

# City of Grand Prairie Ordinance, Chapter 5

## ANIMAL SERVICES

### ARTICLE I. IN GENERAL

#### Sec. 5-1. Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

*Abandon* means leaving in an enclosure or at large without providing food and water, or shelter from sun or inclement weather.

*Animal* means any member of the kingdom Animalia, other than Homo Sapiens.

*Animal Services Manager* means the supervisor of the Animal Services Division or his/her designee.

*At large* means:

- (1) On premises of owner, any animal not confined to the premises of the owner by some physical means of sufficient height, strength, length, and/or manner of construction to preclude the animal from leaving the premises of the owner;
- (2) Off premises of owner, any animal which is not physically and continually restrained by some person by means of a leash or chain of proper strength and length that precludes the animal from making an unsolicited contact with any person, his/her clothing, his/her property, and/or his/her premises; provided, however, that any animal confined within an automobile or other vehicle of its owner shall not be deemed at large.
- (3) Any dog which is off leash in a canine off-leash recreation area owned or operated by the City of Grand Prairie and which is not under the physical or voice control of its caretaker and which is capable of causing injury to a person or another animal.

*Cat* means any live or dead cat (*Felis catus*).

*Collar* means any collar constructed of nylon, leather, or similar material, specifically designed to be used on the species of animal on which it is placed.

*Currently vaccinated* means vaccinated in compliance with the rabies vaccination protocol/regulations established by the Texas Department of Health.

*Dangerous animal* means:

- (1) An animal that makes an unprovoked attack on a human, that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or

- (2) An animal that commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own, and those acts cause a person reasonably to believe that the animal will attack and cause bodily injury to that person which could include a situation where the animal attacks another animal in the vicinity of humans, and in which the humans cannot prevent such attack without fear of being injured themselves; or
- (3) An animal that makes an unprovoked attack on a domestic animal or domestic fowl that causes serious bodily injury or death to the domestic animal or fowl, and which occurs when such attacking animal is at large and when humans are in the vicinity but are unable to prevent the attack, or when the victim animal is not presenting a danger to the attacking animal or physically inside the enclosure of the dangerous animal; or
- (4) An animal that makes an unprovoked attack on a human eight years of age or younger within its enclosure and such enclosure was not reasonably certain to keep a person that age from entering.

*Dog* means any live or dead dog (*Canis familiaris*).

*Exotic fowl* means any avian species not indigenous to the state of Texas.

*Fowl* means The Order Anseriformes (such as ducks, geese and swans); Order Galliformes (such as chickens, pea-fowl, turkey, and guinea fowl) and other wild or domesticated Gallinaceous birds.

*Goat* means any domesticated caprine animal.

*Harboring* means the act of keeping and caring for an animal or providing a premises to which the animal returns for food, shelter, or care for a period of two (2) days or longer.

*Horse* means any domesticated equine animal.

*Housing facility* means any room, building, or area used to contain a primary enclosure or enclosures.

*Humanely destroy* means to cause the death of an animal by a method which:

- (1) Rapidly produces unconsciousness and death without visible evidence of pain or distress; or
- (2) Utilizes anesthesia produced by an agent, which causes painless loss of consciousness and death following such loss of consciousness.

*Hybrid* means any animal formed of the union of different species.

*Impound* means to take into custody or to place in the animal shelter of the city or other authorized confinement area.

*Livestock* means all horses (*equine animals*), cows (*bovine animals*), sheep (*ovine animals*), goats (*caprine animals*), pigs (*swine animals*), or any other animal defined as livestock by the State of Texas Agricultural Code, whether commonly domesticated or not.

*Microchip database* means a twenty-four-hour, seven-days-a-week computerized system that contains all of the prescribed information of microchipped implanted animals. The database shall have a national backup system delivered by a recognized agency as a means of security to ensure that the information concerning an animal's name, owner's name, address, telephone number, and alternate contact(s) shall be available for at least twenty (20) years. The database shall have the capacity to store and retrieve other types of information, such as the sterility status, bite information, and medical condition(s) of the animal implanted and registered.

*Microchip implant* means a passive electronic device that is injected into an animal, subcutaneously, by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owners. The microchip implant shall be supplied with an exterior collar-type tag for purposes of an external means of notifying others that the animal has been implanted with a microchip.

*Microchip reader* means an electronic device that detects an implanted microchip and that displays the unique number of the microchip implanted in an animal.

*Observation period* means the ten (10) or more days following a bite or scratch of a human by an animal, during which the animal's health status must be monitored.

*Owner* means any person or persons, firm, association, partnership, or corporation, owning, keeping or harboring any animal or animals.

*Person* means an individual, corporation, firm, partnership, association, business trust, estate, or trust.

*Primary enclosure* means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch.

*Quarantine* means strict confinement under restraint by closed cage or paddock or in any other manner approved in this chapter on the private premises of the owner or at a facility approved by the state board of health or its designee or the city animal shelter.

*Quarantine period* means that portion of the observation period during which a biting or scratching animal is physically confined for observation.

*Rabies* means an acute viral disease of man and animal affecting the central nervous system and usually transmitted by an animal bite.

*Ratite* means a family of birds which have no keel and cannot fly. Ostriches, emus, rheas, kiwis, and cassowaries are members.

*Sanitize* means to make physically clean and to destroy disease-producing agents.

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

*Sheep* means any domesticated ovine animal.

*Shelter* means a structure adequate in size to accommodate the animal's body weight and that is fully enclosed on 3 sides, roofed, and has a dry solid floor. The interior must remain dry and be protected from the elements at all times and which shall provide either natural or artificial shade for the animal to avoid the direct sunlight.

*Tether* means a chain, rope, tether, leash, cable, or other device that attaches an animal to a stationary object or trolley system.

*Unowned animal* means any animal for which an owner has not been identified.

*Vaccination* means an injection of a vaccine for rabies, approved by the state veterinarian, and administered by a veterinarian licensed by the state board of veterinary examiners.

*Wild animal* means any mammal, save and except the common domestic species (dogs, cats, ferrets, horses, cattle, swine, sheep, and goats), and any amphibian, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition and which, because of its size, vicious nature, or other characteristics, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, foxes, raccoons, skunks, ringtails, bobcats, coyotes, martens, elephants, rhinoceroses, or any hybrids of the aforementioned animals, nonhuman primates and all forms of poisonous reptiles and other like animals.

*Wildlife* means animals living in such conditions of the "wild state."

*Wild state* means living in its original natural condition, not domesticated.

## **Sec. 5-2. Office of Animal Services Manager established; duties; enforcement.**

- (a) Establishment of the office of Animal Services Manager.
  - (1) There shall be and is hereby created the office of Animal Services Manager.
  - (2) The Animal Services Manager shall act as the local rabies control authority for the purpose of enforcing animal health and control sections of the Health and Safety Code of the State of Texas.
  - (3) The city may employ animal services officers to assist him in the carrying out of his/her duties.
- (b) It shall be the duty of the Animal Services Manager and his/her designated representatives to:

- (1) Administer and enforce all laws and regulations of the state pertaining to animals which authorize the local rabies control authority or animal services officers to enforce the same;
  - (2) Administer and enforce the animal ordinances of the city when a nuisance or health problem is caused by one (1) or more animals;
  - (3) Supervise the animal services operations of the city; and
  - (4) Aid the state board of health in the enforcement of area quarantines.
- (c) The Animal Services Manager and any animal services officer of the city shall have the authority to issue citations for any violation of this chapter and any other power or duty stated within the terms of this chapter. If the person being cited is not present, the animal services officer may send the citation to the alleged offender by registered or certified mail, return receipt requested, by depositing the same in the U.S. Mail, postage prepaid.
- (d) It shall be unlawful for any person to knowingly prevent, interfere with, or obstruct the Animal Services Manager or an animal services officer in the performance of his/her duties.
- (e) It shall be unlawful for any person to fail to comply with any lawful order of the local rabies control authority officer or any animal services officer of the city.
- (f) The local rabies control authority officer, any animal services officer, or any peace officer is authorized to, including but not limited to:
- (1) Kill an animal which poses an imminent danger to a person or property or a real or apparent immediate necessity exists for the destruction of an animal.
  - (2) Impound an animal which is diseased or endangers the health of a person or another animal.
  - (3) Impound any animal hereinafter designated found to be running at large or to be astray within the city.
  - (4) Destroy an impounded animal if the animal is suffering from injury, disease, or illness.
  - (5) Destroy any animal suspected of having rabies, or which animal manifests a disposition to bite, when such animal(s) is found at large or found astray after having made a reasonable, but unsuccessful, effort to capture the animal.
  - (6) Destroy any impounded dangerous animal, unless there is reason to believe that it has an owner, immediately upon impoundment.
  - (7) Destroy any wild animal immediately upon impoundment.

- (8) Destroy any nursing baby animal, excluding livestock impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, to prevent further suffering.
  - (9) Destroy an animal when an owner no longer wishes responsibility for an animal or believes the animal to be in an ill or injured condition upon the owner signing a waiver, supplied by the animal shelter, allowing the animal to be immediately euthanized in a humane manner. An owner may also authorize the adoption of an unwanted animal prior to the expiration of the seventy-two-hour impoundment period by signing a waiver.
  - (10) Destroy or give to a nonprofit humane organization any impounded animal that is to be destroyed as a result of the animal being impounded for more than seventy-two (72) hours.
- (g) The Animal Services Manager and any animal services officer of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing the provisions of this chapter.

**Sec. 5-3. Exception and exemptions not required to be negated.**

In any complaint and in action or proceeding brought for the enforcement of any provision of this chapter, it shall not be necessary to negate any exception, excuse, proviso, or exemption contained in this chapter; and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the owner or defendant as an affirmative defense.

**Sec. 5-4. Animal shelter advisory committee; duties generally; membership; meetings.**

There is hereby created an animal shelter advisory committee, as provided in the Texas Health and Safety Code, Chapter 823. The animal shelter advisory committee shall assist the Animal Services Division in ensuring that the standards for animal shelters, as contained in the Texas Health and Safety Code, Chapter 823, as amended, are complied with. The animal shelter advisory committee shall be composed of thirteen (13) members. Members of the committee shall serve at the discretion of the city council. Composition of the animal shelter advisory committee shall be as follows: Nine (9) members shall be citizens; one (1) member shall be a licensed veterinarian; one (1) shall have duties which include the daily operation of an animal shelter; one (1) shall be the City's Environmental Services Director; and one (1) shall be a representative of an animal welfare organization. The member whose duties include the daily operation of the shelter and the Environmental Services Director shall serve as voting ex-officio members. The animal shelter advisory committee shall meet at least three (3) times a year and five (5) members of the board shall constitute a quorum. Members of the animal shelter advisory committee are required to be residents of the city; provided, however, that the member of the animal shelter advisory committee whose duties include the daily operation of an animal shelter and the Environmental Services Director shall serve on the committee regardless of residency. The licensed veterinarian shall be a veterinarian either practicing or residing in the City of Grand Prairie.

**Sec. 5-5. Designated Caretaker.**

The Animal Services Division shall immediately be considered the designated caretaker of a stray, impounded, or surrendered animal, including any injured animal found at large or abandoned. As the designated caretaker, the Animal Services Division shall have the provisional assumption of ownership and shall have the authority to administer preventative immunizations and any required medical treatment. Additionally, the Animal Services Division shall have the authority to utilize emergency humane euthanasia in the event of a suffering animal.

**Secs. 5-6--5-7. Reserved.**

## **ARTICLE II. DOGS AND CATS\***

### **Sec. 5-8. Vaccination required.**

All dogs, cats, and ferrets within the city shall be compliant with the rabies vaccination protocol/regulations established by the Texas Department of Health.

### **Sec. 5-9. Vaccination certificate and tag to be issued.**

The licensed veterinarian administering the antirabies vaccine shall issue to the owner of the dog or cat a vaccination certificate. The vaccination certificate shall reflect the owner's name, the owner's address, and telephone number, an accurate description of the animal, the date of vaccination, the number of the vaccination tag, the kind of vaccine administered, and the veterinarian's signature and license number. In addition to the vaccination certificate, the veterinarian shall furnish the owner with a metal tag, on one (1) side of which shall be stamped the words, "rabies vaccine administered," a certificate number, the year of vaccination, and the name and address of the vaccinating veterinarian. Proof of a valid rabies vaccination shall be supplied to the Animal Services Manager within forty-eight (48) hours of request. This request may be in the form of a written notice left at the animal owner's residence.

### **Sec. 5-10. Vaccination tag to be worn.**

In addition to the identification tag required by section 5-18, the vaccination tag issued by the veterinarian shall be securely attached to the collar or harness and worn at all times by the dog or cat vaccinated.

### **Sec. 5-11. Reserved.**

### **Sec. 5-12. Running at large and strays prohibited.**

- (a) It shall be unlawful for the owner of any dog to permit or allow such animal to run at large within the corporate limits of the city.
- (b) It shall be unlawful for the owner of any unvaccinated or unsterilized cat to allow or permit such animal to run at large within the corporate limits of the city.
- (c) A person commits an offense if the person is the owner of an animal and the animal makes an unprovoked attack on another person while such animal is at large, and the attack causes bodily injury or death to the other person.
- (d) A person commits an offense if the person is the owner of an animal and the animal makes an unprovoked attack on a domestic animal or domestic fowl while such animal is at large, and the attack causes bodily injury or death to the domestic animal or domestic fowl.

**Sec. 5-13. - Impoundment.**

Any dog or unvaccinated or unsterilized cat found to be running at large within the city, or any dog or cat found not wearing a collar or harness to which is attached a metal vaccination-registration tag showing that the dog or cat has been vaccinated against rabies and registered may be impounded in the city animal shelter. The owner of a dog or cat which has been impounded under this section may reclaim such animal upon payment of the impoundment fees, handling charges, and any veterinarian bills incurred by the city's animal services office for the welfare of the animal and upon compliance with the vaccination and registration provisions of this chapter. The owner of any impounded dog or cat, including those released from quarantine, shall have a microchip implanted in the animal by the Animal Services Manager prior to being permitted to repossess such dog or cat.

Any dog or cat impounded under this section which is not reclaimed by the owner within seventy-two (72) hours of impoundment shall become the property of the City of Grand Prairie, and may be placed for adoption, transferred to rescue/foster organizations/individuals, transferred to other humane organizations, or destroyed humanely. All animals that are voluntarily surrendered to the Animal Services Manager shall immediately become the property of the City of Grand Prairie, and the Animal Services Manager shall be authorized to determine the appropriate disposition.

**Sec. 5-14. Adoption.**

(a) Condition.

The Animal Services Manager shall be authorized to place for adoption dogs or cats impounded by the city under the following conditions:

- (1) The Animal Services Manager shall determine whether a dog or cat is healthy enough for adoption and its health and age adequate for vaccination; however, such a decision by the Animal Services Manager shall not constitute a warranty of the health or age of any animal.
- (2) There will be an adoption fee for all dogs and cats at an amount established by Chapter 5, Article IV. The Environmental Services Director shall have the authority to waive such fee in cases of special pet adoption promotions.
- (3) After payment of the adoption fee, all dogs and cats shall receive a microchip implant of a type approved by the Animal Services Manager.

(b) Rabies Vaccination

- (1) Dogs or cats age three (3) months or older.
  - a. In the event an adopted dog or cat age three (3) months or older is not vaccinated for rabies, the Animal Services Manager shall cause the animal

to be vaccinated. The vaccination shall be administered at the time of adoption unless the Animal Services Manager determines it is not medically safe to vaccinate the dog or cat at the time of adoption. If it is determined by the Animal Services Manager that it is not medically safe to vaccinate, the adopting person shall sign a written agreement that the person will have the animal vaccinated in accordance with the written agreement. The written agreement will provide notice of the date and time for the person to return with the adopted animal for vaccination. After vaccination, the Animal Services Manager shall present a rabies vaccination certificate to the person who adopted the animal.

- b. A person commits an offense if after adopting a dog or cat three (3) months of age or older the person fails to obtain a rabies vaccination for such animal within three (3) days of the written agreement's noticed date and time of return. Proof shall be in the form of a vaccination certificate that meets the minimum standards approved by the state health agency.
- c. The Animal Services Manager shall be authorized to reclaim any animal under this section if the vaccination is not obtained within the required time. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the City.

(2) Dogs or cats age less than three (3) months.

- a. In the event an adopted dog or cat is under three (3) months of age, the vaccination will not be required until the animal is at least three (3) months of age but no older than four (4) months of age. The adopting person shall sign a written agreement that the person will have the animal vaccinated in accordance with the written agreement. The written agreement will provide notice of the date and time for the person to return with the adopted animal for vaccination. The noticed date of return will be specified by the Animal Services Manager and shall be on or near the date the Animal Services Manager determines that the animal is at least three (3) months of age but no older than four (4) months of age. After vaccination, the Animal Services Manager shall present a rabies vaccination certificate to the person who adopted the animal.
- b. A person commits an offense if after adopting a dog or cat under three (3) months of age the person fails to obtain a rabies vaccination for such animal within three (3) days of the written agreement's noticed date and time of return. Proof shall be in the form of a vaccination certificate that meets the minimum standards approved by the state health agency.
- c. The Animal Services Manager shall be authorized to reclaim any animal under this section if the vaccination is not obtained within the required time. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the City.

- (3) Other adopted animals shall be required to be vaccinated in accordance with the requirements of the state health agency or in accordance with the recommendations of the American Veterinary Medicine Association.

(c) Sterilization

- (1) In the event an adopted dog or cat is not sterilized, the Animal Services Manager shall cause the animal to be sterilized. The services for sterilization shall be administered at the time of adoption unless the Animal Services Manager determines it is not medically safe to sterilize the dog or cat at the time of adoption. Each animal shall be sterilized prior to being released to the adopting person unless:
  - a. The dog or cat is under two (2) months of age; or
  - b. The Animal Services Manager determines that the dog or cat should not be sterilized for health reasons or the Animal Services Manager has determined the animal has been previously sterilized; or
  - c. The adopting person has signed a written agreement that the person will have the animal sterilized by Animal Services in accordance with the written agreement, which will provide notice of the date and time for the person to return with the adopted animal for sterilization. The noticed date of return will be specified by the Animal Services Manager and shall be on or near the date the Animal Services Manager estimates to be the date the dog or cat becomes two (2) months of age or as soon as medically safe.
- (2) The Animal Services Manager may extend the sterilization deadline upon presentation of a written veterinary report, stating that the life or health of the adopted animal may be jeopardized by surgery. There is no limit to the number of extensions that may be granted under this subsection.
- (3) A person who signs a sterilization agreement commits an offense if he/she fails to have the animal sterilized on or before the sterilization completion date stated in the agreement.
- (4) If the adopted animal dies on or before the sterilization completion date, the adopting person shall deliver to the Animal Services Manager a signed letter stating that the animal is dead. The letter shall be delivered not later than the seventh day after the date of the animal's death, and shall describe the cause of death if known and provide the date of death. A person commits an offense if the Animal Services Manager does not receive the letter before the expiration of the seventh day after the sterilization completion date.
- (5) If the adopted animal is lost or stolen before the sterilization completion date, the adopting person shall deliver to the Animal Services Manager a signed letter stating that the animal is lost or stolen. The letter shall be delivered not later than the seventh day after the date of the animal's disappearance, and shall describe the

circumstances surrounding the disappearance and the approximate date of disappearance. In such case there shall be no refund of the adoption fee. A person commits an offense if the Animal Services Manager does not receive the letter before the expiration of the seventh day after the sterilization completion date.

- (6) The Animal Services Manager shall be authorized to reclaim any adopted animal after the expiration of the seventh day after the sterilization completion date, if the Animal Services Manager has not received proof that the person is in compliance with the sterilization agreement. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the City.

#### **Sec. 5-15. Report of rabies cases; confinement of animal.**

Every owner, custodian, or veterinarian shall report to the local rabies control authority officer or his/her designee all cases of rabies or suspected rabies of which any of them has knowledge. The dog or cat having rabies or symptoms thereof, or suspected of having rabies, or which has been exposed to rabies shall immediately be confined for observation and quarantine period in accordance with the provisions of article V of this chapter.

#### **Sec. 5-16. Confinement where person has been attacked.**

When any dog or cat has bitten or otherwise attacked a person, that person or anyone having knowledge of such incident shall report the incident to the local rabies control authority officer or an animal services officer as soon as possible, but not later than twenty-four (24) hours from the time of the incident. The dog or cat shall be immediately confined for the observation and quarantine period in accordance with the provisions of article V of this chapter.

#### **Sec. 5-17. Dangerous animals.**

- (a) Any dangerous animal found running at large may be destroyed by any animal services officer or peace officer in the interest of public safety.
- (b) For purposes of this article, a person learns he/she is the owner of a dangerous animal when:
  - (1) The owner knows of an attack described in the definition of “dangerous animal”;  
or
  - (2) The owner is notified by the Animal Services Manager that the animal is a dangerous animal.
  - (3) The owner is made aware of the dangerous propensity of the animal to attack other animals or to present a danger to humans.

- (c) Reporting.
  - (1) The Animal Services Manager may receive a report concerning a dangerous animal. Such a report and supporting witness statement shall be in writing and sworn to on a form prescribed by the Animal Services Manager.
  - (2) The Animal Services Manager shall cause to have investigated all reports under this section.
- (d) Determination.
  - (1) If the Animal Services Manager determines that the animal is dangerous, he/she shall make a disposition determination based on the necessity to preserve the public health, safety, and welfare of the community. This determination shall be one (1) of the following:
    - a. Exclusion of the dangerous animal from the city; or
    - b. Humane destruction of the dangerous animal.
- (e) Notification and appeal.
  - (1) If, after investigating a report of a dangerous animal, the Animal Services Manager determines the animal is a dangerous animal, he/she shall notify the owner of that fact, as well as any known victim of the dangerous animal.
    - a. After finding an animal dangerous, the owner of the animal shall be required to remand custody of the dangerous animal to Animal Services, pending the outcome of any appeal. If such animal is not surrendered to the City, the Animal Services Manager and/or staff may obtain a warrant to seize such animal. The failure to remand the animal to Animal Services as directed shall be considered a violation of this article.
    - b. Animal Services will care for the animal until the fifteen (15) day appeal period is complete.
  - (2) The notice shall be in writing and shall contain a statement that the owner has a right to appeal.
  - (3) Notice shall be mailed certified mail, return receipt requested, to the owner's last known mailing address, or delivered in person. A notice that is mailed is deemed received five (5) days after it is placed in a mail receptacle of the United States Postal Service.
  - (4) Appeal
    - a. A victim, not later than fifteen (15) days after the date the victim is notified that a determination has been made that the animal is not dangerous, may appeal the determination of the Animal Services Manager

to the city municipal court. If the city municipal court finds that the animal is not dangerous, there shall be no appeal from such order.

b. An owner, not later than fifteen (15) days after the date the owner is notified that an animal owned by him is a dangerous animal, may appeal the determination of the Animal Services Manager to the city municipal court, or other authorized court, as specified by state statute. A determination by the city municipal court that an animal is dangerous may be appealed by the owner to a county court or county court at law, in the same manner as an appeal of any other case filed in municipal court as specified by state statute.

(5) During the period of appeal, the animal must be housed at the Animal Services facility or a holding facility approved by the Animal Services Manager.

(6) During the appeal period, the animal's owner will be required to post a bond in an amount sufficient to cover all necessary fees and costs and assume financial responsibility for all daily maintenance fees, quarantine fees, veterinarian bills incurred by the Animal Services Division for the welfare and care of the animal.

(f) Exclusion.

(1) The owner of a dangerous animal shall remove such animal from the city within seven (7) days of such notification by the Animal Services Manager, or within forty-eight (48) hours of an unsuccessful appeal. The failure to remove such animal shall be an offense and each day thereafter that the owner fails to remove such animal shall constitute a separate offense.

a. Prior to removal from the city, the owner of a dangerous animal must submit proof that the animal has been microchipped and registered with a national registry.

b. Prior to removal to another jurisdiction, the owner of a dangerous animal must submit proof that the receiving jurisdiction is aware that an animal which has been declared dangerous by the City of Grand Prairie will be residing within their jurisdiction and waives all liability claims against the City of Grand Prairie concerning the dangerous animal.

c. Prior to removal from the city, the owner of a dangerous animal must report the disposition and exact address for relocation of such animal to the Animal Services Manager in writing.

(2) If the owner of the dangerous animal fails to remove such animal as provided for by the order of the Animal Services Manager or the court, such animal shall be humanely destroyed.

(g) Humane destruction.

- (1) The owner of a dangerous animal shall surrender such animal to the Animal Services Manager immediately upon receipt of such notification by the Animal Services Manager.
  - (2) If the owner of the dangerous animal fails to surrender such animal as provided for by the order of the Animal Services Manager or the court, such animal may be impounded and humanely destroyed.
- (h) Reserved
- (i) Microchipping.
- (1) Any animal declared dangerous must be registered for its life with the city's Animal Services Division and a national registry.
  - (2) The cost of the implanted microchip and registry shall be at the owner's expense.
  - (3) The microchip shall be numbered, with a number that will provide entry into a database that contains the animal's history. The database for the national registry shall be maintained by a recognized organization, such as AVMA or UKC, on a national basis. This information shall be made available for at least twenty (20) years.
  - (4) The owner of a dangerous animal shall microchip the animal within seven (7) days of notification by the Animal Services Manager that such animal is dangerous, or within forty-eight (48) hours of an unsuccessful appeal. Failure to microchip such animal shall be an offense. Each day thereafter that an owner fails to microchip the animal shall constitute a separate offense.
- (j) The owner of an animal that has been determined to be dangerous by another jurisdiction is prohibited from having such animal within the city limits.
- (k) The owner of a dangerous animal shall immediately notify the Animal Services Manager of all attacks made by the animal on humans or domestic animals, or if the animal is at large. For the purposes of this chapter, immediate shall mean within thirty (30) minutes of the owner becoming aware of the attacks or the animal being at large. Notification shall be made to the city's emergency dispatch system (911).
- (l) The owner of a dangerous animal shall notify the Animal Services Manager of the death of such animal by providing satisfactory proof to the local rabies control authority.
- (m) A person commits an offense if the person is the owner of a dangerous animal and the animal makes an unprovoked attack on another person outside the animal's enclosure, and the attack causes bodily injury to the other person.
- (n) A person commits an offense if the person is the owner of a dangerous animal and the animal makes an unprovoked attack on a domestic animal or domestic fowl while such animal is at large, and the attack causes bodily injury or death to the domestic animal or domestic fowl.

- (o) A person who owns or keeps custody or control of a dangerous animal commits an offense if the person fails to comply with requirements for owners of dangerous animals.
- (p) A person commits an offense if he/she owns or keeps custody or control of a dangerous animal without having such animal currently registered as a dangerous animal with the city Animal Services Division.
- (q) The owner of a dangerous animal commits an offense if he/she fails to comply with the notification of attacks requirement.
- (r) The owner of a dangerous animal commits an offense if he/she sells or gives the animal to another person and fails to notify the other person at the time of the sale or gift that the animal is a registered dangerous animal.
- (s) The owner of a registered dangerous animal commits an offense if he/she fails to display on such animal a current dangerous animal registration tag issued by the city's Animal Services Division.
- (t) If a person is found guilty of an offense under this section, the court shall order the Animal Services Manager to impound and humanely destroy the animal immediately.
- (u) The Animal Services Manager shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this section are being violated.

**Sec. 5-18. Identification tags required.**

All dogs and cats owned, kept, harbored or maintained within the city shall wear at all times an identification tag containing the name, address and telephone number of the person who owns, keeps, harbors or maintains such animal, or a metal tag of a design prescribed by the Animal Services Manager.

**Sec. 5-19. Unlawful restraint of animals.**

- (a) The owner of an animal may restrain an animal on a tether for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the animal to be restrained.

Tethering is prohibited:

- (1) Between the hours of 10 p.m. and 6 a.m.;
- (2) Within 500 feet of the premises of a school or school bus stop;
- (3) If the actual or effective outdoor temperature is below 32 degrees Fahrenheit;
- (4) If a heat advisory has been issued by a local or state authority or jurisdiction;

- (5) If a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service;
- (6) If the tether is:
  - a. Less than five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
  - b. Less than 10 feet; whichever is greater.
- (7) If the tether and/or related attachments are greater than 20 percent of the animal's weight;
- (8) If the tether is attached by means of a pinch-type, prong-type, or choke-type collar or if the collar is unsafe or is not properly fitted;
- (9) If the tether inhibits the animal's free movement or causes injury or entanglement;
- (10) If the animal is under four months of age;
- (11) If the animal does not have access to shade, dry shelter, and a tip-proof water supply;
- (12) If the length of the tether allows the animal to touch the fence or cross the property line or cross onto public easement.

**Sec. 5-20. Confinement.**

- (a) Any dogs confined within a fenced yard must have adequate space for exercise based on a dimension of at least 100 square feet for one dog, plus an additional 30 square feet for each additional dog.
- (b) For owners or persons having custody of a dog kept in an outside dog run or dog kennel, the enclosure shall meet the 100 square foot requirement for the first dog with an additional 30 square feet for every additional dog in the same enclosure. Enclosures shall be of sufficient height to prevent the dog from escaping, constructed of chain link or similar material with a solid floor or ground, provide shade and protection from the elements, and meet the requirements of City of Prairie Code of Ordinance, Article 6, Chapter 6, Accessory Structures.
- (c) It is a violation to place a dog within a fenced yard, outside dog run, or dog kennel where the fencing or kennel materials are of insufficient height, durability, strength, or spacing to keep the animal from being completely confined within the enclosure; or where such materials are not maintained in such a manner to keep the animal from being completely confined within the enclosure.

**Secs. 5-21--5-25. Reserved.**

## ARTICLE III. LIVESTOCK, FOWL, AND WILD ANIMALS

### Sec. 5-26. Requirements on keeping livestock and fowl.

(a) *Livestock.*

- (1) It shall be unlawful for any owner to keep or harbor any livestock within the corporate limits of the city in any pen, stable, shed, or enclosure at a distance less than one hundred (100) feet from any residence, business or commercial establishment or office, (other than the owner's), grocery stores, restaurants, schools, hospitals and nursing homes.
- (2) It shall be unlawful for any owner to keep or harbor any livestock within the corporate limits of the city where there is less than five thousand (5,000) square feet per each animal.

(b) *Fowl.*

- (1) It shall be unlawful for any owner to keep or harbor any fowl within the corporate limits of the city in any pen, stable, shed, coop or enclosure, if any part of such enclosure or structure is within one hundred fifty (150) feet of any residence, business or commercial establishment or office, (other than the owner's), grocery stores, restaurants, schools, hospitals and nursing homes.
- (2) It shall be unlawful for any owner to keep or harbor any fowl within the corporate limits of the city where there is less than five hundred (500) square feet for each twenty-five (25) fowl, being twenty (20) square feet for each fowl.
- (3) A person commits an offense if he possesses or harbors a live rooster (male of the domestic fowl) on any premises within the city.
- (4) It is a defense to prosecution under section 5-26(b)(3) of this section that the rooster was:
  - a. Possessed or harbored by the person on the premises before February 6, 2001, except that this defense does not apply after May 1, 2001;
  - b. Being exhibited at a special event conducted with written permission of the city;
  - c. Owned, possessed, or harbored by a governmental entity or participating in a health, research, educational, or similar program conducted by a governmental entity;
  - d. Owned, possessed or harbored by a medical, educational, or research institution operating in compliance with all city ordinances and state and federal laws; or

- e. Being held for slaughter in a slaughterhouse or meat packing plant operating in compliance with all city ordinances and state and federal laws.
  - f. Owned, possessed, or harbored by a person who meets all of the following requirements:
    - i. Any land utilized shall be zoned agricultural.
    - ii. The land area shall be greater than forty (40) acres.
    - iii. The owner of the rooster(s) shall reside on the property.
    - iv. The number of roosters must not exceed a density of one (1) per ten (10) acres.
    - v. The raising of roosters for the purposes of cockfighting or similar endeavors is prohibited.
- (5) A person who possesses or harbors a live rooster in the city commits an offense if he:
- a. Fails to confine the rooster at all times within an enclosure that is of sufficient height and strength to retain the rooster;
  - b. Maintains the enclosure in which the rooster is confined in a manner that creates offensive odors, fly breeding, or any other nuisance or condition that is injurious to the public health, safety, or welfare; or
  - c. Allows the rooster to violate the noise restrictions contained within the Code of Ordinances.
- (c) *Swine.* It shall be unlawful for any owner to keep swine, pigs, or hogs within the corporate limits of the city, except under the following circumstances:
- (1) It shall be unlawful for any person to keep, harbor, or raise more than two (2) adult potbellied pigs in any one (1) location within the city. In order for a potbellied pig to be considered an adult potbellied pig, the potbellied pig must be of at least six (6) months of age. A person may keep in excess of two (2) potbellied pigs in any one (1) location within the city if the pigs in excess of two (2) potbellied pigs are non-adult potbellied pigs, but under no set of circumstances may such non-adult potbellied pigs come from more than one (1) litter.
  - (2) All such potbellied pigs shall be kept indoors at all times other than times for evacuation of waste material or during exercise periods.
  - (3) All such potbellied pigs shall receive annual vaccinations for erysipelas. It shall be the responsibility of the owner of the pig or the property to forward to the

Animal Services Manager an erysipelas vaccination certificate from a licensed veterinarian, which shall include the following information:

- a. Name and address of pet owner;
- b. Description of the pet;
- c. Date of vaccination;
- d. Tag number; and
- e. Other appropriate information.

(4) No person shall keep any potbellied pig at any location within the city unless such person has filed with the Animal Services Manager an application for harboring a potbellied pig, and such application has been approved by the Animal Services Manager. The application must be accompanied by a check or money order for twenty-five dollars (\$25.00), such check, or money order representing a nonrefundable fee for processing of the application.

(5) For purposes of this section, the term “potbellied pig” shall mean a variety of swine meeting the standards of the North American Potbellied Pig Association, and under no circumstances shall any swine be considered a potbellied pig if its weight exceeds ninety-five (95) pounds.

(d) The Animal Services Manager shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this section are being violated.

**Sec. 5-27. Livestock and fowl running at large prohibited; exemption.**

It shall be unlawful for the owner of any livestock or fowl to permit or allow such livestock or fowl to run at large within the corporate limits of the city; provided, however, all ducks and geese found within the parks of the city are hereby exempted.

**Sec. 5-28. Impoundment of livestock and fowl.**

If any non-exotic fowl are found to be running at large within the city, the fowl may be impounded by the Animal Services Division. Such fowl will be held for a period of 72 hours. If an owner comes forward to reclaim such fowl prior to the expiration of the 72 hour holding period, the fowl will be released to the owner upon payment of applicable impoundment fees. Any impounded rooster shall not be released unless the owner provides evidence that the rooster will be kept in compliance with Section 5-26.

If any exotic fowl or livestock are found to be running at large within the city, the Animal Services Division may cause the animal to be impounded by the local Sheriff’s Department with appropriate jurisdiction. Reclamations or dispositions of any animals impounded by a Sheriff’s Department shall be in accordance with county and state laws.

**Sec. 5-29. Sanitary conditions required.**

- (a) The owner keeping or harboring any livestock, fowl or animal shall keep all yards, pens, stables, sheds, coops or other enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes, or other noxious insects or rodents, or in any manner to endanger the public health, safety or welfare, or create a public nuisance.
- (b) All owners keeping or harboring such animals shall comply with the following sanitary regulations:
  - (1) Manure and droppings shall be removed from pens, stables, yards, cages, coops and other enclosures at least daily and handled or disposed of in such a manner as to keep the premises free of any nuisance;
  - (2) Mound storage of droppings or manure between such removals shall be permitted only under such conditions as to protect against the breeding of flies, rodents, and to prevent the migration of fly larvae (maggots) into the surrounding soil;
  - (3) The feeding of vegetables, meat scraps, or garbage shall be done only in impervious containers or on an impervious platform;
  - (4) Watering troughs or tanks shall be provided which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes, or other insects; and
  - (5) No putrescible material shall be allowed to accumulate on the premises, and all such material used to feed which is unconsumed shall be removed and disposed of by burial or other sanitary means.
- (c) A violation of the provisions of this section is hereby declared to be a nuisance in addition to a violation punishable by citation, and may be abated in an appropriate forum in addition to or in lieu of prosecution in municipal court.

**Sec. 5-30. Riding or driving livestock on public and private property.**

- (a) No livestock shall be driven or ridden upon any public property, including the non-paved area of right-of-way where development has taken place to include landscaping or irrigation, except as may be provided by section 18-18 of the Code of Ordinances; provided, however, horses may be ridden on the unimproved or unpaved portion of the right-of-way.
- (b) No livestock shall be driven or ridden on any private property, unless the same is done on the property of the owner of the livestock animal or by permission of the owner of the property.

**Sec. 5-31. Keeping of wild animals prohibited; exception.**

- (a) It shall be unlawful to keep any wild animals within the corporate city limits of Grand Prairie, except as set out in subsection (b) herein.
- (b) Exceptions:
  - (1) A wild animal may be kept in a facility at which the State of Texas has declared that the prohibition against unregistered dangerous wild animals does not apply, in Chapter 822, specifically Section 822.102 of the Texas Health and Safety Code, or any future amendments thereto. Such facility will provide upon request all documentation evidencing that the prohibition does not apply, and any registrations on any animals requiring such registrations.
  - (2) A non-human primate may be kept in a commercially zoned area in the city if it was in the owner's possession prior to September 11, 1982, and if such owner meets all the registration requirements of Chapter 822, or any amendments thereto, and complies with all applicable federal, state, and local animal regulations. Applications and instructions for applying for such registration shall be available from the city's animal services division.

**Sec. 5-32. Keeping of bees.**

It shall be unlawful to keep or harbor on the owner's premises any hive of honey bees which is located closer than one hundred (100) feet from the nearest private residence.

**Sec. 5-33. Sale of dangerous insects, myriopods and arthropods prohibited.**

It shall be unlawful for any person, organization, corporation, association, or partnership to sell or offer for sale any dangerous insect, myriopod or arthropod. For the purposes of this article, the term "dangerous insect, myriopod or arthropod" shall mean any insect, myriopod or arthropod whose bite or sting is, or potentially could be, fatal or seriously injurious to persons who have no special allergy to such bite or sting. For the purposes of this article, the term "dangerous insect, myriopod or arthropod" shall include, but not be limited to, black widows (*Latrodectus mactans*), brown recluses (*Loxosceles reclusa*), centipedes (*Chilopoda*), millipedes (*Diplopoda*), scorpions (*Scorpionida*), and ticks (*Ixodoidea*).

**Sec. 5-34. Keeping of constrictor snakes; licensing.**

- (a) No person shall keep any constrictor-type snake, including, but not limited to, boa constrictors (family Boidae, genus Boa), anacondas (family Boidae) and pythons (family Pythonidae) at any location within the city, unless such person has filed with the Animal Services Manager an application for harboring a constrictor-type snake, and such application has been approved by the Animal Services Manager.
- (b) The person owning or responsible for the constrictor-type snake must file with the Animal Services Manager an application for harboring a constrictor-type snake. It shall be the responsibility of the owner of the constrictor-type snakes to comply with all

federal, state, and local laws, regulations and permit requirements affecting such animals. The owner or caretaker of any such snakes shall also:

- (1) Keep the animals at all times in cages or enclosures of such size and construction or confined in such a manner as to preclude the possibility of escape. Such cages, enclosures, or confinement shall be of such size as to permit the animals reasonable freedom of movement;
  - (2) Keep the cages or enclosures in a clean and sanitary condition at all times;
  - (3) Provide the animal(s) with adequate food, water, shelter, and veterinary care;
  - (4) Keep the animal(s) in a manner so as not to threaten or annoy persons of normal sensitivity;
  - (5) Take adequate safeguards to prevent unauthorized access to the animals and to preserve animal and public health, safety, and welfare. In the event of an escape, immediately notify the Animal Services Division and make every reasonable effort to recapture the animal(s);
  - (6) Upon request by the department, make his/her animal(s), premises, facilities, equipment, and any necessary permit(s) available for inspection for the purpose of ascertaining compliance with the provisions of this section.
- (c) For purposes of this section, the term “constrictor-type” shall mean the type of snake which relies principally on crushing its prey in order to kill its prey.

**Sec. 5-35. Ratites.**

It shall be unlawful for any person to keep, harbor, or offer for sale any ratite within any area of the city.

**Secs. 5-36--5-39. Reserved.**

**ARTICLE IV. FEES**

**Sec. 5-40. Impoundment; handling; vaccination; adoption; failure to pay.**

- (a) All such impoundment fees shall be paid by the owner of the animal prior to the animal being released by the animal services division. Impoundment fees shall be as follows for impoundments for any animal within the following classes within any twelve-month period, unless otherwise provided:

Class	1st	2nd	3rd	4th
Class A: Sterilized dogs and cats	\$30.00	\$40.00	\$50.00	\$60.00
Class B: Unsterilized dogs and cats	\$50.00	\$60.00	\$70.00	\$80.00
Class C: Non-exotic fowl	\$20.00	\$30.00	\$40.00	\$50.00
Class D: Wild animals; each animal	\$30.00	\$40.00	\$50.00	\$60.00

For all classes, the impoundment rate listed for the fourth impoundment shall apply if the number of impoundments within a twelve-month period exceeds four (4).

- (b) A daily handling fee shall be charged for every day, or fraction thereof, that an animal is at the animal shelter. Such fee shall be based upon the class of animal enumerated in subsection (a) above.

Per Day:  
 Class A . . . \$10.00  
 Class B . . . 10.00  
 Class C . . . 15.00  
 Class D . . . 15.00

Additionally, the owner of an impounded animal shall be required to reimburse the city for the cost of any emergency veterinary care rendered to the animal. These costs shall be paid at the time of animal reclamation.

- (c) Any animal impounded by the city which is not wearing such [identification] tag shall be released by the animal shelter only upon payment of ten dollars (\$10.00) and the normal impoundment fee. The burden of proof as to vaccination shall be upon the party attempting to claim or claiming the dog or cat from the city animal shelter.
- (d) The adoption fee for the adoption of an animal shall be seventy dollars (\$70.00). The Director, or his/her designee, is authorized to periodically reduce or eliminate this fee to encourage adoptions in conjunction with special events, or to increase the adoption rates for hard-to-place animals.
- (e) Any owner of an animal that has been involved in a bite incident and who surrenders such animal to the Animal Services Manager shall pay a quarantine or disposition fee of one hundred fifty dollars (\$150.00). This fee shall be due regardless of whether the owner chooses to reclaim the animal, length of stay, or the final disposition of the animal.

- (f) The owner of an animal commits an offense if he/she fails to pay fees as required by this chapter. The fees associated with an impounded animal shall be due regardless whether the owner chooses to reclaim the animal.

**Secs. 5-41--5-44. Reserved.**

## **ARTICLE V. QUARANTINING**

### **Sec. 5-45. Facilities.**

All quarantine and impound facilities shall be maintained in accordance with standards established by the Texas Health and Safety Code, Chapter 826.

### **Sec. 5-46. Method and testing.**

- (a) When a dog or cat which has bitten a human being has been identified, the owner shall place the animal in quarantine. The observation period shall begin on the day of the biting. The dog or cat must be placed in the city's Animal Services Division's facilities or in a veterinarian facility specified for this purpose; however, the owner of the dog or cat may request permission from the local rabies control authority officer for home quarantine, if the following criteria can be met:
- (1) Secure facilities must be available at the home of the dog's or cat's owner, and must be approved by the local rabies control authority or his/her designee;
  - (2) The dog or cat is currently vaccinated against rabies;
  - (3) The local rabies control authority or his/her designee, or a licensed veterinarian must observe the dog or cat at least on the first and last days of the quarantine period. If the dog or cat becomes ill during the observation period of the quarantine, the local rabies control authority must be notified by the person having possession of the dog or cat. At the end of the observation period, the release from quarantine must be accomplished in writing by the local rabies control authority or his/her designee;
  - (4) The dog or cat was not in violation of any provision of this chapter at the time of the biting incident; and
  - (5) If the dog or cat cannot be maintained in secure quarantine, it shall be humanely destroyed and the brain submitted to the state department of health's certified laboratory for rabies diagnosis.
- (b) No wild animal shall be placed in quarantine. All wild animals involved in biting incidents will be humanely destroyed in such a manner that the brain is not mutilated. The brain shall be submitted to a state department of health's certified laboratory for rabies diagnosis.
- (c) Quarantining procedures.
- (1) Biting animals and animals suspected of rabies that are placed in confinement for observation must be separated from all other animals in such a manner that there is no possibility of physical contact between the animal under quarantine and animals not under quarantine.

- (2) Unowned or owned animals may be destroyed for rabies diagnosis prior to the end of the quarantine period.
- (3) The local rabies control authority may require a written agreement from the owner or the custodian of the animal at the time of quarantine agreeing to the terms of quarantine and providing for the disposal of the animal if the terms are violated.
- (d) Inspection requirements of quarantine facility. It will be the responsibility of the local rabies control authority or his/her designee to inspect all animal quarantine facilities. The inspection of the premises will be accomplished during the hours of 8:00 a.m. to 5:00 p.m., and the inspector shall be accompanied by the person responsible for the management of quarantine.

**Sec. 5-47. Disposition of domestic animals exposed to rabies.**

- (a) Any disposition of a domestic animal exposed to rabies shall be in accordance with standards established in the Texas Health and Safety Code, Chapter 826.
- (b) The provisions of this section apply only to common domestic animals, save and except a dog or cat, for which an approved rabies vaccine is available. The sufficient justification shall be determined by the local rabies control authority after consulting with two (2) disinterested veterinarians, after hearing the stated grounds for such justification in writing by the owner of the animal.

**Sec. 5-48. Violation of quarantine; killing of biting animal prohibited; surrender of carcasses of dead animals suspected of rabies.**

- (a) The violation of any condition of quarantine by any person shall be just cause for the seizure and impoundment of the quarantined animal by the city animal services officer, if quarantined at a veterinarian's or at the owner's premises. It shall be unlawful for any person to interrupt the observation period. If a violation of quarantine does exist, it shall be just cause for humane destruction of the animal for the purpose of certified laboratory rabies diagnosis, in the event that a person who was bitten by the animal is placed in a position of jeopardizing his/her health, safety, and welfare.
- (b) All animal bite reports shall be investigated by the local rabies control authority or his/her designee. Without the permission of the local rabies control authority or his/her designee, it shall be unlawful for any person to kill or remove from the city any animal that has bitten a person or attacked or killed another animal, or that has been placed under quarantine, except when it is necessary to kill such animal to protect the life of any person or other animal. If in the event such animal is killed, it shall be reported immediately to the local rabies control authority, an animal services officer, or a licensed veterinarian in order that the animal may be properly handled for the purpose of certified laboratory rabies diagnosis.
- (c) It shall be the burden of the person killing any animal, as outlined in subsection (b) above, as to the necessity of killing such animal to protect the life of any person or other animal.

- (d) The carcass of any dead animal exposed to rabies or suspected of having rabies shall, upon demand, be surrendered to the local rabies control authority or an animal services officer.
- (e) No person shall fail or refuse to surrender an animal for supervised quarantine or humane destruction, as required herein for rabies control, when demand there for is made by the local rabies control authority or his/her designee.
- (f) Any person having possession of or responsibility for any quarantined animal shall immediately notify the local rabies control authority or an animal services officer if such animal escapes, or becomes or appears to become sick or dies, and, in the case of the death of the animal while under quarantine, shall immediately surrender the dead animal to the local rabies control authority or an animal services officer.
- (g) In addition to other civil and criminal remedies to be taken by the city, the Animal Services Manager shall be authorized to obtain a search and seizure warrant if there is reason to believe any requirements of this section are being violated.

**Secs. 5-49--5-54. Reserved.**

## ARTICLE VI. MISCELLANEOUS

### Sec. 5-55. Prohibitions against cruelty.

- (a) No person shall overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel and inhumane manner, any animal; or allow, suffer or permit any animal to remain in its own filth; or keep, shelter or harbor any injured animal without having sought and obtained proper treatment for such injury; or cause any of these acts to be done.
- (b) No person shall fail to provide any animal in such persons charge or custody with necessary sustenance, palatable water and an adequate structure for shelter or cause any of these acts to be done.
- (c) No person shall abandon any animal, or cause such act to be done.
- (d) No person shall maintain any place where fowl or any animals are suffered to fight upon exhibition, or for sport upon any wager.
- (e) No person shall poison any domestic animal or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning a domestic animal.
- (f) No person shall keep or harbor any animal having tick or flea infestation or any other obvious illness, or heartworm or any other communicable illness transmittable to animal or human, without having sought and obtained appropriate medical treatment.
- (g) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible; any person injuring any domestic animal in any other way or means shall stop at once and render such assistance as maybe possible; and [such person] shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such person shall at once report the accident to the appropriate law enforcement agency or to the animal services officer of the city.
- (h) No person shall keep an animal in a motor vehicle or other enclosed space in which the animal's health or life is endangered by high temperature, low temperature, or inadequate ventilation.
  - (1) A public safety official or animal services officer may, after attempting to locate the animal's owner, remove the animal from a vehicle or enclosed space using any reasonable means, including breaking a window or lock. If professional services are required to remove the animal, the owner is responsible for the cost.
  - (2) A public safety officer or animal services officer who removes an animal from a vehicle or enclosed space in accordance with this section is not liable for any resulting property damage.
- (i) A person may not transport an animal in a motor vehicle on a public roadway unless:

- (1) The animal is safely enclosed within the vehicle; or
- (2) If the animal is transported in an unenclosed vehicle, including a convertible, pick-up truck, flatbed truck, or motorcycle, the animal shall be confined in a secure and appropriately sized container or confined in a manner that prevents the animal from falling or jumping from the vehicle or otherwise being injured.

**Sec. 5-56. Filing of false claims or reports.**

- (a) A person commits an offense if he/she knowingly initiates, communicates, or circulates a claim of ownership for an animal with the Animal Services Manager that he/she knows is false or baseless.
- (b) A person commits an offense if he/she knowingly initiates, communicates, or circulates a report of a violation of city ordinance or state law with the Animal Services Manager that he/she knows is false or baseless.

**Sec. 5-57. Breeding of dogs and cats.**

The owner of a female dog or cat in season commits an offense if he/she fails to confine such animal in an anti-escape house, building, or enclosure in such a manner that the animal cannot come into contact with another animal of the same species and opposite sex, except for planned breeding.

**Sec. 5-58. Animal impounded at police request.**

The Animal Services Manager shall impound an animal at the request of a peace officer when the owner of the animal has been arrested or hospitalized, is missing, or has died, and there is no person present, eighteen (18) years of age or older, who will assume the duties of providing food, water and shelter for such animal.

**Sec. 5-59. Nuisances.**

- (a) The following actions are considered to be a nuisance and shall be unlawful:
  - (1) Allowing the accumulation of animal waste which causes frequent or long, continued, offensive odors to a person of ordinary sensibilities;
  - (2) Allowing any animal to defecate on any private or public property, without immediate removal of any and all feces; provided, however, that section 5-29, Sanitary conditions required, and section 5-55, Prohibitions against cruelty, shall take precedence on an animal owner's own property.
  - (3) Tethering an animal in a prohibited manner as defined in this chapter;
  - (4) Harboring or keeping on such person's premises or elsewhere any animal that makes or creates an unreasonable disturbance of the peace of any person of ordinary sensibilities living in the immediate vicinity, or suffer or permit such

animal to make or create frequent or long, continued noises by howling, barking, meowing, wailing, crowing or otherwise. A person shall be deemed to have violated the terms of this section if such person shall have been notified by the neighbors or the chief of police, a police officer or an animal services officer of such disturbance and shall have refused or failed to correct such disturbance and prevent its recurrence.

- (5) Possessing any prohibited animal, as defined in this chapter.
- (b) It is unlawful to create or allow a nuisance as defined herein. Any person who creates or allows a nuisance is deemed guilty of a misdemeanor and, upon conviction, is subject to a fine, as authorized by other sections of this chapter and references to the Code of Ordinances of the city.
- (c) A continuing public nuisance in this section is defined as an irresponsible action of ownership or control of an animal(s) that endangers the public health, public safety or public welfare; an action that offends the public morals; or an action that endangers life or health, gives unreasonable offense to the senses, or obstructs the reasonable and comfortable use of another's property. If the Animal Services Manager determines that a continuing public nuisance exists, one which is detrimental to the public health, safety, and welfare and one which continues unabated despite enforcement efforts, he/she may take action to abate such nuisance.
  - (1) If the Animal Services Manager determines that such public nuisance exists unabated, the Animal Services Manager may determine that a continuing public nuisance exists. The Animal Services Manager may investigate any reported or perceived nuisance, and may interview witnesses and/or conduct such hearings as he/she may determine are necessary, formally or informally, and which are open to the public or private. The Animal Services Manager shall make a disposition determination based on the necessity to preserve the public health, safety, and welfare of the community. This determination shall be one of the following:
    - a. Impoundment of the animal(s) that is the source of the continuing public nuisance and the adoption of the animal(s) as provided in section 5-14, except that the owner, his/her agents or representatives, or family members may not adopt the animal(s) adjudged a continuing public nuisance.
    - b. Impoundment and humane destruction of the animal(s) that is the source of the continuing public nuisance.
    - c. Exclusion from the city of an animal(s) determined to be a continuing public nuisance.
  - (2) Upon such determination, the Animal Services Manager shall notify the animal owner or the person in control of the animal(s). This notice shall be in writing and shall contain a statement that such person has a right to appeal to the city municipal court.

- (3) Notice shall be mailed certified mail, return receipt requested, to the last known mailing address of the owner or person in control of the animal(s), or delivered in person. Notice that is mailed is deemed received five (5) days after it is placed in a mail receptacle of the United States Postal Service.
- (4) An owner or person in control of the animal(s), not later than fifteen (15) days after the date such person is notified that an animal is deemed a continuing public nuisance, may appeal the determination of the Animal Services Manager to the municipal court. If the Municipal Court Judge finds that the animal is a continuing nuisance, the Judge may, in addition to the imposition of a determination listed in Section 5-59(c)(1), prohibit, either temporarily or permanently, the owner or person in control of the animal from further ownership of animals within the city limits.
- (5) The owner or person in control of the animal(s) determined to be a continuing public nuisance and ordered to be impounded shall surrender such animal(s) to the Animal Services Division within forty-eight (48) hours of such notification by the Animal Services Manager, or within forty-eight (48) hours of an unsuccessful appeal. The failure to remove such animal(s) shall be an offense and each day thereafter that such person fails to remove such animal(s) shall constitute a separate offense.
- (6) The owner or person in control of the animal(s) determined to be a continuing public nuisance and ordered to be excluded from the city shall remove such animal(s) from the city within fifteen (15) days of such notification by the Animal Services Manager, or within forty-eight (48) hours of an unsuccessful appeal. The failure to remove such animal(s) shall be an offense and each day thereafter that such person fails to remove such animal(s) shall constitute a separate offense.
  - a. If the owner or person in control of such animal(s) fails to remove such animal(s) as provided for by the order of the Animal Services Manager or the court, such animal(s) may be impounded and put up for adoption in accordance with section 5-14 or humanely destroyed.
  - b. The owner or person in control of such animal(s) must report the disposition and exact address or relocation of such animal(s) to the Animal Services Manager in writing within ten (10) days after the expiration date for removal of such animal(s) from the city. Each day thereafter that such information is not provided shall constitute a separate offense.
- (7) The Animal Services Manager shall be authorized, after due process, to obtain a search and seizure warrant for the purposes of enforcing this section.

#### **Sec. 5-60. Right of Entry/Complaint Investigation.**

The Animal Services Manager shall have the right of entry upon any premises where entry is necessary to carry out the provisions of this ordinance; to enter the premises of any person to determine whether that person is in compliance with all requirements of this chapter. However, if an imminent health hazard exists, no warrant is required for entry upon the premises. Where

security measures are in force requiring proper identification and clearance before entry into the premises, that person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the regulatory authority will be permitted to enter without delay.

**Sec. 5-61. Penalty- For Violations, Other Remedies.**

- (a) Any person who violates any provision of this article is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.
- (b) Any person who obstructs, impedes, or interferes with a representative of the City, with a representative of a City department, with surveillance equipment, or with a person who has been ordered to abate a situation pursuant to this article and who is lawfully engaged in such abatement is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.
- (c) In addition to proceeding under authority of subsections (a) and (b) of this section, the City is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, firm, or corporation that remains in violation of this chapter.
- (d) A citizen working with the Animal Services Manager and a non-profit agency as a community cat caretaker in compliance with the city's community cat policy shall have an affirmative defense to any ordinance requirements concerning at large, nuisance, or harboring.

**Sec. 5-62. Search Warrants.**

If the Animal Services Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect to verify compliance with this chapter, or to protect the overall public health, safety and welfare of the community, then the Animal Services Manager may seek issuance of a search warrant from the appropriate court.

**Sec. 5-63. Warning and Disclaimer of Liability.**

The degree of protection of the local community's public health is considered reasonable for regulatory purposes and is based on scientific considerations along with best professional judgment.

This ordinance shall not create liability on the part of the community or any official or employee thereof for any damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

**Sec. 5-64. Administrative Liability.**

- (a) No officer, agent, or employee of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such person's duties under this article.
- (b) Any suit brought against any officer, agent, or employee of the City as a result of any act required or permitted in this discharge of such duties under this article shall be defended by the City Attorney until the final determination of the proceedings therein.