each day, and disinfect and deodorize such buildings, batteries or coops at least once each day.
(Code 1968, § 6-39)

Sec. 6-34. Keeping for public showing.

Notwithstanding anything in this article, it shall be lawful for any person to keep, possess and maintain chickens, turkeys, geese, ducks, pea-fowls, guineas, rabbits and guinea pigs for the purpose of a legitimate showing of such fowl and animals for purely public exhibition, provided the conditions provided in this article are observed.
(Code 1968, § 6-40)

Sec. 6-35. Limitation on number to be kept.

No more than 30 chickens, or 30 turkeys, or 30 geese, or 30 ducks, or 30 pea-fowls, or 30 rabbits, or 30 guinea pigs, and no more than 40 of any combination of such chickens, turkeys, geese, ducks, pea-fowls, rabbits and guinea pigs shall be kept upon any lot or enclosure of the size of 65 by

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125 feet or less. In the event that such fowl or animals are kept in a larger enclosure, the number so kept and maintained may be increased only in the ratio that the above figures of 30 and 40 bear to the increase in the square footage of such larger enclosure.
(Code 1968, § 6-41)

Sec. 6-36. Maintenance of premises where kept.

(a) Pens, hutches, or houses or any enclosure in which fowl, rabbits or guinea pigs are kept must be cleaned and disinfected daily, must be limed every two days and must be kept in a clean and sanitary condition at all times.

(b) Litter and droppings from such fowl, rabbits and guinea pigs must be collected daily and stored in a flytight container and hauled away at intervals of not to exceed seven days. Rabbit and guinea pig hutches must have traps or floors to keep droppings or urine from such animals off the ground.
(Code 1968, § 6-42)

Sec. 6-37. Keeping guineas prohibited.

It shall be unlawful to keep or maintain within the limits of the city any guinea fowl or guinea hens.
(Code 1968, § 6-43)

Sec. 6-38. Permit to keep chicken hens.

Notwithstanding anything in this article it shall be lawful for any person who has obtained a permit therefor from the health officer to keep, possess and maintain no more than seven chicken hens for the purpose of providing such person with fresh unfertilized eggs. A revocable permit therefor may be issued by the health officer for the keeping of seven or less chicken hens under the following conditions:

(1) The applicant shall furnish or cause to be furnished to the health officer written certification from a licensed physician that in the opinion of such physician the applicant has need of fresh unfertilized chicken eggs for serious reasons pertaining to said person's health.

(2) The health officer, after inspection by him or his authorized representative, has determined that the premises where the applicant proposes to keep the chicken hens is adequate for the number of chicken hens for which a permit is sought, and that if properly maintained, the keeping of the chicken hens will not create a health hazard or nuisance.

(3) The permit, if granted, may be revoked upon finding pursuant to a public hearing conducted by the health officer that the permittee cannot or will not maintain the premises in a sanitary condition or that the permittee has failed to permit inspection by the health officer of the place where the hens are kept, provided that the permittee shall be given prior notice of the date, time and place of the hearing setting forth the grounds upon which the revocation is based and affording the permittee an opportunity to appear in person or through counsel, present evidence and cross examine witnesses appearing at such hearing.

(Code 1968, § 6-44; Ord. No. 68-308, § 1, 2-27-68)

Secs. 6-39—6-50. Reserved.

ARTICLE III. KEEPING OF WILD ANIMALS*

Sec. 6-51. Wild animal defined.

As used in this article, the term wild animal shall mean any mammal, amphibian, reptile or fowl of a species that is wild by nature and that, because of its size, vicious nature or other char-

*Editor's note—Ord. No. 99-404, § 3, adopted April, 28, 1999, states that the provisions of Article III of Chapter 6 of the Code of Ordinances, Houston, Texas, as they read prior to their amendment in Section 1 of this Ordinance are saved from repeal for the limited purposes described by Section 6-57 of the Code of Ordinances, Houston, Texas. Any person who timely applies for and obtains a Special Permit under Section 6-57 shall, subject to full and continuing compliance with all of the provisions thereof, not be in violation of Section 6-52 of the Code of Ordinances, Houston, Texas, as amended in Section 1 of this Ordinance, by virtue of keeping the wild animal(s) authorized in the Special Permit.

acteristics, is dangerous to human beings. Such animals shall include, but not be limited to, lions, tigers, leopards, panthers, bears, wolves, wolf-dog hybrids, cougars, coyotes, coyote-dog hybrids, raccoons, skunks (whether deodorized or not), apes, gorillas, monkeys of a species whose average adult weight is 20 pounds or more, foxes, elephants, rhinoceroses, alligators, crocodiles, caymans, fowl larger than a macaw, all forms of venomous reptiles and any snake that will grow to a length greater than eight feet. The term shall also include any animal listed as an "endangered species" under the federal Endangered Species Act of 1973, as amended, or any fowl protected by the federal Migratory Bird Treaty Act. The term wild animal shall not include gerbils, hamsters, guinea pigs, mice and domesticated rabbits.
(Ord. No. 99-404, § 1, 4-28-99)

Sec. 6-52. Possession prohibited.

(a) It shall be unlawful for any person to be in possession of a wild animal within the city.

(b) It shall be unlawful for the owner or other person in possession or control of any lot, tract or parcel of land within the city or any residence or business premises situated thereon to knowingly suffer or permit any other person to be in possession of a wild animal upon the property, residence or premises.

(c) As used in this section, the term to be in possession includes any harboring or keeping of a wild animal, whether on a temporary or permanent basis and includes, without limitation, holding or keeping the wild animal for the temporary and/or limited purpose of sale or transfer or offering of sale or transfer to another person.

(d) It is an affirmative defense to prosecution under this section that the wild animal is being possessed in accordance with all applicable state and federal laws and that:

(1) The wild animal is being kept for treatment in an animal hospital operated by a veterinarian licensed in Texas;

(2) The wild animal is being kept at a public zoo that is accredited by a nationally recognized zoological association;

(3) The wild animal is being kept at a shelter operated by a state or federally recognized humane agency for the purpose of its transfer to a refuge or sanctuary;

(4) The wild animal is being kept for medical research or teaching purposes at a medical school or licensed hospital or by a university or college offering an accredited degree program;

(5) The wild animal is in the possession of an airline, motor freight agency, rail freight agency or other carrier, and its possession in the city is incidental to transportation, provided that the wild animal is secured within a cage or other enclosure that is adequate to prevent its escape; or

(6) The wild animal is being kept or transported temporarily for a production in accordance with a permit or registration under section 6-55 of this Code.

(Ord. No. 99-404, § 1, 4-28-99)

Sec. 6-53. Vaccination.

No person shall vaccinate, or attempt to vaccinate, any wild animal against rabies except in strict compliance with any regulations promulgated and published by the Texas Department of Health and in accordance with the current protocol published by the American Veterinary Medicine Association for the vaccination of wild animals.
(Ord. No. 99-404, § 1, 4-28-99)

Sec. 6-54. Penalty.

Violation of any provision of this article is a misdemeanor punishable by a fine of not less than $500.00, nor more than $2,000.00. Each wild animal possessed in violation of this article and each day on which it is possessed shall constitute and be punishable as a separate offense.
(Ord. No. 99-404, § 1, 4-28-99)

Sec. 6-55. Temporary permit; registration for productions.

(a) In this section, the term production means any temporary exhibition or use of a wild animal for purposes of a television, movie or stage production, circus or carnival performance, traveling zoo or animal exposition or other similar use.

(b) A temporary and nonrenewable permit to possess a wild animal in the city for a period of not more than 30 days may be obtained from the director for the purpose of a production. The applicant for such a permit shall demonstrate to the director that:

(1) The wild animal is required for the production;

(2) The wild animal will be in the direct charge of its trainer or another person who is familiar with the wild animal and has been trained in its handling and care;

(3) The applicant will, consistent with the size and characteristics of the wild animal, have additional handlers available as required to control the wild animal at any time that it is not confined;

(4) The owner of each place where the production will take place and the owner of each place where the wild animal will be kept, if different, has consented in writing to its presence;

(5) The applicant holds a policy of public liability insurance issued by a carrier authorized to write the policy under Texas law in an amount of not less than $100,000.00, per occurrence, providing coverage in case of injury or death of any person or damage to any property that results from negligence in the control or handling of the wild animal; and

(6) The wild animal will be kept in such manner as to prevent its escape and to prevent injury to persons not associated with the production.

(c) Applications for permits shall be made in writing to the director upon forms promulgated for that purpose and at least 20 days before the commencement of the production. Each application shall be accompanied by a nonrefundable fee of $100.00 for five or fewer wild animals, $200.00 for six to ten wild animals or $300.00 for 11 or more wild animals.

(d) A permit issued under this section is valid only for the designated production and the keeping of a wild animal in the city for that limited purpose and shall only extend for the duration of the production.

(e) The director shall have the right to inspect a wild animal at any time while it is being kept under a permit issued under this section.

(f) In the event that the director proposes to deny a permit application, the applicant shall be afforded notice of the reasons and an opportunity for a hearing. Following notice, the director may revoke a permit for any violation of this article or applicable state or federal laws. The permit holder shall be afforded an opportunity for a hearing before a permit is revoked. Pending the hearing, the director of health and human services or any deputy or assistant director may suspend the permit if the actions of the permit holder appear to constitute a substantial hazard to public health or safety. Hearings and proceedings shall be conducted in the same manner as provided in chapter 20 of this Code for denials, suspensions and revocations of food dealer's permits.

(g) The provisions of this section shall not be construed to require a person to obtain a city permit if the person holds a current and valid exhibitors license under the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or a current and valid circus, carnival or zoo operators license issued under chapter 824 of the Texas Health and Safety Code and is conducting the production under authority of the state or federal license, provided that the person registers his production with the director and provides the following information:

(1) A description of each wild animal to be kept;

(2) A copy of the state or federal license or other evidence that the person holds a current and valid state or federal license to keep and use the wild animals for the production;

(3) Evidence that each person on whose property the production will be presented or

the wild animals will be kept has consented to the presence of the wild animals on the person's property; and

(4) The name, local address and local telephone number of a person or persons who may be contacted for inspections conducted or notices given by the health officer or in case of any escape, attack or other incident involving the wild animal(s).

The health officer may conduct inspections of wild animals kept pursuant to registrations filed under this section and, in cooperation with responsible state and federal regulatory authorities, may take action as appropriate to ensure that wild animals are kept and exhibited in accordance with applicable state and federal requirements.
(Ord. No. 99-404, § 1, 4-28-99)

Sec. 6-56. Impoundment.

(a) The director shall seize any wild animal possessed in violation of this article and impound the animal at the animal control center or other suitable place. The director, any animal control officer or any police officer of the city may enter any building or property to seize a wild animal therein that is possessed in violation of this article upon consent of an adult occupant of such building or property or one having the right of possession of such building or property, or under a warrant issued by a magistrate.

(b) The director shall impose a fee for the impoundment of a wild animal in the amount of not less than $50.00 nor more than $250.00, per animal, and a daily boarding fee of not less that $5.00 nor more than $75.00, per animal. The amounts of the fees shall be predicated upon the cost of impoundment, care and feeding of the type of wild animal impounded, and the director may promulgate a schedule of applicable fees for various types of wild animals.

(c) A wild animal that has been impounded for the first time may be redeemed within seven days by its owner if:

(1) The owner demonstrates that he holds any state or federal license or permit required to keep the animal;

(2) The animal is not believed to be infected with rabies or any other infectious disease; and

(3) The owner provides a sworn affidavit setting forth that the wild animal will immediately be removed from the city and will be kept at an identified place where its possession is not unlawful.

The director may require that a wild animal that is released under this subsection be tattooed or otherwise made identifiable in the event that it is again impounded.

(d) Consistent with applicable state and federal laws and regulations, the director shall dispose of any wild animal that is not timely redeemed following its first impoundment and of any wild animal that is again impounded by placing the wild animal in a public zoo or at a reserve, sanctuary or shelter operated by or under the auspices of a recognized humane organization. If such a placement is not practicable and cannot be made within 30 days following the date of impoundment, the wild animal may be destroyed if destruction is not prohibited by state or federal law.
(Ord. No. 99-404, § 1, 4-28-99; Ord. No. 02-575, § 2, 6-26-02)

Sec. 6-57. Special permits.

(a) The provisions of this section are expressly limited to a wild animal that was then lawfully kept and possessed within the city in accordance with all applicable provisions of this article that were in effect on April 27, 1999, and the term "wild animal" as used in this section shall be so limited in its application.

(b) The owner or person in possession of a wild animal may obtain a special permit to continue to keep the wild animal until it dies or is removed from the city upon written application to the director and demonstration that:

(1) The wild animal was lawfully kept at a specific place within the city on April 27, 1999, in accordance with all provisions of this article as it was then in effect and all applicable state and federal laws and regulations;

(2) The wild animal has been spayed or neutered, if the animal is of a type that may be sterilized;

(3) The wild animal has been tattooed with a control number assigned by the director, if the animal is of a type that may be tattooed; and

(4) The wild animal will be confined in a cage or other enclosure that will reasonably prevent its exposure to any member of the public.

(c) Any such request for a special permit shall be filed with the director within 60 days following April 27, 1999, provided that the director may grant an extension if the director determines that the failure to file within 60 days was not intentional on the part of the applicant.

(d) A special permit issued under this section is exclusively limited to the keeping of the animals specifically identified therein, at the same place where they were kept on April 27, 1999,. The special permit shall not be valid at any other location nor shall it apply to any replacement animals or any progeny of the specified animals.

(e) The director may impose an inspection fee to cover the cost of any inspection reasonably required in connection with the issuance of a special permit.

(f) In the event that an application for a special permit is denied, the director shall advise the applicant of the grounds therefor. The director may revoke a special permit for violation of any requirement of this section. In the event that an application is denied or a permit is proposed to be revoked, the applicant or permit holder shall be afforded the right to a hearing on the matter before a hearing officer designated by the director. Proceedings shall be conducted in substantially the same manner as is provided in chapter 20 of this Code for denials and revocations of food dealer's permits.
(Ord. No. 99-404, § 1, 4-28-99)

Note—See the editor's note to Art. III.

Sec. 6-58. Regulations promulgated by the director of health and human services.

Consistent with the provisions of this Code and applicable state and federal laws, the director of health and human services may adopt and implement regulations regarding the administration of this article and the keeping of wild animals hereunder. A copy of the regulations shall be maintained for inspection in the offices of the city secretary and the director of health and human services, and copies may be purchased at the fees provided by law."
(Ord. No. 99-404, § 1, 4-28-99)

Sec. 6-59. Exceptions to section 6-51.

The provisions of section 6-51 shall not apply to animals kept for treatment in a facility operated by a veterinarian licensed by the state, animals kept in publicly owned zoos, and animals used for research or teaching purposes by a medical school, licensed hospital or nonprofit university or college providing a degree program.
(Code 1968, § 6-52; Ord. No. 76-2286, § 1, 12-29-76; Ord. No. 79-2, § 4, 1-3-79)

Sec. 6-60. Use of live vaccine prohibited; keeping of animals vaccinated by same prohibited; exception.

(a) No person shall vaccinate, or attempt to vaccinate, any wild animal as defined in section 6-52 against rabies by the use of live vaccine.

(b) Except as provided in subsection (c), no person shall possess, keep, permit, or allow any wild animal as defined in section 6-52 within the city if such animal has been vaccinated against rabies with the use of live vaccine.

(c) This section shall not apply to the use of live rabies vaccine for research purposes when such research is conducted by a medical school, licensed hospital or nonprofit university providing a degree program.
(Code 1968, § 6-53; Ord. No. 79-1, § 1, 1-3-79)

Sec. 6-61. Transport of wild animals used for film making, productions, etc.

(a) It is an affirmative defense to prosecution under either section 6-51 or section 6-53 of this Code that the actor was transporting the wild animal by vehicle upon the public streets and that the wild animal was secured within the vehicle being utilized for its transport in such a manner

that it could not escape from the vehicle; it could not come into contact with any person who was not also within or upon the vehicle; and it could not come into contact with the driver of the vehicle while the vehicle was in motion.

(b) It is also an affirmative defense to prosecution under either section 6-51 or section 6-53 of this Code that, at the time of the alleged offense:

(1) The actor was actually utilizing the wild animal at a production site for the purposes of the production of a motion picture being made for viewing by the general public, or a film or tape designed for use in a television show or television advertisement and in which the use of the wild animal was specified by the script; and

(2) The actor had the written permission of the person having the right of possession and control of the production site for the use of the wild animal thereupon in the production; and

(3) The wild animal was in the immediate and direct charge of a person who had been trained in its care and handling and who was responsible to ensure that the animal could not come in contact with persons who had not affirmatively consented to be involved in the production, and who was responsible for the prevention of its escape or of any injuries or damage that it might cause to persons or property at all times during its utilization at the production site, and who had under his control and supervision, at all times such wild animal was present, no fewer than four additional persons over 18 years of age who could assist if needed in controlling such animal; and

(4) The actor had given the director five days' prior written notice of his intent to utilize the wild animal, specifying the type of wild animal and production activity, the location of the production site, the address of the place where the wild animal would be kept when not in use at the production site, dates and times that the wild animal would be present at the site, and the name and a local address and telephone number at which the handler of the wild animal could be contacted during the production activity. The notice shall be either mailed, certified mail, return receipt requested, or hand-delivered to the director, c/o Chief, Animal Control Center, 2700 Evela, Houston, Texas 77026.

(c) The director or his representative will have the right to inspect, at any time, any production site where a wild animal is present.

(d) The provisions of section 6-51 and section 6-53 of this Code shall be applicable to the wild animal when it is kept within the city while not being used in the production.
(Ord. No. 86-1767, § 1, 9-30-86)

Secs. 6-62—6-75. Reserved.

ARTICLE IV. DOGS AND CATS

DIVISION 1. GENERALLY

Secs. 6-76—6-85. Reserved.

DIVISION 2. LICENSE AND VACCINATION

Sec. 6-86. License required.

(a) No person shall own, keep, possess, or have control over any dog or cat within the city unless such person has a current city license for such dog or cat, provided that a city license shall not be required for:

(1) Dogs and cats under the age of four months which are confined in a place owned or under the possession of the person having ownership, possession or control of the dog or cat within an enclosure which is sufficient to prevent escape therefrom;

(2) Dogs or cats owned by or in the possession or control of persons who are nonresidents of the city, traveling through the city, or temporarily sojourning therein for a period not exceeding 30 days;

(3) Dogs or cats brought into the city exclusively for the purpose of entry in any show

or exhibition, and which are actually entered in and kept at such show or exhibition;

(4) Dogs or cats kept for teaching or research purposes by a medical school, veterinary school, licensed hospital or nonprofit university or college providing a degree program;

(5) Dogs or cats kept for the purposes of medical observation or treatment in veterinary hospitals;

(6) Dogs or cats kept in the shelter facilities of a humane organization;

(7) Dogs or cats originally acquired by the person owning, keeping or having possession thereof within the preceding 30 days;

(8) Dogs or cats owned by or in custody or under control of persons who have been residents of the city for 30 days or less.

(9) The dog or cat which is owned by a person who does not reside within the city and:

a. The animal has a current rabies vaccination; and

b. The animal has a current license as issued by the city, county or other applicable licensing authority governing the licensing of animals in the place where the animal is normally kept by its owner.

In any prosecution under this section, the burden shall be upon the defendant to establish as an affirmative defense that one of the exceptions set out in subparagraph (a)(1) through (a)(9), above, is applicable.

(b) No person shall permit any dog or cat on any premises under his ownership, possession or control unless there is a current license issued for such dog or cat; provided, however, it shall be an affirmative defense that the animal is not required to have a license pursuant to any applicable exception listed in subsection (a) above.

(c) A person may obtain a license for a cat or a dog (either sterilized or unsterilized) by completing the appropriate application therefor, paying the prescribed license fee, and furnishing proof of vaccination against rabies. Additionally, for a sterilized pet license, proof must be provided that the animal has been sterilized. Except where the health officer is able to determine by external examination that the animal has been sterilized, the proof shall be provided by certificate of a veterinarian. The license must be renewed each year by providing proof of vaccination against rabies and the payment of the renewal processing fee.

(Code 1968, § 6-54; Ord. No. 85-296, § 6, 2-27-85; Ord. No. 93-996, §§ 2, 3, 8-18-93; Ord. No. 03-393, § 3, 4-23-03; Ord. No. 05-104, § 2, 2-2-05)

Sec. 6-87. Tag to be worn.

(a) It shall be the duty of each person having ownership of a dog or cat for which a license is required to be issued under this article to ensure that the license tag furnished by the licensing authority in conjunction with the issuance of the animal's license is worn by the animal at all times. It is a defense to prosecution hereunder that the dog or cat was confined within a building or other totally enclosed structure under the ownership, possession or control of the person having possession of the animal at the time that the animal was not wearing a license tag.

(b) In any prosecution under this article it shall be presumed that no valid license has been issued for an animal hereunder unless the animal was wearing a valid license tag furnished pursuant to section 6-92 at the time of the alleged offense.

(Ord. No. 85-296, § 6, 3-1-85)

Sec. 6-88. Fees.

The following fees and licensing terms shall be applicable for licenses for dogs and cats:

(1) If the cat or dog has been sterilized, then the owner shall obtain a sterilized pet license for each animal at an annual fee of $10.00.

(2) If a dog or cat has not been sterilized, the owner shall obtain an unsterilized pet license for the animal at an annual fee of $50.00.

(3) Senior citizens 60 years of age or older with sterilized dogs or cats shall obtain a sterilized pet license for each such dog or cat for the fee of $5.00 for the initial license and the regular payment of the renewal processing fee of $2.00 for each subsequent year.

(4) Persons who use certified assistance, hearing or seeing dogs that have been sterilized may, upon application, obtain a sterilized pet license without paying for any fee therefor except the renewal processing fee of $2.00 for each subsequent year.

(5) In order to partially defray the city's additional costs associated with late issuance and renewal of licenses, a late processing fee of $10.00 shall be added to the cost of the dog or cat license fees, if the applicant fails to obtain such license within 30 days of the earlier of the following dates:

a. The anniversary date of the dog or cat's vaccination against rabies shown on prior dog or cat licenses;

b. The date the dog or cat is first brought into the city;

c. The date the dog or cat reaches the age of four months;

d. The date the applicant first acquired the dog or cat over the age of four months.

For purposes of avoiding the foregoing late processing fee, the date of the application shall be the date that it is actually received by the licensing authority in complete and valid form, including all required certificates; provided, that mailed applications shall be deemed to have been received on the postmark date, if legible.

(Code 1968, § 6-54; Ord. No. 85-296, § 6, 2-27-85; Ord. No. 93-996, § 4, 8-18-93; Ord. No. 03-393, § 4, 4-23-03; Ord. No. 05-104, § 3, 2-2-05; Ord. No. 07-148, § 6, 1-31-07)

Sec. 6-88.1. Special clinics; fees.

(a) From time to time during the months of April through October of each year the health department may conduct special clinics for the vaccination and licensing of dogs and cats in cooperation with any group or association of veterinarians. Such clinics shall be held only at such times and places as are designated by the director of public health. Prior to each such clinic, the director of public health shall furnish a notice thereof to the city secretary who shall cause the same to be posted in a conspicuous place in City Hall.

(b) The following provisions shall be applicable to any special clinic held pursuant to this section:

(1) The veterinarians shall agree to reduce their charges below the usual and customary fees for vaccinating a dog or cat at the clinic.

(2) The city's licensing fee for each dog or cat vaccinated and licensed at the clinic shall be one-half the applicable fee set out in section 6-88 of this Code.

(Ord. No. 85-495, § 1, 4-9-85; Ord. No. 85-1383, § 1, 8-13-85)

Sec. 6-89. Duration; transfer.

(a) Each sterilized pet license and unsterilized pet license shall expire upon the first occurrence of any of the following events:

(1) The expiration of one year from the date of its issuance; or

(2) The expiration of the current rabies vaccination that was evidenced in the documentation furnished to obtain the license; or

(3) The death of the animal; or

(4) The 30th day next following any change of ownership of the animal, unless the license has been amended by that date; or

(5) The thirtieth day next following any change of the address of the animal's owner unless the license has been amended by that date.

(b) In the event of a change of ownership of the licensed animal or in the event of a change of address of the licensed animal's owner, then the director may cause the license to be amended to reflect such change of owner or address, provided that an application for amendment is received by

the director within the thirty-day period next following the date of the change. The director may promulgate forms and administrative rules as required for the orderly administration of license amendments and applications therefor. A copy of the administrative rules shall be maintained for public inspection in the offices of the director and the city secretary. No fee shall be imposed for an amendment.

(c) An expired license is of no force and effect. A new license must be obtained on or before expiration if the animal remains subject to licensing by the city hereunder.
(Code 1968, § 6-54; Ord. No. 85-296, § 6, 2-27-85; Ord. No. 93-996, § 5, 8-18-93; Ord. No. 03-393, § 5, 4-23-03; Ord. No. 05-104, § 4, 2-2-05)

Sec. 6-90. Licensing authority.

Licenses required under this article shall be issued by the director. Additionally, the director may deputize any veterinarian or other person not regularly employed by the city as a deputy licensing authority if such person desires to issue licenses hereunder and demonstrates proof of financial responsibility for the fees to be collected and remitted in a form satisfactory to the director. The director may issue administrative rules and regulations relating to the designation of deputy licensing authorities and their issuance of licenses. A copy thereof shall be maintained for public inspection in the offices of the director and the city secretary. A deputy licensing authority may not impose any fee in addition to that specified in this article for the issuance of a license, but the deputy licensing authority may retain $1.00 or ten percent of the applicable fee, whichever is more, from the fee for each license issued as compensation for his services in issuing the license.
(Code 1968, § 6-54; Ord. No. 85-296, § 6, 2-27-85)

Sec. 6-91. Rabies vaccination required prior to issuance; certification of neutering.

No animal license shall be issued unless there is exhibited to the licensing authority a certificate by a veterinarian showing that the animal to be licensed has been inoculated with a rabies vaccine approved by the U. S. Department of Agriculture's Veterinary Biologics Division in accordance with the recommendations of the manufacturer, and that such vaccination will not expire prior to the issuance of the license. No animal license shall be issued for an animal as being a spayed or neutered animal unless there is also exhibited to the licensing authority a certificate by a veterinarian or other clear and convincing evidence that the animal has, in fact, been spayed or neutered.
(Code 1968, § 6-54; Ord. No. 85-296, § 6, 2-27-85)

Sec. 6-92. Records.

At the time of issuance of each dog or cat license hereunder, the licensing authority shall furnish a numbered license tag which shall be worn by the animal to evidence the issuance of the city license hereunder. The license tag shall be valid for so long as the animal's license remains valid. The department of public health shall maintain a record of all licenses issued under this article, which shall show the name and address of each person issued a license, the number of the license tag furnished, a description of the dog or cat for which the license is issued, the date of issuance, the fee paid, the place of issuance, the type of rabies vaccine administered and the date of inoculation.
(Code 1968, § 6-54; Ord. No. 85-296, § 6, 2-27-85)

Sec. 6-93. Replacement tags.

In the event of loss or destruction of a license tag, replacement tags shall be available from the director for the payment of a $2.00 fee, upon satisfactory proof that the dog or cat in question was properly licensed.
(Code 1968, § 6-54; Ord. No. 85-296, § 6, 2-27-85; Ord. No. 93-996, § 6, 8-18-93)

Sec. 6-94. Counterfeiting, destruction of licenses or tags.

The following acts are declared to be unlawful:

(1) The counterfeiting of dog or cat licenses or tags.

(2) The willful and malicious destruction of dog or cat license tags.

(Code 1968, § 6-54; Ord. No. 85-296, § 6, 2-27-85)

Sec. 6-95. When rabies vaccination required; evidence.

(a) No person shall own, possess or have control over any dog or cat within the city that is four months of age or older unless the dog or cat has a current rabies vaccination.

(b) In any prosecution under this section, the burden shall be upon the defendant to prove that the animal is not required to be vaccinated because it is less than four months of age or that the animal was in fact vaccinated within the immediate preceding period of one year. A certificate duly signed by a veterinarian attesting that he administered the vaccination required by this section, bearing the date and type of vaccine and the identification of the dog or cat by breed, color, and sex and the vaccination tag number and the name and address of the owner shall be accepted as evidence of such vaccination.
(Code 1968, § 6-55; Ord. No. 85-296, § 7, 2-27-85; Ord. No. 03-393, § 2, 4-23-03)

Sec. 6-96. Duty of veterinarian.

(a) For purposes of this section the following terms shall have the following meanings:

(1) *Information bulletin* shall mean the informational bulletin which is described in subsection (b).

(2) *License application form* shall mean the form prescribed by the city for a dog or cat license application.

(3) *Vaccination tag* shall mean and include any tag, disk or other item designed or intended to be attached to a dog or cat as evidence that the animal has received a vaccination for rabies.

For purposes of this section a veterinarian shall be deemed to vaccinate an animal whether he personally administers vaccine to the animal or causes or allows the vaccine to be administered under his supervision or his control.

(b) The director shall have information bulletins and license application forms printed. The information bulletins shall contain such information concerning the ordinances regulating dogs and cats as the director finds will aid in enforcement of the city's requirements for licensing animals. The director shall make copies of the information bulletin and the license application form available for distribution to veterinarians and their employees in quantities sufficient to meet their needs under this section, without charge, at the city's animal control center during the center's regular business hours.

(c) Each time that a veterinarian vaccinates a dog or cat for rabies, the veterinarian is encouraged to furnish a copy of the information bulletin to the person presenting the animal for vaccination.

(d) It shall be the duty of each veterinarian who vaccinates any dog or cat for rabies within the city to either:

(1) License the animal while acting as a deputy licensing authority pursuant to section 6-90 of this Code at the time of the administration of the vaccination; or

(2) On or before the seventh day following the administration of the vaccination furnish to the chief of the city's bureau of animal regulation and care a copy of the veterinarian's fully executed vaccination certificate for the animal setting forth:

a. A description of the dog or cat including its breed, age, color and sex;

b. Whether the animal has been neutered (if known or determinable by the veterinarian);

c. The serial number of the vaccination tag furnished;

d. The name and the current address of the person owning or keeping the animal; and

e. The number of the City of Houston registration tag worn by the animal, if any.

Any information required to be provided under item (2) above, may be furnished by actual delivery to the office of the chief of the city's bureau of animal regulation and care or by mailing the same by United States mail, postage prepaid, properly addressed to the chief of the city's bureau of animal regulation and care. Notices mailed

in the aforesaid manner shall be deemed furnished upon their deposit with the United States Postal Service, provided that they are in fact received by the city's bureau of animal regulation and care.

(e) Each veterinarian is encouraged to inform any person who is furnished a vaccination tag by the veterinarian, or any agent or employee of the veterinarian, that such vaccination tag does not constitute a city license and to provide such information in writing and in a manner that such information is clearly conspicuous to the reader of the writing.
(Ord. No. 85-296, § 7, 3-1-85; Ord. No. 88-689, §§ 1, 2, 4-27-88)

Secs. 6-97—6-100. Reserved.

DIVISION 3. IMPOUNDMENT OF DOGS RUNNING AT LARGE*

Sec. 6-101. Running at large prohibited.

(a) It shall be unlawful for any person owning or having in his possession any dog to allow such dog to be at large without the owner or person in charge thereof having direct physical control over such dog. An owner or person having in his possession a dog may allow the dog to be at large on property that does not provide the animal with access to a sidewalk or street.

(b) It shall be unlawful for any person owning or having in his possession a dangerous dog, as defined in section 6-151 of this Code, to allow that dog to be at large. A person who violates this subsection shall, upon conviction, be assessed a fine of not less than $500.00 nor more than $2,000.00. Each day that any violation of this subsection continues shall constitute and be punishable as a separate offense.
(Code 1968, § 6-56; Ord. No. 69-985, § 2, 7-2-69; Ord. No. 70-2, § 2, 1-6-70; Ord. No. 71-942, § 1, 5-25-71; Ord. No. 85-2217, § 2, 12-12-85; Ord. No. 92-1449, § 6, 11-4-92; Ord. No. 07-148, § 8, 1-31-07)

Charter reference—Penalties for ordinance violations, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

*Cross reference—Dangerous dogs, § 6-151 et seq.

Sec. 6-102. Impoundment generally.

(a) It shall be the duty of the animal control officers to take up and take charge of all dogs found to be running at large in contravention of section 6-101 within the city, and to take such dogs to the animal control center or other suitable place, there to be impounded and detained for a period of three calendar days.

(b) If a dog which has been delivered to the animal control center is wearing a city license tag not more than two years old, a current local veterinarian vaccination tag, an identification tag, or a microchip, the person in charge of the center shall notify the owner of the dog by telephone or by mail that such dog has been received by the animal control center. The mailing of notice shall be deemed sufficient notice under this section if it is mailed to the owner at the address shown in the city's records for such license if the dog is wearing a city license tag, or to the address shown in the local veterinarian's records if the animal is not wearing a city license tag but is wearing a local veterinarian's tag.

Dogs wearing a city license tag not more than two years old or a current local veterinarian's tag shall be held in designated pens for the owner for six days from the date the owner was notified by telephone or notice was mailed to the owner. On the seventh day following such notice, the animal may be offered for adoption or euthanized at the discretion of the health officer.

(c) The health officer is authorized to negotiate with other local government agencies for the handling of animals under the provisions of this Code. Any contract which is the subject of such negotiations must be approved and its execution authorized by city council as in other contracts entered into by the city.
(Code 1968, § 6-57; Ord. No. 69-985, § 2, 7-2-69; Ord. No. 70-2, § 3, 1-6-70; Ord. No. 78-2552, § 3, 12-19-78; Ord. No. 07-148, §§ 9, 10, 1-31-07)

Note—Formerly, § 6-111

Secs. 6-103—6-110. Reserved.

DIVISION 4. BREEDING AND SELLING*

Sec. 6-111. Permit required.

It shall be unlawful for any person to operate as a commercial breeder without a valid breeder's permit.
(Ord. No. 07-148, § 11, 1-31-07)

Sec. 6-112. Application for permit.

(a) A person who wishes to operate as a commercial breeder may apply to the director for a breeder's permit. An application for a breeder's permit shall include:

(1) The name, address, and telephone number of the applicant;

(2) The name, address, and telephone number of the location where the breeding will be conducted;

(3) A description of the types of animals to be bred; and

(4) Any other information deemed necessary by the director.

(b) The director shall issue the breeder's permit if the applicant meets the qualifications to obtain such permit. A breeder's permit shall be denied if the applicant fails to:

(1) Complete the application for a breeders permit;

(2) Properly restrain the dogs and cats in his care and custody;

(3) Adequately care for and protect the dogs and cats in his care and custody;

(4) Meet all requirements specified on the commercial breeder permit; or

(5) Pay all required fees pertaining to the breeder's permit.

(Ord. No. 07-148, § 11, 1-31-07)

*Editor's note—Ord. No. 2007-148, § 11, adopted January 31, 2007, amended Ch. 6, Div. 3 in its entirety to read as herein set out. Formerly, said division was entitled Impoundment generally.

Sec. 6-113. Grounds for revocation.

A breeder's permit shall be revoked if the permit holder fails to comply with the provisions set forth in subsection (b) of section 6-112 of this Code.
(Ord. No. 07-148, § 11, 1-31-07)

Sec. 6-114. Fees.

The annual fee for a breeder's permit shall be $100.00. A permit shall expire one year from the date of issuance and must be renewed prior to its expiration. Failure to timely renew a permit will result in the assessment of a late fee of $25.00 against the permit holder.
(Ord. No. 07-148, § 11, 1-31-07)

Sec. 6-115. Notice of denial or revocation.

If the director denies an application or a request for renewal, or revokes an existing permit, he shall provide notice of the denial or revocation to the applicant or permit holder in writing not later than the 10th business day after the determination to deny an application or renewal or to revoke a permit. The notice of denial or revocation shall be sent to the permit holder or applicant by certified mail, return receipt requested, addressed to the permit holder or applicant.
(Ord. No. 07-148, § 11, 1-31-07)

Sec. 6-116. Appeal.

A person may appeal the denial or revocation of a permit by delivering a written request for an appeal to the director not more than 10 days after the first date of mailing written notice of denial or revocation.
(Ord. No. 07-148, § 11, 1-31-07)

Sec. 6-117. Hearing.

(a) The director shall cause written notice to be given to the applicant or permit holder that a hearing on his appeal will be conducted. Such notice shall include the following:

(1) The place where the hearing will be conducted; and

(2) The date and time of the hearing, which shall be not later than the tenth day after the date the notice was sent to the appli-

cant or permittee; provided that the hearing officer may continue the hearing upon the written request of the licensee.

(b) All hearings shall be held by a hearing officer appointed by the director of the health and human services department, who shall not designate any person to perform the duties of hearing officer under this section who has prior knowledge of the circumstances regarding the denial or revocation of the permit. The hearing officer, may, prior to the hearing, receive a copy of the notice given to the applicant or permit holder.

(c) An assistant city attorney may be present at the hearing to advise the hearing officer as to procedural matters; however, the attorney shall not participate in any determination of the facts.

(d) All hearings shall be conducted under rules consistent with the informal nature of the proceedings; provided, however, the following rules shall apply to all hearings:

(1) All parties shall have the right to representation by an attorney licensed to practice in Texas though an attorney is not required.

(2) Each party may present witnesses in his own behalf.

(3) Each party has the right to cross examine all witnesses.

(4) Only evidence presented before the hearing officer at the hearing shall be considered in rendering the decision.

(e) The hearing officer may affirm or reverse a permit denial or a permit revocation. The decision of the hearing officer shall be final and shall be delivered in writing to the applicant or permit holder in the same manner as a notice under section 6-115 of this Code.
(Ord. No. 07-148, § 11, 1-31-07)

Sec. 6-118. Roadside and flea market sales.

(a) It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for a commercial purpose a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.

(b) This section does not apply to:

(1) An agent of a business that has a certificate of occupancy from the building inspection division authorizing the occupancy of the premises for purposes of operating a business selling pets;

(2) Reserved.

(3) An event primarily for the sale of agricultural livestock such as hoofed animals or animals or fowl commonly raised for food, dairy, or fiber products; or

(4) A tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.
(Ord. No. 07-148, § 11, 1-31-07)

Sec. 6-119. Penalty.

A violation of this division shall constitute a Class C misdemeanor.
(Ord. No. 07-148, § 11, 1-31-07)

Sec. 6-120. Reserved.

DIVISION 5. KENNELS

Sec. 6-121. Kennel license—Required; fee; exception.

(a) Any person in the city conducting, managing or maintaining a dog kennel shall obtain a license to do so from the department and pay a license tax of $50.00 per year or fraction thereof, regardless of the number of dogs kept.

(b) Such license tax shall be for the calendar year or any part thereof during which such dog kennel shall be maintained, and shall be due and payable in advance on or before January first of each year.

(c) The fee imposed under subsection (a) above shall not be applicable to a kennel which is operated by a humane organization as a shelter facility, provided that the humane organization demonstrates to the licensing authority that the facility is devoted exclusively to the care and custody of sick, injured, lost, abandoned or strayed animals and that the humane organization pro-

vides veterinary services for the care of the animals kept therein under the supervision of a veterinarian who is employed or retained by the humane organization. The foregoing fee exemption shall not be construed to exempt the humane organization from maintaining a valid license for any kennel which it may operate or from compliance with any applicable ordinance governing the operation or location of a kennel facility.
(Code 1968, § 6-67; Ord. No. 69-985, § 2, 7-2-69; Ord. No. 82-1109, § 6, 7-13-82; Ord. No. 85-296, § 14, 2-27-85)

Sec. 6-122. Same—Inspection of premises before issuance.

It shall be required that a sanitary inspection of the premises be made by the veterinary services division of the department before a kennel license required by this division is issued.
(Code 1968, § 6-68; Ord. No. 69-985, § 2, 7-2-69; Ord. No. 71-942, § 1, 5-25-71)

Sec. 6-123. Same—Issuance and display of certificate.

A certificate shall be issued by the department to the person paying for a dog kennel license, which certificate shall contain the data specified in section 6-124 and which certificate shall be displayed at all times in a prominent place in the kennel.
(Code 1968, § 6-69; Ord. No. 69-985, § 2, 7-2-69)

Sec. 6-124. Same—Records to be kept.

The department shall keep a permanent record of all dog kennel licenses issued under the terms of this chapter, which record shall show the name and address of all persons being issued a kennel license, the name and address of the kennel, the number of the kennel license, the date issued and the amount paid therefor.
(Code 1968, § 6-70; Ord. No. 69-985, § 2, 7-2-69)

Sec. 6-125. Same—Suspension, revocation.

(a) *Grounds for suspension.* The director of the health department, or deputy director, may suspend any kennel license if any of the following conditions exist at the kennel:

(1) Animals at the kennel are being deprived of necessary food, care or shelter;

(2) Animals at the kennel are being cruelly confined or are otherwise being cruelly treated; or

(3) Unsanitary conditions exist at the kennel to such an extent that those conditions create a possible medium of the transmission of disease to the animals kept there or to human beings.

Such a suspension is effective upon service of notice as set out in section 6-125(b). Whenever a kennel license is suspended no animal shall be accepted or placed in the kennel and all animals at the kennel on the date the license is suspended shall be removed therefrom as soon as possible, but in no event shall any animal remain in the kennel more than ten days after the date the license was suspended unless it has been reinstated prior to that time.

(b) *Written notice of suspension.* Whenever a license is suspended, written notice shall be given to the licensee, the person in charge of the kennel, or any employee or agent of the licensee. Such notice shall set forth:

(1) The specific conditions existing at the kennel which are grounds for suspension of the license pursuant to subsection (a) above;

(2) That a hearing will be held before the director of the health department or his designate;

(3) The date, time and place of such hearing; and

(4) That the licensee may appear in person and/or be represented by counsel and may present testimony and cross-examine all witnesses.

Such hearing shall be held not later than seven days after the date the license is suspended.

(c) *Conduct of hearing.* All hearings shall be held by a hearing officer designated by the director of the health department; the said director shall not designate any person to perform the duties of hearing officer under this section who has participated in the inspection or inspections of such kennels, or has prior knowledge of the allegations or circumstances discovered in such

inspection or inspections, except that such person designated as hearing officer may, prior to the hearing, receive a copy of the notice given to the licensee or person in charge, and may have acted as hearing officer in any prior hearings concerning a suspension of such kennel license.

All hearings shall be conducted under rules consistent with the nature of the proceedings; provided, however, the following rules shall apply to such hearing:

(1) All parties shall have the right to representation by a licensed attorney though an attorney is not required;

(2) Each party may present witnesses in his own behalf;

(3) Each party has the right to cross-examine all witnesses; and

(4) Only evidence presented before the hearing officer at such hearing may be considered in rendering the order.

If the licensee fails to appear at the hearing at the time, place and date specified, the city shall present sufficient evidence to establish a prima facie case showing that conditions exist at the kennel which are grounds for suspension of the license pursuant to subsection (a) above.

(d) *Findings of hearing officer.* If the hearing officer finds conditions which were stated in the notice for grounds for suspension of the license pursuant to subsection (b) above in fact do exist at the kennel, the hearing officer shall make written findings of fact and shall order the license suspended. Provided, however, if the hearing officer finds that the needs of the animals and of public interest will be adequately protected by a warning, he may reinstate the license.

If the hearing officer finds that on the date of the hearing no conditions exist at the kennel which were set out in the notice as grounds for suspension of the license, he shall order such license reinstated. However, reinstatement of such license shall not preclude the city from seeking revocation of the license as set out below.

A copy of the findings and order of the hearing officer shall be served on the licensee, or if the address of the licensee is unknown or the notice has been sent certified mail, return receipt requested and has been returned undelivered, such notice shall be served on the person in charge of the kennel or on any employee or agent of the licensee.

(e) *Correction of conditions; inspection; reinstatement of license.* Whenever the reason for a suspension no longer exists, the licensee or person in charge of the kennel shall notify the veterinary division of the health department that the conditions under which the license was suspended have been corrected and that an inspection is requested. Such inspection shall be conducted as soon as possible after receiving the request and in no event shall be later than three regular working days after the receipt of the request for an inspection. If such inspection shows that the conditions were in fact corrected, the license shall be reinstated unless the city has given notice that it is seeking revocation of the license.

(f) *Conditions for revocation.* A license to operate a kennel may be revoked if:

(1) Animals at the kennel are being deprived of necessary food, care or shelter;

(2) Animals at the kennel are being cruelly treated;

(3) Unsanitary conditions exist at the kennel to such an extent that those conditions create a possible medium for the transmission of the disease to the animals kept at the kennel or to human beings;

(4) Conditions stated in subsection (f)(2) and/or (f)(3) above have existed on two or more occasions at the kennel after the kennel has been warned of such conditions by officials of the health department;

(5) There have been two or more suspensions of the kennel license and conditions which were grounds for such suspensions did in fact exist at the time of the suspension;

(6) The licensee is shown to have committed any offense involving cruelty to animals;

(7) The licensee has knowingly employed any person at the kennel or allowed any per-

son to work at the kennel who has been convicted of any offense involving cruelty to animals.

(g) *Written notice of grounds for revocation.* Prior to revocation, written notice shall be given to the licensee or person in charge. Such notice shall set forth:

(1) The grounds upon which the city will seek revocation of the license;

(2) The specific conditions upon which the city will rely in seeking revocation of the license;

(3) That a hearing will be held before the director of the health department or his designated agent;

(4) The date, time and place of such hearing;

(5) That the licensee may appear in person and/or be represented by counsel, may present testimony and may cross-examine all witnesses.

Such hearings shall be held in accordance with subsection (c) above. If the licensee fails to appear at the hearing at the time, place and date specified, the city shall present sufficient evidence to establish a prima facie case showing that grounds in fact do exist for the revocation of the license.

(h) *Findings of hearing officer.* After completion of the hearing, the hearing officer shall make written findings as to whether or not grounds exist for revocation of the license. If the hearing officer finds that grounds do exist for revocation of the license, he shall revoke such; provided, however, if the city sought revocation for reasons under subsection (f)(1), (2) and/or (3) above and no grounds exist for revocation under (f)(4), (5), (6) or (7) above, the hearing officer may deny the request for revocation if he finds that the needs of the animals and the public interest will be adequately protected by a warning.

A copy of the written findings shall be served on the licensee. If the address of the licensee is unknown or if such findings have been sent certified mail, returned receipt requested, and returned undelivered, such findings shall be served on the person in charge of the kennel or on an agent or employee of the licensee.

(i) *Removal of animals upon revocation of license.* If the license is revoked, no animal shall be accepted or placed in the kennel and all animals at the kennel on the date the license is revoked shall be removed therefrom as soon as possible, but in no case no later than ten days after notice that the license has been revoked was served on the licensee, his agent or his employee.

(j) *Service of notices.* Any notice provided for in this section may be served by personal delivery or by certified mail, return receipt requested.

(k) *Nonrefundability of license fee; reinstatement of license.* In the event a license is revoked, the city shall not be liable to the licensee for any refund of any part of the license fee. Reinstatement of a license that has been revoked shall require application and payment of a permit fee as if it were an initial application; provided, however, no license shall be issued to the same licensee if the licensee has been convicted of any offense involving cruelty to animals; no license shall be issued to the same licensee within one year of the date a license has been revoked; and no license shall be issued for the same location unless it is shown that adequate precautions have been taken so that the conditions under which the license was revoked shall not reoccur. If there is a dispute between the inspector and a person applying for a license for a place for which a license was revoked as to whether adequate precautions have been taken so that the conditions under which the license was revoked will not reoccur, the applicant may request a hearing before the hearing officer. Such hearing shall be conducted under the same procedures as a hearing for a revocation of a license, however the burden shall be on the applicant to show that adequate precautions have been taken so that the conditions under which the license was revoked will not reoccur.

(Code 1968, § 6-71; Ord. No. 69-985, § 2, 7-2-69; Ord. No. 81-199, § 1, 2-4-81)

Sec. 6-126. Minimum distance of dog kennel from residence, church, school or hospital.

(a) It shall be unlawful for any person to operate or maintain in the city a dog kennel within 100 feet of any actual residence or habita-

tion for human beings, or within 100 feet of any church, school or hospital, other than the residence of the keeper, possessor or owner of such dog kennel, such distance of 100 feet to be measured in a straight line from the nearest point of any kennel, pen, enclosure, or other structure in which such dogs are kept to the nearest point of such actual residence or place of human habitation, or church, school or hospital.

(b) Subsection (a) of this section shall not apply to any dog kennel that has received approval from the department to operate at a distance less than 100 feet because the dog kennel has implemented containment measures, such as climate control, flooring, wall and ceiling covering, and flushing systems, in compliance with guidelines promulgated by the health officer to ensure standards of cleanliness and other disease control measures. Current copies of such guidelines shall be maintained in the office of the city secretary and at the health and human services department for public inspection. The approval required under this section shall be in writing and signed by the health officer or his authorized representative.

(c) Notwithstanding the foregoing subsection, in no instance will a dog kennel license be issued, reissued or renewed for the existence of a dog kennel within 30 feet of any actual residence or habitation for human beings, or within 30 feet of any church, school or hospital, other than the residence of the keeper, possessor or owner of such dog kennel, the measurement to be taken in the same manner as specified above for the 100 feet.
(Code 1968, § 6-72; Ord. No. 69-985, § 2, 7-2-69; Ord. No. 06-970, § 1, 9-20-06)

Secs. 6-127—6-130. Reserved.

DIVISION 6. ANIMAL SHELTER ADVISORY COMMITTEE

Sec. 6-131. Committee created.

(a) There is hereby created the animal shelter advisory committee ("the committee").

(b) The animal shelter advisory committee shall perform the state law advisory committee functions contemplated in section 823.005 of the Health and Safety Code by rendering advice and assistance to the director regarding the city's compliance with the requirements of chapter 823 of the Health and Safety Code.
(Ord. No. 91-1735, § 1, 12-11-91; Ord. No. 92-859, § 1, 6-24-92; Ord. No. 02-979, § 1, 10-30-02)

Sec. 6-132. Members; terms; offices.

(a) The animal shelter advisory committee shall consist of six members, which membership positions shall be designated as positions one through six. The members in positions one through four shall be appointed by the city council in accordance with rule 19 of the city council's rules of procedure as codified in section 2-2 of this Code. The members in positions five and six shall be appointed by the mayor and confirmed by the city council. The following membership criteria shall apply:

(1) Position one shall be filled by a veterinarian who is licensed as such in Texas.

(2) Position two shall be filled by a municipal or county official.

(3) Position three shall be filled by a person whose duties include the daily operation of an 'animal shelter' as that term is defined in section 823.001 of the Health and Safety Code.

(4) Position four shall be filled by a person who is an officer or employee of an animal welfare organization.

(5) Positions five and six shall be filled by residents of the city.

(b) The members of the committee shall serve for two-year terms commencing on the first day of each even-numbered calendar year and ending on the last day of each odd-numbered calendar year, or when their successors are appointed and qualified.

(c) At the first meeting of each calendar year the members of the committee shall select a chairperson. The member serving in position two of the animal shelter advisory committee shall be the ex officio secretary of the commission.
(Ord. No. 91-1735, § 1, 12-11-91; Ord. No. 92-859, § 1, 6-24-92; Ord. No. 02-979, § 1, 10-30-02; Ord. No. 07-148, § 12, 1-31-07)

Sec. 6-133. Meetings; corporation; quorum.

The committee shall meet from time to time at the call of the chairperson, provided that the committee shall meet not less than three times per calendar year. A majority of the members of the committee shall constitute a quorum for the conduct of business. The director shall arrange for a city conference room to be provided for the conduct of meetings. Members shall not be compensated for service, provided that any member who is a city employee shall continue to receive his regular compensation while serving on the committee.
(Ord. No. 91-1735, § 1, 12-11-91; Ord. No. 92-859, § 1, 6-24-92; Ord. No. 02-979, § 1, 10-30-02)

Secs. 6-134, 6-135. Reserved.

ARTICLE V. DISPOSITION OF IMPOUNDED ANIMALS

Sec. 6-136. Scope.

This article shall apply to, animals and the word "animals" as used herein shall mean, all animals other than those subject to the provisions of chapter 142 of the Texas Agriculture Code (estrays) and those subject to the provisions of article III of this chapter.

Sec. 6-137. Redemption rate after impoundment.

(a) The person entitled to the possession of any animal delivered to the animal control center shall be entitled to have the animal delivered to him at the animal control center upon presentation of satisfactory evidence of ownership, proof of compliance with any other applicable ordinance or statute governing the release of an animal to such owner, and payment of the following charges and fees as applicable, provided such animal is not infected or reasonably believed to be infected with rabies or any other infectious or contagious disease:

(1) Except as otherwise provided in this chapter, the following fees shall be charged for the impoundment of an animal in the animal control center:

a. For animals other than dogs and cats and for sterilized dogs and cats:

1. $25.00 for the first impoundment of the animal;

2. $50.00 for the second impoundment of the same animal; and

3. $75.00 for the third and each subsequent impoundment of the same animal.

b. For unsterilized dogs or cats:

1. $50.00 for the first impoundment of the animal; a $20.00 refund may be obtained upon proof of sterilization (mandatory for cats) within 30 days;

2. $75.00 for the second impoundment of the same animal; a $20.00 refund may be obtained upon proof of mandatory sterilization (dogs and cats) within 30 days; and

3. $100.00 for the third and each subsequent impoundment; a $20.00 refund may be obtained upon proof of mandatory sterilization (dogs and cats) within 30 days.

The fees specified above for unsterilized dogs or cats shall apply unless the health officer is able to determine by external examination that the animal has been sterilized or the owner presents a certificate from a veterinarian establishing that the animal has been sterilized. Release of an unsterilized animal shall be conditioned as provided in subsection (g) below.

However, no impoundment fee shall be charged for dogs, cats or other small animals delivered to the animal control center by the owner, or for dogs, cats or other small animals placed in custody of the animal control center because the owner of the animal has been arrested and is in the custody of the state.

(2) Purchase of a license as provided in article IV of this chapter if a dog or cat has no valid license.

(3) Except as otherwise specifically provided in this chapter, the director shall impose a daily boarding fee of not less that $9.25 nor more than $12.00 per animal. The director may promulgate a schedule of fees for various types of dogs and cats. The fees of impoundment shall be based on the costs for care and feeding of the type of dog or cat impounded. However, when a person seeks delivery of an animal on the first regular working day after a Sunday or after a holiday observed by closure of city offices, no boarding fee shall be charged for the immediately preceding Sunday or holiday unless such Sunday or holiday was within the period of quarantine of the animal for rabies observation. Provided further, no boarding fee shall be charged for any dog, cat or other small animal during the time that the owner thereof was in custody of the state when the animal was placed in the custody of the animal control center because such owner had been arrested. The animal control center shall not keep an animal of a person who is in the custody of the state for more than 15 days unless such animal is being held as evidence in a pending court case.

(4) A rabies vaccination fee of $12.00 if a dog or cat has not been vaccinated in accordance with the provisions of article IV of this chapter.

(5) Reasonable expenses for the treatment of the animal for injury or illness. Any veterinarian of the animal control center is hereby specifically authorized to treat an animal for injury or illness when such treatment is found to be reasonably necessary in his judgment. The veterinarian in charge of the animal control center shall, from time to time, establish a uniform schedule of fees for such treatment on the basis of the city's actual costs incurred in providing such services. A copy of the schedule shall be posted at the animal control center, and a copy shall be filed with the city secretary. The minimum fee for veterinary services to any animal shall be not less than $25.00.

(6) The fee imposed by section 6-17.1 of this Code for a tattoo placed on the animal unless the animal has been previously tattooed as required therein.

(b) It shall be the duty of the officer in charge of the animal control center to offer for sale any and all healthy animals impounded under the terms of section 6-111 and not redeemed within three days, and to sell the same for cash for the amount of the accrued fees against such animal. The person entitled to the possession of any animal shall be entitled to redeem the same upon paying the purchaser double the amount paid by him for such animal and his reasonable expenses for keeping the same. Any animal not so redeemed within 30 days from the date of the sale shall become the absolute property of the purchaser.

(c) No animals which have been taken to the animal control center shall be redeemed or sold unless they are vaccinated for rabies, except in such instances where the appropriate official has been furnished with satisfactory proof and evidence that such animal has been inoculated with a rabies vaccine approved by the U. S. Department of Agriculture's Veterinary Biologics Division, and that such immunization will not expire within the licensing year in which such animal is to be released.

(d) The owners of all animals impounded in the animal control center shall be required to redeem the same as provided for in subsection (a) hereof and shall not be permitted to purchase such animal in lieu of paying the redemption fee.

(e) It is hereby made unlawful to remove animals from the animal control center except in accordance with the procedures established herein and the regulations established by the director of the health department.

(f) Any dog or cat impounded in the animal control center that is claimed by the owner that has not been inoculated for rabies in accordance with article IV, which dog or cat cannot be inoculated in accordance with such section due to illness, will be delivered to any veterinary hospital within the city, designated by the owner thereof for further treatment for a fee of $25.00, provided the veterinarian operating such veterinary hospital agrees to vaccinate such animal for rabies in accordance with article IV prior to releasing the animal from the veterinary hospital, and provided further, that such veterinarian also agrees to furnish a certificate evidencing the vaccination to the animal control center.

(g) Except where the health officer is able to determine by external examination that a dog or cat has been sterilized or the owner has presented a certificate from a veterinarian establishing that the animal has been sterilized, the release of the animal shall be conditioned upon an owner's execution of a written agreement that he will have the animal sterilized by a veterinarian and provide written proof thereof to the health officer within 30 days of the date of the animal's release.

It shall be unlawful for anyone to whom an animal has been conditionally released under this subsection to fail to timely cause the animal to be sterilized and to provide a veterinarian's certificate evidencing the sterilization to the health officer within 30 days after the date of the animal's release to the person.

(h) Under no circumstances may an animal that has been impounded be transferred or sold to a dealer as that term is defined in 7. U.S.C. § 2132.

(Code 1968, § 6-58; Ord. No. 69-985, § 2, 7-2-69; Ord. No. 71-942, § 1, 5-25-71; Ord. No. 78-2552, § 4, 12-19-78; Ord. No. 79-2101, § 1, 11-27-79; Ord. No. 82-1109, § 5, 7-13-82; Ord. No. 85-296, §§ 8, 9, 2-27-85; Ord. No. 93-996, §§ 7, 8, 8-18-93; Ord. No. 93-1640, § 1, 12-22-93; Ord. No. 05-104, § 5, 2-2-05)

Sec. 6-138. Disposal of impounded dogs, cats, other animals not redeemed or sold.

Animals taken up and impounded under the terms of this chapter that are not redeemed as provided in this article shall be disposed of by the city as follows:

(1) Any animal that is vaccinated and sterilized and is otherwise deemed suitable for adoption, may be offered for adoption through a city facility. The director shall impose an adoption fee of not less than $45.00 nor more than $55.00 per animal. The director is authorized to offer an incentive program for one or more periods, not to exceed an aggregate of 30 days in the first calendar year after January 31, 2007, during which the department may fully or partially waive the adoption fee. Within ninety days after the completion of any incentive program period, the director shall compile the results of the program and provide a report to council members on the effectiveness of the program.

(2) Any animal that is suitable for adoption as a pet and is not placed for adoption through city facilities, may be placed for adoption through a private nonprofit humane shelter. The director shall establish uniform criteria for the placement of adoptable animals through humane shelters and shall make surplus adoptable animals available to those shelters that meet the criteria. The criteria shall include requirements that animals be vaccinated and sterilized in accordance with law and that the animals be licensed in the jurisdiction where they will be kept.

(3) The director may authorize a third party, not regularly employed by the city, to offer animals for adoption and collect the adoption fees on behalf of the city if such third party demonstrates proof of financial responsibility for the fees to be collected and remitted in a form satisfactory to the

director. A third party may not impose any fee in addition to that specified by this section.

(4) All animals that are not placed for adoption shall be destroyed by use of humane euthanasia procedures as recommended from time to time by the American Veterinary Medical Association.

(5) Under no circumstances may an animal be sold or donated for research or teaching purposes to a medical school, licensed hospital, or nonprofit university or college.

(Code 1968, § 6-59; Ord. No. 69-985, § 2, 7-2-69; Ord. No. 77-2499, § 1, 12-8-77; Ord. No. 85-296, § 10(b), 2-27-85; Ord. No. 92-860, § 1, 6-24-92; Ord. No. 93-1640, § 2, 12-22-93; Ord. No. 05-104, § 6, 2-2-05; Ord. No. 07-149, §§ 1, 2, 1-31-07)

Sec. 6-139. Euthanasia of animals upon owner's or citizen's request.

The director may accept a dog or cat from the owner thereof for disposal for no charge. No fee shall be charged to a citizen who brings an injured or ill cat or dog to the animal control center for euthanasia. The disposal of such animals shall be accomplished in the same manner as though the animals had been impounded and not redeemed. (Ord. No. 85-296, § 11, 3-1-85; Ord. No. 93-996, § 9, 8-18-93)

Sec. 6-140. Sterilization of dogs and cats.

In accordance with applicable state law the director shall establish procedures to ensure that no unsterilized dog or cat is released from the city's animal control facilities except under the terms of a sterilization agreement as required by chapter 28 of the Texas Health and Safety Code. (Ord. No. 92-860, § 2, 6-24-92; Ord. No. 93-1640, § 3, 12-22-93)

Secs. 6-141—6-150. Reserved.

ARTICLE VI. DANGEROUS DOGS*

Sec. 6-151. Definitions.

As used in this article the following words and phrases shall have the meanings herein ascribed to them, unless the content of their usage clearly indicates another meaning:

Bodily injury means physical pain, illness, or any impairment of physical condition that results from a bite or attack by a dog.

Dangerous dog has the meaning ascribed in section 822.041 of the Health and Safety Code, as amended from time to time.

Hearing officer shall mean the director or any person he may designate to conduct a hearing under this article, provided such person shall not have participated in any investigation of the facts regarding the alleged dangerous dog or be in the chain of command of any such person.

Owner has the meaning ascribed in section 822.041 of the Health and Safety Code, as amended from time to time.

Secure enclosure means a fenced area or structure that is:

(1) At least 6 feet in height;

(2) Locked;

(3) Capable of preventing the entry of the general public, including children;

(4) Capable of preventing the escape or release of a dangerous dog; and

(5) Clearly marked as containing a dangerous dog.

Serious bodily injury has the meaning ascribed in section 822.001 of the Health and Safety Code, as amended from time to time.

Unprovoked means action by a dog that is not:

(1) In response to being tormented, abused, or assaulted by any person;

(2) In response to pain or injury; or

*Cross references—Rabies control, § 6-17; running at large prohibited, § 6-101.

(3) In protection of itself or its food, kennel, or nursing offspring.

(Ord. No. 86-795, § 1, 6-3-86; Ord. No. 06-996, § 3, 10-4-06)

Sec. 6-152. Impoundment order; surrender.

(a) Upon receipt of a sworn, written complaint by any person, in a form approved by the director, that any dog situated within the city may constitute a dangerous dog, the director shall cause an investigation to be conducted. If upon investigation, the director reasonably believes that grounds exist to declare the dog a dangerous dog, he shall issue a written order, which includes the grounds for the order, that the dog be impounded at the city's animal impoundment facilities at the licensee's or owner's expense pending a hearing to determine whether the dog is dangerous as defined in this article.

(b) It shall be unlawful for any person to refuse to surrender to any city officer or employee who has presented a true copy of such order to the person any dog for which an impoundment order has been issued.

(Ord. No. 86-795, § 1, 6-3-86; Ord. No. 06-996, § 3, 10-4-06)

Sec. 6-153. Determination hearing.

(a) The director shall cause written notice to be given to the licensee or owner that a hearing will be conducted to determine whether the animal is a dangerous dog. Such notice shall include the following:

(1) The place where the hearing will be conducted.

(2) The date and time of the hearing, which shall be not later than the tenth day after the impoundment of the animal; provided that the hearing officer may continue the hearing upon the written request of the licensee or owner or upon the written certification of the attending physician of a person injured by the dog that the injured person is not medically able to attend the hearing, or in the event that it is necessary to give notice of the hearing by newspaper publication.

(3) That the licensee or owner may appear at the hearing and present evidence, cross examine witnesses and be represented by legal counsel.

(4) That the dog may be ordered euthanized if the hearing officer finds that it is a dangerous dog.

(5) That the licensee or owner may request a probable cause hearing pursuant to section 6-156 of this Code.

The notice may be given by personal delivery or sent by certified mail, return receipt requested, to the last known address of the licensee or owner. If the director is unable to effect delivery of notice by personal delivery or by mail, he shall cause the notice to be published one time in a newspaper of general circulation and to be posted in a conspicuous public place at the city's animal impoundment facility, each of which acts shall be done at least seven business days prior to the date of the hearing.

(b) The hearing shall be conducted by the hearing officer under rules consistent with the nature of the proceeding. The burden of proof shall be upon the city to establish, by a preponderance evidence presented at the hearing, that the dog is, a dangerous dog. At the conclusion of the hearing, the hearing officer shall enter a written order with factual findings as to whether the dog is a dangerous dog. At the conclusion of the hearing, the hearing officer may:

(1) Determine that a dog is not dangerous and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its licensee or owner, provided that the dog may continue to be held, if required, for the duration of any rabies quarantine period as provided by this Code;

(2) Determine that a dog is dangerous and order the licensee or owner to comply with the requirements for ownership of a dangerous dog set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended,

and, if the dog is impounded, release the dog to its licensee or owner in accordance with subsection (d) of this section; or

(3) Determine that a dog has killed or caused serious bodily injury to a person and order the dog to be seized and humanely euthanized.

(c) If a dog is determined to be dangerous, the director shall notify the licensee or owner, either in person or by certified mail, return receipt requested:

(1) That the dog is dangerous;

(2) Whether the dog has been ordered to be humanely euthanized;

(3) If the dog has not been ordered to be humanely euthanized, what the licensee or owner must do to comply with requirements for ownership of a dangerous dog and to reclaim the dog, if impounded; and

(4) That the licensee or owner has a right to appeal a determination of dangerousness or an order to euthanize.

(d) An impounded dog determined by the hearing officer to be dangerous shall remain impounded or confined at a location approved by the director and will not be released to the licensee or owner until the licensee or owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of a dangerous dog set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended from time to time. If all impoundment fees have not been paid and all requirements have not been met within 30 days after a final determination that a dog is dangerous, the hearing officer may cause the dog to be humanely euthanized.

(Ord. No. 86-795, § 1, 6-3-86; Ord. No. 06-996, § 3, 10-4-06)

Sec. 6-154. Requirements for owner of a dangerous dog.

Not later than the 30th day after the date a licensee or owner learns that he is the owner of a dangerous dog that is not to be humanely euthanized, the licensee or owner shall:

(1) Comply at all times with the requirements set forth in Subchapter D, Chapter 822 of the Texas Health and Safety Code;

(2) Permit the department to implant a microchip in the dog which will identify it as a dangerous dog;

(3) Affix a red, city-issued "dangerous dog" tag to the dog's collar that must be worn by the dog at all times and renewed annually;

(4) Restrain the dangerous dog at all times on a leash, no longer than 6 feet in length, in the immediate control of a person at any time the dog is not in a secure enclosure;

(5) Confine the dog in a secure enclosure except as provided in the preceding item; and

(6) Obtain liability insurance coverage in an amount of at least $100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage to the department.

(Ord. No. 86-795, § 1, 6-3-86; Ord. No. 06-996, § 3, 10-4-06)

Sec. 6-155. Seizure and impoundment of a dangerous dog

(a) The director shall seize and impound or order seizure and impoundment, at the licensee's or owner's expense, of any dog previously determined to be dangerous if:

(1) The licensee or owner violates any provision of this article or Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended; or

(2) The dog causes bodily injury to any person.

(b) If a previously determined dangerous dog has been seized and impounded under this section, the hearing officer shall conduct a hearing to determine if the dog should be returned to the licensee or owner or humanely euthanized. The hearing must be conducted within eight business days after the date of seizure, and the hearing officer shall provide written notice of the hearing either in person or by certified mail, return re-

ceipt requested, to the licensee or owner. In no event shall the hearing be conducted less than seven business days after the notice has been mailed or delivered to the licensee or owner.

(c) At the conclusion of a hearing required under this section, the hearing officer may order that the dog either be returned to the licensee or owner in accordance with subsection (d) of this section or be humanely euthanized.

(d) A dangerous dog seized and impounded under this section shall not be returned to the licensee or owner until the licensee or owner pays all fees incurred for impoundment of the dog and complies with all requirements for ownership of a dangerous dog set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended. If all impoundment fees have not been paid and all requirements have not been met within ten business days after the hearing officer issues the order to return the dog to the licensee or owner, the hearing officer may cause the dog to be humanely euthanized.
(Ord. No. 86-795, § 1, 6-3-86; Ord. No. 06-996, § 3, 10-4-06)

Sec. 6-156. Probable cause hearing.

Any licensee or owner whose dog has been impounded may, at any time prior to the hearing scheduled pursuant to section 6-153 or section 6-155 of this Code, request an informal probable cause hearing by written request delivered to the office of the director. The hearing officer shall conduct the hearing within 48 hours after receipt of the request, Saturdays, Sundays and city holidays excepted. The hearing shall be conducted informally, and the hearing officer may consider city investigative reports, medical records, and affidavits, as well as any testimony or documentary evidence offered by the licensee or owner. If the hearing officer finds that probable cause does not exist to detain the dog for a hearing under section 6-153 of this Code, he shall cause the impoundment order to be withdrawn. If the impoundment order is withdrawn, the animal shall be forthwith released, provided that it may continue to be held, if required, for the duration of any rabies quarantine period as provided by this Code.
(Ord. No. 06-996, § 3, 10-4-06)

Sec. 6-157. Unlicensed dogs, rabies quarantine.

(a) The provisions of this article shall not be construed to require the issuance of an impoundment order or the conduct of a hearing for the impoundment or euthanasia of any dog that is found to be running at large in violation of city ordinances. In the event that any dog impounded for such cause is claimed for redemption, the director may, if he has grounds to believe that it is a dangerous dog, issue notice of a hearing pursuant to section 6-153 of this Code to the person claiming the dog and continue to hold the dog unless and until it is authorized to be released pursuant to section 6-153 or 6-155 of this Code.

(b) The provisions of this article shall not be construed to require the issuance of an impoundment order for the impoundment of any dog for rabies quarantine pursuant to applicable provisions of the Code or state law. In the event that a dog is already impounded in the city's facilities for such reason, and the director determines that it may be a dangerous dog, he may issue a notice of hearing under section 6-153 or 6-155 of this Code and continue to hold the dog unless and until it is authorized to be released pursuant to section 6-153 or 6-155 of this Code.
(Ord. No. 06-996, § 3, 10-4-06)

Sec. 6-158. Appeal from a determination as a dangerous dog.

If the hearing officer determines a dog is a dangerous dog under section 6-153 of this Code, that decision is final unless the licensee or owner files a written appeal with the municipal court not later than the 15th day after the date the licensee or owner received notice that the dog is dangerous. The appeal hearing must be a trial de novo and is a civil proceeding for the purpose of affirming or reversing the director's determination of dangerousness.
(Ord. No. 06-996, § 3, 10-4-06)

Sec. 6-159. Appeal from an order to euthanize.

If the hearing officer orders a dangerous dog to be humanely euthanized under section 6-153 or section 6-155 of this Code, that decision is final

unless the licensee or owner files a written appeal with the municipal court within five business days after receiving notice of the order to euthanize. If an appeal is timely filed, the director shall suspend the order to euthanize pending final determination of the court. The appeal hearing must be a trial de novo and is a civil proceeding for the purpose of affirming or reversing the director's order to euthanize.
(Ord. No. 06-996, § 3, 10-4-06)

Sec. 6-160. Dangerous dog owned or harbored by minor.

If the licensee or owner of a dangerous dog is a minor, the parent or guardian of the minor shall be liable for all injuries and property damage sustained by any person or domestic animal in an unprovoked attack by the dog.
(Ord. No. 06-996, § 3, 10-4-06)

Sec 6-161. Violations; defenses.

(a) A person commits an offense if he violates, or fails to perform an act required by, a provision of this article or Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended. A person commits a separate offense each day or part of a day during which a violation is committed, permitted, or continued.

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

(c) Any defense to prosecution under Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, is a defense to prosecution under this article.

(d) Any defense to an order to euthanize under Section 822.003 (f) of the Texas Health and Safety Code, as amended, is a defense under this article.
(Ord. No. 06-996, § 3, 10-4-06)

Sec 6-162. Dangerous dog database.

The department shall maintain a detailed database of all dogs deemed to be dangerous. The database shall include, but not be limited to, information such as the licensee's or owner's name, address, phone number, the dangerous dog case number, the assigned microchip number, and all identifying information regarding the dog.
(Ord. No. 06-996, § 3, 10-4-06)