

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 90 “ANIMAL CONTROL” OF TITLE IX “GENERAL REGULATIONS” OF THE CODE OF MANSFIELD, TEXAS, TO AMEND SECTIONS 90.01, 90.55, 90.57, 90.59, 90.60, 90.61, AND 90.62 REGARDING DANGEROUS ANIMALS, DETERMINATIONS, REQUIREMENTS, APPEALS, AND HEARINGS ADD SECTION 90.66 “REGISTRATION” AND SECTION 90.67 “DECLASSIFICATION OF LEVEL 1, 2, OR 3 DANGEROUS DOG,” AND RENUMBER SECTIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield, Texas (“City”), is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and,

WHEREAS, the City Council has previously adopted regulations governing animal control in Chapter 90 of the Code of Mansfield, Texas; and,

WHEREAS, the City Council has investigated and determined it is appropriate to amend Chapter 90 to classify for dangerous dogs into different levels and establish an appeal and hearing process for the same; and,

WHEREAS, the City Council believes it is in the best interest of the public to amend Chapter 90 as set forth in this Ordinance to protect the health, safety and general welfare of the residents of Mansfield and the public.

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

SECTION 1.

The findings and recitations set out in the preamble are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2.

Section 90.01 of Chapter 90, “Animal Control,” of Title IX, “General Regulations,” of the Code of Mansfield, Texas, is hereby amended to amend the definition of “Dangerous dog” to read as follows, and any definitions not amended shall remain in full force and effect:

"Dangerous dog" means a dog that:

- (1) Makes an Unprovoked attack on a person that causes Bodily Injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits Unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause Bodily Injury to that person; or
- (3) Makes an Unprovoked attack on a Domestic Animal or Livestock that causes Bodily Injury or death and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (4) While At Large, is found to menace, to chase, or to display threatening or aggressive behavior toward any Domestic Animal or Livestock; or
- (5) While At Large, is found to have caused a severe Bodily Injury to any Domestic Animal or Livestock; or
- (6) While At Large, is found to have killed or cause the death of any Domestic Animal or Livestock.”

SECTION 3.

Section 90.55 of Chapter 90, “Animal Control,” of Title IX, “General Regulations,” of the Code of Mansfield, Texas, is hereby amended to read as follows:

§ 90.55. DANGEROUS INCIDENT REPORT.

- (A) A person may report a Dangerous Incident involving an animal to the Animal Care and Control Department of the city. The report must be in writing and made under oath, and the report must include the following:
 - (1) Name, address, and telephone number of complainant and other witnesses;
 - (2) Date, time, and location of the incident forming the basis of the report;
 - (3) Description of the animal(s) involved in the incident;
 - (4) Name, address, and telephone number of the animal Owner, if known;
 - (5) A statement of facts upon which such report or application is based;
- (6) A statement addressing whether the animal has exhibited dangerous propensities in past conduct, if known;
 - (7) Any other relevant facts or circumstances; and
 - (8) A Texas state notary stamp and signature.
- (B) The Animal Care and Control Department, upon receipt of a report filed under this section or upon learning of a Dangerous Incident, shall investigate the Dangerous Incident and may issue sworn reports based on the Animal Care and Control Department's investigation or observation.

- (C) The Animal Care and Control Department may seize and impound an animal that is the subject of a report under subsection (A) in secure and humane conditions at the Owner's expense pending the determination of whether the animal is a Dangerous Dog if:
 - (1) The animal is found At Large and observed exhibiting specific behavior that lead to a report under subsection (A);
 - (2) The animal is alleged to have exhibited Level 3 Dangerous Dog behavior; or
- (3) With due diligence, Animal Care and Control Department cannot locate the Owner of the animal.”

SECTION 4.

Section 90.57 of Chapter 90, “Animal Control,” of Title IX, “General Regulations,” of the Code of Mansfield, Texas, is hereby amended to read as follows:

“§ 90.57. ANIMAL CARE AND CONTROL OFFICER DETERMINATION AND APPEAL.

- (A) Determination:
 - (1) If, after performing an investigation of a Dangerous Incident and receiving the sworn statements of any witnesses, the Animal Care and Control Department determines that the animal is a Dangerous Dog, the Animal Care and Control Officer may notify the Owner in writing of the determination.
 - (2) In determining whether an animal is a Dangerous Dog under this division, the Animal Care and Control Department shall consider all relevant facts and circumstances and shall have the discretion to assign a classification set forth in this section and impose requirements on the Owner in accordance with the classification or to not find an animal to be a Dangerous Dog upon mitigating or extenuating circumstances.
 - (3) The following classifications shall be utilized by the Animal Care and Control Department to determine the level of requirements on the Owner:
 - (a) Level 1. The animal, while At Large, was determined to menace, chase, or display threatening or aggressive behavior toward any Domestic Animal or Livestock.
 - (b) Level 2. The animal, while At Large, was determined to have caused a Bodily Injury to any Domestic Animal or Livestock.
 - (c) Level 3. The animal, while At Large, was:
 - (1) Found to have killed or cause the death of any Domestic Animal or Livestock; or
 - (2) A Dangerous Dog classified as a Level 2 and is found to have repeated the behavior in § 90.57(A)(3)(b) after the Owner has received notice of the determination.
 - (d) Level 4. The animal was determined to:
 - (1) Make an Unprovoked attack on a person that caused Bodily Injury and occurred in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
 - (2) Make an Unprovoked attack in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and that act caused a person to reasonably believe that the dog will attack or cause Bodily Injury to a person.
 - (4) In addition to the behavior identified above, an animal may be classified as a Dangerous Dog if the Owner of the animal is found to be criminally responsible for an animal under the Owners

control causing injury or damage to another animal. The level of classification will be the level that would have been assigned if the injury or damage had been caused while the animal was At Large.

- (5) The notice of determination shall include the following:
 - (1) That the animal was determined to be a Dangerous Dog;
 - (2) The level of requirements imposed on the Owner pursuant to § 90.59;
- (3) That the Owner has the right to appeal the classification pursuant to § 90.57 (B).
- (6) An impounded animal that is classified by the Animal Care and Control Department as a Level 1, 2 or 3 Dangerous Dog must remain impounded and will not be released to the Owner until the Owner pays all fees incurred for impoundment of the animal and complies with all requirements applicable to the animal pursuant to §90.59. If the Owner of an impounded animal has not complied with §90.59 within thirty (30) days after a final determination is made that an impounded animal is a Dangerous Dog, then the animal becomes the property of the City and may be humanely destroyed. If the Owner of an impounded animal has not been located before the fifteenth (15th) day after seizure and impoundment, the Dangerous Dog shall be considered abandoned and the city shall be deemed the Owner of the Dangerous Dog and the Animal Care and Control Department may order the animal to be humanely destroyed.

(B) Appeal.

- (1) An Owner, not later than the fifteenth (15th) day after the date the Owner is notified that an animal owned by the Owner is a Level 1, Level 2, Level 3, or Level 4 Dangerous Dog, may appeal the determination of the Animal Care and Control Officer to the municipal court of the city.
- (2) Upon the filing of an appeal, the municipal court of the city shall schedule a hearing on the appeal in accordance with §90.62.
 - (3) To file an appeal, the Owner must:
 - (a) File a notice of appeal of the Animal Care and Control Department's Dangerous Dog determination with the clerk of the municipal court of the city, which must include the name, address, and phone number of the Owner;
 - (b) Attach a copy of the determination from the Animal Care and Control Department; and
 - (c) Serve a copy of the notice of appeal on the Animal Care and Control Department by mailing the notice through the United States Postal Service.
- (4) An appeal filed under this section shall be considered effective on the date it is postmarked by the United States Post Office or hand-delivered to the clerk of the municipal court of the city.
- (5) Upon filing an appeal under this section, the Owner shall immediately deliver the animal to the Animal Care and Control Department, and the city shall provide for the impoundment of the animal in secure and humane conditions pending an order of disposition from the municipal court of the city.
- (6) If the Owner fails to deliver the animal, the court shall issue a warrant authorizing the seizure of the animal. The Animal Care and Control Department shall seize the animal or order its seizure and shall provide for the impoundment of the animal in secure and humane conditions. The Owner may be ordered to pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the animal. The governing body of the city may prescribe the amount of the fees at an amount established in the Master Fee Schedule adopted by the City Council, as amended from time to time. The animal shall remain impounded pending an order of disposition from the municipal court of the city.”

SECTION 5.

Section 90.59 of Chapter 90, "Animal Control," of Title IX, "General Regulations," of the Code of Mansfield, Texas, is hereby amended to read as follows:

"§ 90.59. REQUIREMENTS FOR OWNER OF A DANGEROUS DOG.

- (A) Not later than thirty (30) days after learning that he or she is the Owner of Dangerous Dog, the Owner shall comply with the following requirements applicable based on the animal's classification:
 - (1) Level 1 Classification. For a Dangerous Dog classified as Level 1, the Owner shall:
 - (a) Confine the animal in a Secure Enclosure that does not interfere with the public's legal access to the Owner's premises;
 - (b) Not permit the animal to be outside the Secure Enclosure unless the animal is restrained by a substantial chain or leash, no longer than six (6) feet in length, with a capable person in immediate Direct Physical Control of the chain or leash;
 - (c) Have the animal micro-chipped and fitted with a tag or Collar designated by the Animal Care and Control Department;
 - (d) Allow the Animal Care and Control Department to photograph the animal; and
 - (e) Register the Dangerous Dog with the Animal Care and Control Department.
 - (2) Level 2 Classification. For a Dangerous Dog classified as Level 2, the Owner shall:
 - (a) Confine the animal in a Secure Enclosure that does not interfere with the public's legal access to the Owner's premises;
 - (b) Not permit the animal to be outside the Secure Enclosure unless the animal is restrained by a substantial chain or leash, no longer than six (6) feet in length, with a capable person in immediate Direct Physical Control of the chain or leash;
 - (c) Have the animal micro-chipped and fitted with a tag or Collar designated by the Animal Care and Control Department;
 - (d) Have the animal sterilized and provide proof of sterilization to the Animal Care and Control Department;
 - (e) Allow the Animal Care and Control Department to photograph the animal;
 - (f) Register the Dangerous Dog with the Animal Care and Control Department;
 - (g) Obtain, maintain and provide the Animal Care and Control Department proof of personal liability insurance in the amount of \$50,000.00 to cover an attack by the animal; and
 - (h) Complete a responsible pet ownership or animal training program as prescribed by the Animal Care and Control Department.
 - (3) Level 3 Classification. For a Dangerous Dog classified as Level 3, the Owner shall:
 - (a) Confine the animal in a Secure Enclosure that does not interfere with the public's legal access to the Owner's premises and post clearly visible signs on the Secure Enclosure identifying the presence of a Dangerous Dog, which signs shall be readable from any public sidewalk or street adjacent to the property where the animal is being kept;
 - (b) Not permit the animal to be outside the Secure Enclosure unless the animal is muzzled, in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any person or animal, and restrained by a substantial chain or leash, no longer than six (6) feet in length, with a capable person over the age of 18 in immediate Direct Physical Control of the chain or leash;

- (c) Have the animal micro-chipped and fitted with a tag or Collar designated by the Animal Care and Control Department;
 - (d) Have the animal sterilized and provide proof of sterilization to the Animal Care and Control Department;
 - (e) Allow the Animal Care and Control Department to photograph the animal;
 - (f) Register the Dangerous Dog with the Animal Care and Control Department;
 - (g) Obtain, maintain and provide the Animal Care and Control Department proof of personal liability insurance in the amount of \$250,000.00 to cover an attack by the animal; and
 - (h) Complete a responsible pet ownership or animal training program as prescribed by Animal Care and Control Department.
- (4) Level 4 Classification. For a Dangerous Dog classified as Level 4, the Owner shall:
- (a) After a hearing on an application filed under §90.61, comply with the municipal court of the city ordering that the animal be humanely destroyed or permanently removed from the city; and
 - (b) Pay all costs or fees, as ordered by the municipal court of the city, related to the seizure, acceptance, impoundment, and destruction of the Dangerous Dog.
- (B) Once in compliance with subsection (A), the Owner of a Dangerous Dog shall continue and maintain compliance with subsection (A) at all times, unless subject to declassification in §90.67.”

SECTION 6.

Section 90.60 of Chapter 90, “Animal Control,” of Title IX, “General Regulations,” of the Code of Mansfield, Texas, is hereby amended to read as follows:

“§90.60. DANGEROUS DOG ORDER OF DESTRUCTION.

- (A) If the municipal court orders the humane destruction of a Dangerous Dog, the Animal Care and Control Department shall maintain custody of the Dangerous Dog, and the municipal court shall:
- (1) Find that the criteria for an order of destruction are met and order that Ownership be relinquished to the Animal Care and Control Department.
 - (2) Order that the animal be humanely destroyed after a period of ten (10) calendar days from the date the order is issued.
 - (3) In an order for the humane destruction of a Dangerous Dog, the municipal court shall order that the Owner pay for any applicable costs or fees related to the seizure, acceptance, impoundment, or destruction of the animal. The City Council may prescribe the amount of the fees at an amount established in the Master Fee Schedule, as amended from time to time.
- (B) The Animal Care and Control Department may order that a Level 3 Dangerous Dog be humanely destroyed if the animal commits another specific behavior that qualifies for a Level 2 or Level 3 classification. The Animal Care and Control Department shall notify the Owner in writing of the order. The notice shall include the following:
- (1) A statement of the criteria that support an order that a Dangerous Dog be humanely destroyed;
 - (2) That the animal be humanely destroyed and proof of such destruction be provided to the Animal Care and Control Department within ten (10) days; and
 - (3) That the Owner has the right to appeal the order in accordance with §90.57(B).
- (C) An order for the humane destruction of a Level 3 Dangerous Dog under this section may be appealed in the same manner as a Dangerous Dog determination under §90.57(B).

- (D) At the conclusion of the appeal hearing for an order for humane destruction of a Level 3 Dangerous Dog under this section, the municipal court shall:
- (1) Find that the animal was designated as a Level 3 Dangerous Dog and committed another specific behavior that qualifies for a Level 2 or Level 3 designation and order that the animal be humanely destroyed within ten (10) days of the order.
 - (2) Find that the criteria for an order of destruction are not met and order the return of the animal to the Owner.
- (E) In an order for the humane destruction of a Level 3 Dangerous Dog, the municipal court shall order that the Owner pay for any applicable costs or fees related to the seizure or impoundment of the animal during the appeal.
- (F) Upon filing an appeal under subsection (C), the Owner shall immediately deliver the animal to the Animal Care and Control Officer, and the city shall provide for the impoundment of the animal in secure and humane conditions pending an order of disposition from the municipal court of the city.
- (G) If the Owner fails to deliver the animal as required by subsection (F), the court shall issue a warrant authorizing the seizure of the animal. The Animal Care and Control Department shall seize the animal or order its seizure and shall provide for the impoundment of the animal in secure and humane conditions. The Owner may be ordered to pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the animal. The City Council may prescribe the amount of the fees at an amount established in the Master Fee Schedule, as amended from time to time. The animal shall remain impounded pending an order of disposition from the municipal court of the city.”

SECTION 7.

Section 90.61 of Chapter 90, “Animal Control,” of Title IX, “General Regulations,” of the Code of Mansfield, Texas, is hereby amended to read as follows:

“§ 90.61. FAILURE TO COMPLY.

- (A) Any person may make a sworn application to the municipal court of the city that the Owner of a Dangerous Dog has failed to comply with § 90.59, § 90.65, or that a Dangerous Dog has attacked a person. Upon the filing of a sworn application under this section, the municipal court of the city shall schedule a hearing on the application in accordance with § 90.62.
- (B) A sworn application under this section must include:
- (1) Name, address, and telephone number of complainant and other witnesses;
 - (2) Date, time, and location of the incident forming the basis of the report;
 - (3) Description of the animal(s) involved in the incident;
 - (4) Name, address, and telephone number of the animal Owner, if known;
 - (5) A statement of facts upon which the application is based;
 - (6) A statement addressing whether the animal has exhibited dangerous propensities in past conduct, if known;
 - (7) Any other relevant facts or circumstances; and
 - (8) A Texas state notary stamp and signature.

- (C) Upon the filing of a sworn application under this section, the municipal court of the city shall order the Animal Care and Control Department to seize the Dangerous Dog and shall issue a warrant authorizing the seizure. The Animal Care and Control Department shall seize the Dangerous Dog or order its seizure and shall provide for the impoundment of the Dangerous Dog in secure and humane conditions. The Owner may be ordered to pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the Dangerous Dog. The City Council may prescribe the amount of the fees at an amount established in the Master Fee Schedule, as amended from time to time. The Dangerous Dog shall remain impounded pending an order of disposition from the municipal court of the city.
- (D) If, after a hearing on an application filed under this section, the municipal court of the city finds that the Owner of the Dangerous Dog has failed to comply with § 90.59, § 90.65 or that the Dangerous Dog has attacked a person, the municipal court of the city shall order the Animal Care and Control Department to humanely destroy the Dangerous Dog, or that the Dangerous Dog be permanently removed from the city. No Dangerous Dog shall be ordered returned to its Owner more than one time. The municipal court may also order the Owner of the Dangerous Dog to pay all costs or fees assessed by the city related to the seizure, acceptance, impoundment, and destruction of the Dangerous Dog due to the sworn complaint filed under this section.
- (E) If, after a hearing on an application filed under this section, the municipal court of the city finds that the Owner of the Dangerous Dog has failed to comply with §90.59 or § 90.65 the municipal court of the city shall order that the Owner has forfeited ownership of the animal, and that ownership of the animal is vested in the city. The Animal Care and Control Department may dispose of the animal in whatever manner it deems necessary, including humanely destroying the animal. The court may also order the Owner of the Dangerous Dog to pay all costs or fees assessed by the city related to the seizure, acceptance, impoundment, and destruction of the Dangerous Dog due to the sworn complaint filed under this section.
- (F) If, after a hearing on an application filed under this section, the municipal court finds that the Owner of the Dangerous Dog has not failed to comply with § 90.59, §90.65 or that the Dangerous Dog has not attacked a person, the municipal court shall order that the Animal Care and Control Department immediately release the Dangerous Dog to the Owner, and the Owner shall not be responsible for the costs of seizure or impoundment of the Dangerous Dog due to the sworn complaint filed under this section.
- (G) A Dangerous Dog ordered to be humanely destroyed or permanently removed from the city shall remain impounded until the Dangerous Dog is humanely destroyed or until the Owner reclaims the Dangerous Dog under §90.65(A).
- (H) Notwithstanding any other law or local regulation, a Dangerous Dog shall not be destroyed during the pendency of an appeal under §90.62.
- (I) If the Owner of a Dangerous Dog seized due to a sworn application filed under this section cannot be located within fifteen (15) days after the seizure and impoundment of the Dangerous Dog, the Dangerous Dog shall be considered abandoned and the city shall be deemed the Owner of the Dangerous Dog. The municipal court shall order the humane destruction of a Dangerous Dog

abandoned under this section upon application of the Animal Care and Control Department, without a hearing.”

SECTION 8.

Section 90.62 of Chapter 90, “Animal Control,” of Title IX, “General Regulations,” of the Code of Mansfield, Texas, is hereby amended to read as follows:

“§ 90.62. HEARING.

- (A) The municipal court of the city, on receiving notice of appeal under § 90.56(B) or a sworn application under §90.61(A), shall set a time for a hearing to determine whether the animal is a Dangerous Dog or whether the Owner of the animal has complied with §90.65 or the Dangerous Dog has attacked a person. A hearing under this section must be held not later than the tenth (10th) day after the date on which the animal is seized or delivered.
- (B) The municipal court shall give written notice of the time and place of the hearing to:
 - (1) The Owner of the animal or the person from whom the animal was seized or who delivered the animal;
 - (2) The person who made the report or filed the application; and
 - (3) The Animal Care and Control Department.
- (C) Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- (D) At a hearing under this section, the municipal court shall determine the estimated costs to house and care for the impounded animal during any appeal process and shall set the amount of bond for an appeal adequate to cover those estimated costs.
- (E) An Owner or the person who made the report or filed the application may appeal the decision of the municipal court of the city at a hearing under this section in the manner described by § 90.63.
- (F) An animal that is the subject of a proceeding under this chapter shall remain impounded throughout the pendency of any appeal of a determination or order.
- (G) Any order to destroy a dog is stayed for a period of ten (10) calendar days from the date the order is issued, during which period the dog’s Owner may file a notice of appeal. The municipal court may not order the destruction of a dog during the pendency of an appeal under §90.63.”

SECTION 9.

Section 90.66, “Nuisance Declared” is renumbered to Section 90.68, “Nuisance Declared,” Section 90.67, “Offenses” is renumbered to Section 90.69, “Offenses,” and Section 90.68, “Defenses” is renumbered to Section 90.70, “Defenses” without substantive changes. The aforementioned sections are not repealed.

SECTION 10.

Section 90.66 of Chapter 90, “Animal Control,” of Title IX, “General Regulations,” of the Code of Mansfield, Texas, is hereby added to read as follows:

“§ 90.66. REGISTRATION.

- (A) The Animal Care and Control Department shall annually register a Dangerous Dog if the Owner:
 - (1) Presents proof satisfactory to Animal Care and Control Department showing compliance with all the applicable requirements contained in §90.59;
 - (2) Presents proof of current rabies Vaccination of the Dangerous Dog, if required by this chapter; and
 - (3) Pays the annual registration fee(s) one hundred (\$100) dollars for Level 1, two hundred (\$200) dollars for Level 2, or three hundred (\$300) dollars for Level 3 classification, or in the amount established in the Master Fee Schedule, which shall be adopted by City Council, as amended from time to time.
- (B) The Animal Care and Control Department shall provide to the Owner registering an animal a registration tag. The Owner of the Dangerous Dog shall attach the current registration tag to the Collar that is worn by the Dangerous Dog. The current registration tag shall be displayed on the Dangerous Dog in this manner at all times. The registration of a Dangerous Dog shall be valid for one year from the date of issuance.
- (C) If an Owner of a Dangerous Dog sells or moves the Dangerous Dog to a new address, whether in the city or not, the Owner, not later than the tenth (10th) day after the date of the sale or move, shall notify the Animal Care and Control Authority of the new address.
- (D) If the Owner of a Dangerous Dog sells or gives a Dangerous Dog to another person, the Owner shall notify the other person at the time of the sale or gift that the animal has been determined to be a Dangerous Dog.
- (E) A person who buys or receives a Dangerous Dog and continues to keep the animal in the city must register the animal within ten (10) days after receiving the animal. The new Owner shall be issued a registration tag upon compliance with the requirements of subsection (A).
- (F) An Owner of a Dangerous Dog shall notify the Animal Care and Control Department of any attack the Dangerous Dog makes on a person or another animal within five (5) days of the attack.
- (G) In the event a Dangerous Dog dies, the Owner of the animal shall provide proof to the Animal Care and Control Department or present written verification by a licensed veterinarian sufficient to verify the identity of the deceased animal as a Dangerous Dog.”

SECTION 11.

Section 90.67 of Chapter 90, “Animal Control,” of Title IX, “General Regulations,” of the Code of Mansfield, Texas, is hereby added to read as follows:

“§ 90.67. DECLASSIFICATION OF LEVEL 1, 2, OR 3 DANGEROUS DOG.

- (A) Declassification of Level 1 or Level 2 Dangerous Dogs will occur, and the restrictions required by §90.59 may be removed when the following conditions have been met:
 - (1) Level 1 or Level 2 Dangerous Dog has been classified for one year without further incident;
 - (2) There have been no violations of the specified regulations by the Owner; and

- (3) If ordered by the Animal Care and Control Department or the municipal court at the time of classification:
 - (a) The Owner provides the Animal Care and Control Department with written certification of satisfactory completion of obedience training for the Dangerous Dog with the Owner; and
 - (b) The Owner provides the Animal Care and Control Department with written verification from a licensed veterinarian that the Dangerous Dog has been sterilized.

- (B) Declassification will not occur, and the restrictions required by §90.59 will not be fully removed. If a Level 3 Dangerous Dog meets the conditions set out below, the restrictions required by §90.59 shall be reduced so that the Owner no longer has to: (1) maintain and provide the Animal Care and Control Department proof of personal liability insurance in the amount of \$250,000.00 to cover an attack by the animal; and (2) post clearly visible signs on the Secure Enclosure identifying the presence of a Dangerous Dog, which signs shall be readable from any public sidewalk or street adjacent to the property where the animal is being kept. The Owner of a Level 3 Dangerous Dog shall continue to comply with all other restrictions required by §90.59. After the reduction of restrictions on a Level 3 Dangerous Dog under this section, if a violation of any of the conditions set out below should occur, the reduction will be removed, and the Owner of the Level 3 Dangerous Dog shall be required to comply with all requirements for a Level 3 Dangerous Dog under §90.59 as if the animal were newly designated. The following are the conditions for reduction of restrictions for a Level 3 Dangerous Dog:
 - (1) Level 3 Dangerous Dog has been classified for two years without further incident;
 - (2) There have been no violations of the specified regulations by the Owner; and
 - (3) If ordered by the Animal Care and Control Department or the municipal court at the time of classification:
 - (a) The Owner provides the Animal Care and Control Department with written certification of satisfactory completion of obedience training for the Dangerous Dog with the Owner; and
 - (b) The Owner provides the Animal Care and Control Department with written verification from a licensed veterinarian that the classified animal has been sterilized.”

SECTION 12.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Mansfield, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 13.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 14.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 10.99 of the Code Mansfield, Texas. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such.

SECTION 15.

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code of Mansfield, Texas, as amended, or any other ordinances affecting standards, registration, and inspection requirements for multi-family dwelling complexes which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 16.

The City Secretary of the City of Mansfield is hereby directed to publish this Ordinance to the extent required by law.

SECTION 17.

This Ordinance shall take effect immediately from and after its passage on the first and final reading and the publication of the caption, as the law and charter in such cases provided.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD THIS 13TH DAY OF JANUARY, 2025.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney