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GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDON. Failure to adequately provide an animal with one (1) or more of the following necessities of life, including but not limited to, air, food, potable water, sanitary conditions, Shelter, protection from the heat, cold, or other environmental conditions, or other circumstances that may cause Bodily Injury, Serious Bodily Injury, or death of the animal, or to leave an animal in the care, custody, or control of another person or entity without his or her consent.

ANIMAL CARE AND CONTROL OFFICER. Any person designated by the city to perform animal control duties and who otherwise enforces the provisions of state and local laws as they pertain to animals within the city.

ANIMAL CARE AND CONTROL MANAGER. A person designated by the Chief Director of Police Regulatory Compliance to supervise the daily operations of the Animal Care and Control Division Department, and his/her authorized designees.

ANIMAL. Includes dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet, but shall not include skunks, nonhuman primates and any other species of wild, exotic, or carnivorous animal that may be further restricted by law. Wild Animals that have been trapped will be treated the same as a Domestic Animal for all purposes including care and humane treatment.

~~**AT-LARGE.** Not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a leash or held in the hands of the owner. An animal within an automobile or other vehicle under the control of its owner shall not be deemed at-large, unless such confinement fails to reasonably prevent access to the public.~~

~~—**ANIMAL ESTABLISHMENT.** Any pet shop, kennel Boarding Kennel or Cattery, grooming shop, auction, performing animal exhibition, or other facility engaged in the handling of domestic animals Domestic Animals, excluding veterinary clinics, hospitals, animal shelters and individuals caring for animals in their private residence in compliance with the terms of this chapter.~~

ANIMAL FIGHTING PARAPHERNALIA. Any item or equipment that is designed, adapted, or used for animal fighting purposes, including, but no limited to, scales, fighting pits, instruments designed, adapted, or used in a manner that attaches to the leg of the bird, such as a knife, gaff, or other sharp instrument, or items used to train or condition animals to fight, such as hanging devices, spring poles, breaking sticks or “bite sticks”.

ANIMAL HOUSING. Any structure or enclosure contained within the Owner’s property limits and designed, adapted, or used to segregate an animal to a smaller area or restrict an animal to a limited space, including, but not limited to, pens, Kennels, dog runs, rooms, cages, compartments, hutches, Coops, and fenced portions of a yard or property. This term does not include the term Shelter as defined in the section.

ANIMAL RESCUE ORGANIZATION. Any not for profit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code, which rescues and places animals into permanent homes. Animal Rescue Organization does not include an entity that breeds animals or an entity that in exchange for payment or compensation obtains any dog or cat from a person who either breeds dogs and cats or facilitates the sale of dogs and cats that were obtained from a person who breeds dogs or cats.

~~**AT-LARGE.**—**CARETAKER.** Any individual who has responsibility for feeding, watering, or otherwise providing for any animal whether they are the actual owner of the animal or not.~~

~~– Not completely confined by a building, wall, or fence of sufficient strength or construction to restrain the animal, except when such animal is either on a hand-held leash under the control of a capable person or held in the hands of the Owner. An animal confined within an automobile or~~

other vehicle under the control of its Owner shall not be deemed At-Large so long as such confinement reasonably prevents access to the public. Animals that are unrestrained in the open bed of a truck, tractor, trailer, or similar type vehicle will be considered At-Large. Any dog confined within a city owned Dog Park is not considered At-Large.

BASIC GROOMING. Maintaining the eyes, ears, beaks, hooves, feet, nails, coat and skin of an animal in such a manner that is reasonably necessary for the health and safety of the animal.

BOARDING KENNEL OR CATTERY. Any establishment where dogs, cats, puppies, or kittens are kept for the primary purpose of boarding for any part of a 24-hour period. This does not include veterinary clinics where boarding is offered in addition to clinical services or grooming facilities where boarding is not offered overnight.

BODILY INJURY. Physical pain, illness, or any impairment of physical condition that would cause a reasonably prudent person to seek treatment from a medical professional or veterinarian without regard to whether the person actually sought treatment. This term includes, but is not limited to, a bite or scratch wound and any bodily injury resulting from the victim attempting to escape or prevent contact with the injuring animal.

COOP. A covered, predator-resistant house for Domestic Fowl that is designed to be easily accessed, cleaned, and maintained, and meets all the specifications for a Shelter, Animal Housing enclosure, and any other applicable requirements of this chapter.

COMMERCIAL BREEDER. Any Owner who breeds animals and transfers ownership of more than twelve (12) animals or more than two (2) litters, clutches, or other group of offspring (whichever occurs first) of any breeding animals during any twelve (12) consecutive month period to another person for the purpose of breeding, show, personal pet, slaughter, or resale to a third person.

COLLAR. Any collar constructed of nylon, leather, or similar materials, specifically designed to be used for a dog, cat, or ferret.

CAT. Any live or dead cat (*felis catus*).

~~**DANGEROUS ANIMAL.** An animal that is found to have exhibited the specific behaviors that qualify the animal for one of the Dangerous Animal classifications established in Section 90.70.~~

~~**DANGEROUS ANIMAL INCIDENT.** An incident in which an animal:~~

- ~~(1) — While at large, is found to menace, to chase, or to display threatening or aggressive behavior toward any Domestic Animal or Livestock.~~
- ~~(2) — While at large, is found to have caused a severe Bodily Injury to any Domestic Animal or Livestock.~~
- ~~(3) — While at large, is found to have killed or cause the death of any Domestic Animal or Livestock.~~

DANGEROUS DOG. A dog that ~~makes;~~

~~(1) Makes an unprovoked~~Unprovoked attack on a ~~human, which~~person that causes ~~bodily injury~~Bodily Injury and occurs in a place other than an enclosure in which the ~~animal~~dog was ~~being~~ kept and that was reasonably certain to prevent the ~~animal from~~dog ~~form~~ leaving the enclosure on its own; ~~or~~

~~—(2) An animal, including a dog, that commits unprovoked~~(2) Commits Unprovoked acts in a place other than an enclosure in which the ~~animal~~dog was being kept and that was reasonably certain to prevent the ~~animal~~dog from leaving the enclosure on its own, and those acts cause a person ~~to~~ reasonably ~~to~~ believe that the ~~animal~~dog will attack and cause ~~bodily injury~~Bodily Injury to ~~that~~a 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.~~

~~—(3) **DANGEROUS INCIDENT.** An animal, including~~incident in which a dog, ~~that makes;~~

~~(1) Makes an unprovoked~~Unprovoked attack on a ~~domestic~~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 or cause Bodily Injury to a person or to another animal.~~

DIRECT PHYSICAL CONTACT. Having precautions in place so the person may exercise physical control over the animal ~~or domestic fowl which occurs when the attacking dog is at large in the event it should become necessary to do so to protect the animal, a human, or another animal from harm.~~ For purposes of this subsection only, the Animal Control Manager or court may take under consideration ~~any or all~~ chapter, voice control, shock Collars, e-Collars, and Collar mounted electronic training devices, regardless of the following circumstances to determine whether or animal's proximity or training status shall not the attacking animal is dangerous: be considered direct physical contact.

~~—(a) The seriousness and/or extent of the injury to the attacked animal or fowl;~~

~~—(b) Territorial issues associated with the location of the attack; and~~

~~—(c) Restraints of the attacking dog which were in place at the time of, or immediately prior to, the attack.~~

~~—**DANGEROUS WILD ANIMAL.** Any lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, poisonous reptiles, giant reptiles (any non-indigenous reptile that commonly reaches six~~

feet or more in total length), bobcat, lynx, serval, caracal, hyena, bear, coyote, wolf, jackal, baboon, chimpanzee, orangutan, gorilla, or any hybrid of any animal listed in this definition.

—**DOG.**—Any live or dead dog (*canis familirais*).

—**DOMESTIC ANIMAL.** Any animal that lawfully may be kept as a pet or as Livestock within the City of Mansfield so long as all the required provisions of this chapter are met, ownership or possession of said animal is not prohibited by any international, federal, local or state law, and is not a Wild Animal, as defined herein, including but not limited to, the following animals:

(1) **REPTILES.** Any non-venomous reptile that does not typically reach total lengths greater than six (6) feet;

(2) **BIRDS.** Any birds commonly kept as pets, or any bird kept for falconry purposes by a state and federally permitted falconer;

(3) **AMPHIBIANS.** Any frog or toads commonly kept as pets;

(4) **MAMMALS.** Any mammals commonly kept as pets or Livestock including, but not limited to, dogs, cats, ferrets, rabbits, guinea pigs, hamsters, hedgehogs, rats, mice, chinchillas, sugar gliders, horses, cows, alpacas, and llamas.

DOMESTIC FOWL. Birds of a breed developed or kept for the purpose of meat production, egg laying, or purely ornament or show, including but not limited to ducks, guineas, geese, chickens, turkeys, quail, parakeets and pigeons.

ESTRAY. Any branded or unbranded Livestock, fowl, exotic livestock, or exotic fowl found running at large.

EUTHANIZE.—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.

EXERCISE YARD. An enclosure attached to a Coop that provides exercise for Domestic Fowl and is constructed to prevent the Domestic Fowl from escaping such enclosure and offers protection from predators. Mobile/moveable housing such as chicken tractors may also be used.

EXIGENT CIRCUMSTANCES. Any circumstances in which the officer, in his or her best judgment, determines that a life threatening or serious injury may occur if immediate action is not taken (i.e., animal may die if not immediately transported to a veterinarian, or animal may bite and seriously injure a human or other animal if not immediately impounded, or animal may die if officer does not immediately enter property and rescue, etc.).

FERAL. Any untamed animal living in the wild that will not voluntarily accept handling by human beings despite usually being considered a Domestic Animal.

HARBORING. The act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter or care.

~~—LIVESTOCK –LARGE. Any animal, such as horses, mules, cattle, ponies and animals of the same approximate size and weight.~~

~~—LIVESTOCK –SMALL. Any animal Any act of a person which provides care, shelter, protection, refuge or nourishment to an animal that is not in the person’s ownership, which incentivizes or encourages the same animal to return to the same premises for care, shelter, protection, or nourishment for a period of ten (10) days or longer.~~

HUMANE TRAP. Any trap designed to capture an animal without injuring the animal.

IDENTIFICATION. Any acceptable method, such as goats, sheep, lambs Microchipping, registration tag, or tattoo, which can be used to readily trace the current ownership of an animal.

INCLEMENT WEATHER. Includes rain, hail sleet, snow, high winds, any high wind advisory warnings, extreme low temperatures, any cold or freeze advisory warnings, extreme high temperatures, and any heat advisory warnings.

KENNEL. Any lot, building, structure, enclosure or premises where five (5) or more adult animals are kept and wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats, or other animals of the same approximate size.

LIVESTOCK. Any Domestic Animal typically kept to provide food or fiber or perform work, whether or not they actually provide these functions, included, but not limited to, regardless of age, sex or breed: horses, consisting of all equine species including ponies, mules, donkeys, jackasses, and weight burros; cattle, consisting of all bovine species; sheep, consisting of all ovine species; llamas and alpacas; goats, consisting of all caprine species; rabbits kept primarily outdoors or raised for food or fiber source; Domestic Fowl; and pigs or hogs, consisting of all swine species.

~~—LOCAL RABIES CONTROL AUTHORITY. The officer designated by the municipal or county governing body under the Tex. Health & Safety Code § 826.017.~~

~~—LOCAL RABIES CONTROL INCIDENT. Any bite or other injury to a person caused by a warm-blooded animal that breaks the victim’s skin or causes him or her to bleed and potentially come in contact with the injuring animal’s saliva and could allow the rabies virus to be transmitted from the animal to the person.~~

MICROCHIP IMPLANT. A passive electronic device that is injected into an animal, under the skin, 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 owner. The microchip implant shall be supplied with an exterior collar type tag for purposes of an external means of recognition that the animal has been implanted with a microchip.

–**NESTING BOX.** A clean, dry enclosed area in a Coop designed to facilitate egg laying that is large enough to allow each hen being kept inside to sit, stand up, and turn around easily, with sufficient bedding material or nest pads to reduce egg breakage during laying.

NUISANCE. An act that threatens the health, morals, safety, comfort, convenience, or welfare of a community.

~~–**OWNER.** Any person, firm, or corporation who has the right of property in an animal or who harbors an animal or allows an animal to remain about his or her premises.~~

–**OWNER.** Any person or persons, firm, partnership, corporation, association or entity that Harbors, shelters, keeps, controls, manages, possesses, has whole or part interest in an animal, or is a caretaker who has responsibility for feeding, watering, or otherwise providing care for any animal. The occupant, owner, or head of household of any premises where an animal remains for seventy-two (72) hours or more shall be presumed to be the owner of the animal. The presumption may be rebutted with proof that the animal has been reported to the department as a Stray animal as required in this ordinance. A property owner, occupant, any adult resident, or head of household of any premises on which a dog, cat, or Feral animal remains or customarily returns to is an owner for the purposes of this chapter. If a person that Harbors, shelters, keeps, controls, manages, possesses, or has whole or part interest in an animal is under the age of seventeen (17) years, the parent, legal guardian, or head of the household shall be considered the owner for the purpose of this chapter. There may be more than one (1) person who is the owner or responsible for the animal, including, but not limited to, caretaker, pet sitters, groomers, boarders, walkers, and trainers.

POLICE ANIMAL. An animal owned by the City of Mansfield or other governmental law enforcement agency, specifically trained or equipped to assist personnel in a law enforcement capacity.

POTBELLIED PIG. A domesticated miniature Vietnamese, Chinese, or Asian potbellied or potbelly pig, not exceeding 250 pounds in weight and 30 inches in height measured at the shoulder, kept as a pet for personal enjoyment and not kept or raised for breeding, sale or human consumption.

–**POULTRY FARM.** An agriculturally zoned tract of land devoted principally to the raising of poultry for commercial purposes.

PROPERLY FITTED. With respect to a Collar, a Collar that measures the circumference of the animal's neck plus at least one inch as to prevent escape from the Collar, that does not choke or impede normal breathing or swallowing, and that does not cause pain or injury.

QUARANTINE. To take into custody and place in confinement, isolated from human beings and other animals in such a way as to preclude the possibility of disease transmission. ~~The quarantine period for a dog, cat, or a domestic ferret in rabies quarantine is ten days from the date of the bite, scratch or other exposure, or as recommended by the regional veterinarian from the Texas Department of Health.~~

–**SECURE ENCLOSURE.** A fence or structure, being securely enclosed and locked, having four sides, a top, and a bottom, and having signs posted on all sides warning of the presence of clearly marked as containing a Dangerous Dog or Dangerous Animal with nine-inch letters, that is suitable to confine and capable to prevent the escape or release of a Dangerous Dog or Dangerous Animal and to prevent any unauthorized entry.

SERIOUS BODILY INJURY. An injury characterized by severe bite wounds or severe ripping and tearing of muscle 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 treatment.

SHELTER. A structure that is capable of adequately providing cover and protection from the heat, cold and other environmental conditions. At minimum, a Shelter must have three (3) sides, a top, and a bottom and must be adequately ventilated to satisfy the requirement of adequately providing cover and protection. It must have bedding material. It must be large enough so that the animal can enter, stand, turn around and lie down, but be small enough to prevent the loss of body heat during cold weather.

STRAY. Any animal, for which there is no identifiable Owner or Harboring, which is found to be at large within the corporate limits of the city.

SWINE. Any of various omnivorous, even-toed ungulates of the family *Suidae*, including pigs, hogs, and boars, having a stout body with thick skin, a short neck, and a movable snout.

–**TETHER.** Any leash, chain, cord, rope, or other means of restraining an animal or the act of chaining, tying, fastening or otherwise securing an animal to a fixed point so that it can move or range only within certain limits. For purposes of this chapter, tether does not include a trolley line.

UNPROVOKED. The animal was not hit, kicked, pulled, struck, pinched, poked, prodded, shocked, or squeezed by a person with an object or part of the person's body, or otherwise teased or tormented in any manner. While properly restrained, the animal was defending or protecting a person(s) or another animal trespassing or committing a crime on the premises or property occupied by the Owner. If the animal was protecting itself or its offspring.

VACCINATION. The inoculation of an animal with an anti-rabies vaccine that is licensed for use in that species by the United States Department of Agriculture for use in that species and which is administered by a veterinarian licensed to practice in accordance with the label's directions and all state and federal laws for the purpose of immunizing the animal against rabies.

VACCINATED, CURRENTLY. Vaccinated and satisfying the following criteria:

- (1)—_____ The animal must have been at least ~~16~~ twelve (12) weeks of age at the time of ~~vaccination~~ Vaccination;
- (2)—_____ At least thirty (30) days must have elapsed since the initial ~~vaccination~~ Vaccination; and

—(3)—_____ The time elapsed since the most recent ~~vaccination~~Vaccination has not exceeded the recommended interval for booster ~~vaccination~~Vaccination as established by the manufacturer.

This definition applies only to bite cases in determining cause of action in dealing with the animal.

VACCINATION CERTIFICATE. A document showing that the animal described thereon has received a current inoculation of rabies vaccine in an amount sufficient to produce an immunity that satisfies the requirement of the state law, inscribed with the date of the inoculation, the duration of immunity approved for that vaccine, the name and address of the animal's Owner, all other information required by state law and signed by a licensed veterinarian.

WILD ANIMAL.

Any animal not normally considered domesticated, regardless of the state or duration of captivity, that can typically be found in a wild state which, because of its size, vicious nature, potential disease threat, or other natural characteristic(s), would constitute a danger to human life, property or Domestic Animals, or any animal that is restricted from ownership by any international, federal, or state law including, but not limited to, the following animals:

(1) **REPTILES:** venomous reptiles, crocodiles, alligators, any reptile that typically reaches a total length of greater than six (6) feet and iguanas;

(2) **BIRDS:** emus, ostriches, or rheas;

(3) **MAMMALS:** ocelots, lions, tigers, jaguars, leopards, cougars, bobcats, wolves, dingoes, coyotes, jackals, elephants, armadillos, kangaroos, wallabies, wallaroos, opossums, beavers, porcupines, weasels, martins, minks, badgers, pandas, bears, raccoons, bats, foxes, skunks, cheetahs, servals, caracals, hyenas, squirrels, wild rabbits, or non-human primates;

(4) Any species illegal to own under federal or state law, or any animal in which is, or maybe hereafter, listed as a "high risk" animal in the Texas Rabies Control Act;

(5) Any hybrid of any animal classified as a wild animal.

WILDLIFE REHABILITATOR. A person holding all current state and federal permits needed to temporarily house allowed native Wild Animal species in his or her possession with the goal of rehabilitating the animal(s) and releasing it back to its natural habitat in accordance with all state and federal laws.

**§ 90.02 ESTABLISHMENT OF ~~OFFICE OF~~THE ANIMAL CARE AND CONTROL
~~MANAGER~~DEPARTMENT.**

(A) There shall be and is hereby created the ~~office~~Department of Animal Care and Control ~~Manager~~ for the City of Mansfield.

(B) The Animal Care and Control ~~Manager~~Department shall act as the Local Rabies Control Authority for the purposes of Tex. Health ~~&and~~ Safety Code Chapter 826, as amended.

(C) The Animal Care and Control ~~Manager~~Department shall employ Animal Care and Control Officers to assist in the carrying out of ~~his~~the duties under this chapter.

(D) The Animal Care and Control ~~Manager~~Department and Animal Care and Control Officers shall be assigned to the ~~Mansfield Police~~Regulatory Compliance Department under the authority of the ~~Chief of Police~~City Manager.

(E) The responsibilities of the Animal Care and Control ~~Manager~~Department shall be as follows:

—(1)— _____ To enforce and see to the enforcement of the provisions of this chapter and other ordinances of the city and state law as they pertain to animals, and their management and maintenance; ~~and~~.

—(2)— _____ Supervise the ~~animal control operation~~operations of the Animal Care and Control Department of the city; and

(3) _____ Render interpretations of this chapter and adopt policies and procedures to clarify the application of its provisions.

§ 90.03 NUMBER OF DOGS AND CATS AT RESIDENCES; MULTIPLE PET ~~PERMIT~~PERMITS.

(A) For purposes of this section only, pet shall mean dogs or cats.

~~—(A)(B)~~ Except as provided by this section, no residence in the city shall house more than four dogs or four cats or exceed the combined total of six such ~~animals~~pets over the age of eight weeks.

~~—(B)(C)~~ Any person desiring to keep more than four dogs or four cats or exceed the combined total of six such ~~animals~~pets over the age of eight weeks at a residence may apply with the Animal Care and Control ~~Manager~~Department for a ~~multi~~multiple pet permit. ~~The applicant shall pay an annual permit fee of \$25, as set by City Council, at the time of filing.~~

(1) —(Multiple pet permits

(a) A multiple pet permit is valid for one year starting January 1) — until December 31 of the same year.

(b) Mid-year application for a multiple pet permit shall be valid from the time of permit fee payment and the application has been approved, through December 31 of the same year. Thereafter, a multiple pet permit shall be valid from January 1 until December 31 of the year of issuance.

(c) The applicant shall pay an annual permit fee at the time of filing the pet permit. The annual permit fee shall be established in the Master Fee Schedule which shall be adopted by City Council, as amended from time to time.

(d) Notice for renewal may be provided by the Animal Care and Control ~~Manager~~Department by mail to the designated (last known) mailing or email address.

(e) Failure to renew by January 1 shall forfeit the multiple pet permit.

(f) A multiple pet permit that has lapsed for failure to renew shall not be reinstated until completion of a new permit application and payment of the permit fee has been received and approved by the Animal Care and Control Department.

(2) The Animal Care and Control Department is authorized to issue such a multiple pet permit if the following conditions are met:

(a) — (a) All animals have a current rabies Vaccination, a current city license, and are Microchipped and sterilized;

(b) An applicant provides on a form prescribed by the Animal Care and Control Manager with Department information concerning the maximum number of animals to be kept at any one time at such premises and a;

(c) A record search indicates that no enforcement action for violations of this chapter has been necessary within the preceding 12 months; and

(d) — (b) The An Animal Care and Control Manager Officer inspects the property; inspection to include and interviews with the occupants of all immediately adjacent properties; and

(e) Upon review of the following circumstances, the Animal Care and Control Officer, in their sole discretion, deems it appropriate for housing multiple pets based on criteria including, but not limited to:

i. — 1. Facilities shall be of sufficient size as to allow each animal to move about freely. Size of the facility shall be in proportion to the size of the individual animal's height and weight.

ii. — 2. Adequate food, water, and shelter Shelter must be provided so that each and all animals kept shall be maintained in good health and free of malnutrition and/or dehydration and protected from the elements.

iii. — 3. The said premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects, and flies that could be harmful to the animal's health and/or to the health of the general public.

iv. — 4. The animals must be maintained in a manner which does not pose a danger to the health of the animals themselves or adjacent animals.

v. — 5. The animals must not cause noise which is offensive or disturbing to a person of ordinary sensibilities on adjacent premises.

vi. — 6. All animals must be vaccinated, Microchipped, and sterilized and must wear current tags at all times in accordance with this chapter.

—(2)(3) Multiple pet permits are issued only for the current pets residing in the home at the time of permit issuance. Any interchanging of animals in the home shall require reapplication for a multiple pet permit to be issued based on the animals that are now within the home. If an Owner reduces the number of animals in the home to the number allowed to be kept in the City of Mansfield without a multiple pet permit, the current multiple pet permit will be forfeited as it is no longer required.

(4) Fees for the issuance of a multi-multiple pet permit shall be set established in the Master Fee Schedule as adopted by the City Council, as amended from time to time.

~~—(3)(5)~~ The Animal Care and Control Manager~~Department~~ may revoke ~~the a multiple pet~~ permit prior to its expiration if:

(a) The conditions at the premises are no longer reasonably adequate to maintain the number of animals allowed by the permit;

(b) The ~~owner~~Owner fails to comply with conditions, limitations, and restrictions specified in the permit; or

(c) A persistent ~~nuisance occurs~~Nuisance occurs, determined as three or more state law or city ordinance violations, cumulatively, during the term of the permit.

~~—(4) Multi-~~ (6) Multiple pet permits must be renewed annually by January 1 each year and each renewal will require the payment of a renewal fee, re-inspection of the premises as outlined in § 90.03(C)(2), and approval by the Animal Care and Control Manager~~Department. Failure to timely renew the permit shall result in forfeiture of the multiple pet permit.~~

~~—(5)(7)~~ Any person either denied a ~~multi-multiple~~ pet permit, or who has had their permit revoked, may file an appeal as outlined in § 90.20-(B).

~~(6) Multi-~~ (8) Multiple pet permits are issued for specific ~~owners~~Owners of a specific property. Application for a new ~~multi-multiple~~ pet ~~permit~~permits will be required if:

~~—(a)—~~ (a)— The original permit holder moves to a new residence within the city limits and wishes to keep more than four dogs or four cats or exceed a combined total of six such animals over the age of eight weeks on the new property; or ~~if~~

~~—(b)—~~ (b)— Ownership of the property for which a permit was originally issued changes and the new ~~owners~~Owners desire to keep more than four dogs or four cats or exceed a combined total of six such animals over the age of eight weeks.

(9) Multiple pet permits will not be issued for Commercial Breeders or Boarding Kennels or Cattery Facilities.

(D) This section shall not apply to Animal Rescue Organizations or any other tax-exempt non-profit organization founded for the purpose of providing temporary care or humane sanctuary or shelter for abandoned or unwanted animals.

(E) This section shall not apply to animals temporarily in the home for a period not to exceed twenty-one (21) days.

§ 90.04 ANIMAL ESTABLISHMENTS.

(A) It shall be unlawful for an animal establishment to sell, trade, or give away any dog or cat, over 16 weeks of age, unless the dog or cat has been vaccinated as required by this chapter.

(B) The Animal Control Manager shall be permitted to inspect any animal establishment and all animals and the premises where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions of this chapter.

(C) In addition to the other requirements of this chapter, animal establishments shall comply with the following minimum standards:

(1) Remove manure and droppings from pens, yards, cages, and other enclosures daily and handle or dispose of the excretions in such manner as to keep the premises free of any nuisance.

(2) Place food in impervious containers on impervious surfaces.

(3) Remove all refuse on the premises and dispose of same by a means approved by the City Health Officer.

(4) Such standards of sanitation shall be administered by the Animal Control Manager.

(5) Such establishments will comply with all laws and city ordinances.

§ 90.05 ADOPTION OF CATS OR DOGS.

(A) The Animal Care and Control Manager Department shall be authorized to place for adoption dogs or cats impounded by the city under.

(B) In determining whether an impounded dog or cat will be placed for adoption, the following conditions:

—(A) The Animal Care and Control Manager Department shall determine consider whether a dog or cat is healthy enough for adoption and its is of sufficient health and age adequate for vaccination to be vaccinated. However, such decision by the Animal Care and Control Manager Department shall not constitute a warranty of the health or age of the animal.

—(B) There (C) The Animal Care and Control Department shall be authorized to place any animal in the temporary custody of an authorized person or Animal Rescue Organization until the animal is deemed ready to be surgically altered, vaccinated, and adopted. The animal remains the property of the City until such time as the animal is returned to the shelter or adopted.

(D) In the event an adopted dog or cat does not have Microchip Identification, as determined by the Animal Care and Control Department, the adopting person shall be required to pay for a Microchip Implantation at an amount established in the Master Fee Schedule adopted by the City Council, as amended from time to time.

_____ (a) Upon payment of the Microchip fee, the dog or cat will be an provided Microchip Implantation by the Animal Care and Control Department.

(b) 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 Owner. The Microchip Implant shall be supplied with an exterior Collar type tag for purposes of an external means of recognition that the animal has been implanted with a Microchip.

(E) An adoption fee for all dogs and cats at an amount shall be set by the City Council at an amount established in the Master Fee Schedule as adopted by the City Council, as amended from time to time. Adoption fees may be reduced or waived as determined and at the sole discretion of the Animal Care and Control Department.

~~(E)~~ Requirements for adoption of dog or cat age 16 weeks or older.

(1) *Vaccination fee.*

(a) In the event ~~said adopted~~ a dog or cat age 16 weeks or older is adopted and is not vaccinated, a fee ~~in an amount set by the City Council~~ shall be paid for the issuance of a rabies ~~vaccination~~ Vaccination voucher ~~which. The Vaccination fee shall be in an amount established in the Master Fee Schedule as adopted by the City Council, as amended from time to time. Within ten (10) days of receipt of the Vaccination voucher, the adopting person is to~~ shall present to any licensed veterinarian ~~within one week for vaccination~~ the Vaccination voucher and ensure successful Vaccination against rabies of the adopted dog or cat; and provide proof of such Vaccination to the Animal Care and Control Department. The veterinarian shall present the voucher with a statement verifying the ~~vaccination~~ Vaccination to the Animal Care and Control Manager ~~Department~~ for receipt of the prepaid fee or the veterinarian's fee for administering the ~~vaccination~~ Vaccination, whichever is less.

(b) ~~A~~ An adopting person commits an offense if after adopting a dog or cat 16 weeks of age or older he ~~knowingly~~ fails to obtain a rabies ~~vaccination~~ Vaccination for such animal within ~~one week~~ ten (10) days of the adoption date.

(c) It shall be presumed that the adopting person failed to have the animal vaccinated if, within ten (10) days of the adoption date, he has not presented the Animal Care and Control Manager ~~Department~~ with proof of the ~~vaccination~~ Vaccination. Such proof shall be in the form of a receipt from the veterinarian ~~administering~~ who administered the ~~vaccination~~ Vaccination.

(d) ~~The Animal Control Manager~~ Any person adopting an animal understands that ownership of the adopted Animal is contingent on completing the requirements of this section and failure to do so shall revert ownership of said Animal back to the city. In the event the requirements of this section are not completed as described, the Animal Care and Control Department shall be authorized to ~~reimburse~~ seize and impound any dog or cat adopted under this ~~division~~ ~~(E)~~ subsection (F) if the vaccination Vaccination is not obtained within the required time, as described in subsection (a) above. In such case, there shall be no refund of the adoption fee, and ownership of the animal shall revert back to the city, and the city shall be deemed the Owner.

(2) *License fee.* In the event the adopted dog or cat age 16 weeks or older is not licensed, the adopting person shall present to the Animal Care and Control Manager ~~Department~~ the license fee

~~as set forth~~established in § 90.23.1~~the Master Fee Schedule as adopted by the City Council, as amended from time to time.~~

~~(D)~~ Requirements for adoption of a dog or cat under 16 weeks of age.

(1) *Vaccination fee.*

(a) In the event the dog or cat to be adopted is under 16 weeks of age, the ~~vaccination~~Vaccination will not be required until the animal is 16 weeks of age. A fee in an amount ~~set~~established in the Master Fee Schedule as adopted by the City Council, as amended from time to time shall be paid for the issuance of a rabies ~~vaccination~~Vaccination voucher ~~which. Within ten (10) days of the animal turning 16 weeks of age,~~ the adopting person ~~is to~~shall present to any ~~licenses~~ veterinarian: the Vaccination voucher and ensure successful Vaccination against rabies of the adopted dog or cat and provide proof of such Vaccination to the Animal Care and Control Department. The veterinarian shall present the certificate with a statement verifying the ~~vaccination~~Vaccination to the Animal Care and Control Manager~~Department~~ for receipt of the prepaid fee or the veterinarian's fee for administering the ~~vaccination~~Vaccination, whichever is less.

(b) A person who adopts a dog or cat under this ~~division (D)~~subsection (G) commits an offense if he ~~knowingly~~ fails to obtain a rabies ~~vaccination~~Vaccination for such animal within the age limits required in this ~~division (D)~~subsection (G).

(c) It shall be presumed that the person failed to have the animal vaccinated when it turned 16 weeks of age, if within ~~seven business~~ten (10) days of the animal turning 16 weeks of age, the ~~owner~~Owner has not presented proof of ~~vaccination~~Vaccination to the Animal Care and Control Manager~~Department~~. Proof shall be in the form of a receipt from the licensed veterinarian ~~administering~~who administered the vaccine.

(d) The Animal Care and Control Manager~~Department~~ shall be authorized to ~~reimpond~~impound the adopted dog or cat under this ~~division (D)~~subsection (G) if the ~~vaccination~~Vaccination is not obtained within the time required ~~age limits~~by subsection (a) above. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the city.

(2) *License fee.*

(a) Within ~~one week~~ten (10) days after a dog or cat, which was under 16 weeks old when adopted, is vaccinated against rabies, the adopting person shall furnish to the Animal Care and Control Manager~~Department~~ the original adoption receipt and proof of ~~vaccination~~Vaccination to receive the city license.

(b) The adopting person shall pay the Animal Care and Control Manager~~Department~~ the license fee as ~~set out~~established in § 90.23.1 if the Master Fee Schedule adopted by the City Council, as amended from time to time, at the time the person receives the city license. ~~animal is to remain within the corporate city limits of Mansfield.~~

~~(3) Core vaccine fee.~~

~~— (a) In the event an adopted dog or cat age six weeks or older is not vaccinated against Canine Distemper (CDV), Infectious Canine Hepatitis (ICH), Canine Parvovirus (CPV), Canine Parainfluenza Virus, Feline Viral Rhinotracheitis (FVR), Feline Calicivirus (FCV), or Feline Panleukopenia (FPL) there will be a core vaccination fee at an amount set by the City Council.~~

~~— (b) Upon payment of the core vaccination fee, the dog or cat will be provided such service by the Animal Control Manager.~~

~~— (c) In the event the adopted dog or cat is under six weeks of age, a voucher will be presented to the adopting person which the person may present to Animal Control, for rendering such service, upon the adopted dog or cat reaching six weeks of age.~~

~~(4) Microchip fee.~~

~~— (a) In the event an adopted dog or cat does not have microchip identification there will be a microchip implantation at a fee at an amount set by the City Council.~~

~~— (b) Upon payment of the microchip fee, the dog or cat will be provided microchip implantation by the Animal Control Manager.~~

~~(E) (H) Sterilization.~~

(1) *Written agreement.* A person adopting a dog or cat that has not been sterilized shall sign a written agreement that they will have the animal sterilized:

(a) Within thirty (30) days after adoption if the dog or cat is an adult; or

(b) Within thirty (30) days after a specified date determined by the Animal Care and Control Department. Said specified date is to be the date, as estimated by the Animal Care and Control Manager to be the dateDepartment, an adopted infant female dog or cat becomes six months old or an adopted infant male dog or cat becomes eight months old.

(2) *Fee.*

(a) A person adopting an unsterilized animal shall pay the Animal Care and Control ManagerDepartment a sterilization fee. The fee shall be in an amount set established in the Master Fee Schedule as adopted by the City Council, as amended from time to time, and shall receive a spaying or neutering voucher stating the date by which the animal must be sterilized.

(b) ~~Within~~Before the sterilization date, the adopting person shall present the voucher to ~~the~~ licensed veterinarian who ~~performed~~shall perform the sterilization of the adopted animal.

(c) The veterinarian shall present ~~the certificate~~ a spaying or neutering voucher to the Animal Care and Control Manager, Department along with a statement verifying that the animal was sterilized, for receipt of the prepaid fee or the veterinarian's fee, whichever is less.

(3) *Offense.*

(a) A person who signs a sterilization agreement commits an offense if he fails to have the animal sterilized on or before the sterilization completion date stated in the agreement, unless the adoptive parent/adopting person provides information to the Animal Care and Control Department as set out by subsection (H)(4), below.

(b) If the sterilization date falls on a Saturday, Sunday or legal holiday, the deadline is extended to the first day that is not a Saturday, Sunday or legal holiday.

(c) The Animal Care and Control Manager Department may extend the sterilization deadline for thirty (30) days upon presentation by the adopting person of a written report by a licensed veterinarian 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 division (Esubdivision (H)).

(4) *Confirmation of sterilization.*

(a) A person who signs a sterilization agreement shall deliver to the Animal Care and Control Manager Department a letter signed by the veterinarian who performed the surgery. The letter shall be delivered in person or by mail not later than the seventh (7th) day after the date on which the animal was sterilized. The letter shall state that the animal has been sterilized, briefly describe the animal and provide the date of sterilization.

(b) If an adopted animal dies on or before the sterilization completion date, the adopting person shall deliver to the Animal Care and Control Manager Department a signed letter stating that the animal is dead. The letter shall be delivered not later than seventeen (10) days after the date of the animal's death, and shall describe the cause of death if known and provide the date of death. This letter shall be in lieu of the letter required in division (EH)(4)(a) of this section.

(c) If an adopted animal is lost or stolen before the sterilization date, the adopting person shall deliver to the Animal Care and Control Manager Department a signed letter stating that the animal is lost or stolen. The letter shall be delivered not later than seventeen (10) days after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the approximate date of disappearance. This letter shall be in lieu of the letter required in division (EH)(4)(a) of this section.

(5) *Prosecution.*

(a) If the Animal Care and Control Manager Department does not receive a letter under division (EH)(4) of this section before the expiration of the seventh (7th) day after the sterilization completion date, hethe Animal Care and Control Department shall file a complaint against the adopting person in the Mansfield Municipal Court.

(b) In a prosecution of a person for failing to sterilize an adopted animal by the sterilization completion date, it shall be presumed that the failure of such person to deliver to the Animal Care and Control Manager Department a letter required by division (EG)(4) of this section is the result of

the person's refusal to have the adopted animal sterilized. The person may rebut this presumption at trial with the proof required by division (EG)(4) of this section.

(6) *Reclamation of animal.*

The Animal Care and Control ~~Manager~~Department may reclaim an adopted animal after the expiration of the seventh (7th) day after the sterilization completion date, if the Animal Care and Control ~~Manager~~Department has not received a letter as outlined in division (EG)(4) of this section. In such case there shall be no refund of the adoption fee, and ownership of the animal shall revert to the city.

§ 90.06 LIVESTOCK AND LIVESTOCK PERMITS.

~~—(A) The keeping of livestock on any property within the City of Mansfield must comply with the regulations of the Zoning Ordinance.—~~

(1) (A) Permits will only be issued by the Animal Care and Control Department for Livestock that are kept in conformance with the regulations in this chapter.

~~—(2) The provisions of the Zoning Ordinance related to livestock shall be enforced by the Code Compliance Department.~~

—(B) It shall be unlawful and illegal for any person owning or having control over any Livestock to allow the same to be At-Large unattended on any public property, on any public right-of-way, or on the property of another without the consent of such other person.

—(C) It shall be unlawful and illegal for any person owning or having control over any Livestock to keep said Livestock within the corporate limits of the City of Mansfield, regardless of whether Livestock are kept for personal use or for commercial purposes, unless a Livestock permit has been obtained from the Animal Care and Control Department as designated within this chapter.

~~—(D) In order to obtain a livestock permit, an owner of livestock shall complete an application and be required to pay a one-time permit fee established by City Council to register his/her property and to describe the type and number of livestock thereon.~~

~~—(E) Any person obtaining a livestock permit will be issued a permit sign and will be required to post and maintain prominently said sign at the main entrance to the property where the livestock is kept.~~

(D) In order to obtain a Livestock permit, an Owner of Livestock shall complete an application on a form prescribed by the Animal Care and Control Department, registering their property with the City and describing the type of Livestock and the number of Livestock which shall live thereon. In completing the Livestock application, the Owner of Livestock shall be required to pay a one-time permit application fee. The fee shall be set at an amount established in the Master Fee Schedule as adopted by the City Council, and as amended from time to time. A Livestock permit is valid for one year starting January 1 until December 31 of the same year. Mid-year application for a Livestock permit shall be valid from the time of permit fee payment and the application has been

approved, through December 31 of the same year. Thereafter, a Livestock permit shall be valid from January 1 to December 31 of the year of issuance.

~~—(F) All livestock permits will be required to be renewed on an annual basis (12 months from date of issuance). Livestock owners will not be required to pay a permit renewal fee. The Animal Control Manager shall send a form annually to each registered owner, at the designated (last known) mailing or email address, seeking updated registration information for permit renewal.~~

(E) All Livestock permits shall be renewed on an annual basis. The permit renewal shall be on a form prescribed by the Animal Care and Control Department, and shall be filed with the Animal Care and Control Department by January 1 each year. Current Livestock permit holders shall not be required to pay a permit renewal fee provided they have complied with the filing requirements under this subsection. Notice for renewal may be provided to the permit holder by the Animal Care and Control Department by mail to the designated (last known) mailing or email address, as provided in the previous years' Livestock permit application. Failure to renew the Livestock permit by January 1 shall result in citation. A Livestock permit that has lapsed for failure to renew will be reinstated upon completion of a new permit application and payment of the permit application fee.

(F) Livestock permits may be denied or revoked holders may receive penalties as permitted within this Chapter for any of the following reasons:

~~(1) Health or safety issues.~~

~~(2)(1) Animal cruelty or neglect as defined in Tex. Penal Code § 42.09.~~

~~(3)(2) More than three violations of Livestock At-Large within a calendar year.~~

~~(4)(3) Failure to obtain a livestock permit within ten business days fifteen (15) calendar days of placing Livestock on property within the city.~~

~~(5) Failure to maintain or post the issued permit sign.~~

~~—(H) If a livestock permit is denied or revoked, the applicant or permit holder will have 30 calendar days from the date of denial or revocation to remove any and all livestock from the city limits or said livestock may be impounded by the Animal Control Manager. Failure to renew a permit, in accordance with this chapter, shall presumptively be considered a revocation.~~

~~—(I) A person denied or having a permit revoked may appeal the denial or revocation as set out in § 90.20.~~

§ 90.07 ~~SWINE AND POTBELLIED PIGS.~~

(A) The keeping of livestockPotbellied Pigs on any property within the City of Mansfield must comply with the regulations of the Zoning Ordinance.

(B) It shall be unlawful for any person to keep, Harbor or raise more than two ~~potbellied pigs~~Potbellied Pigs on any one tract or lot within the city.

(C) It shall be unlawful for any person to breed, sell, give away, or release a ~~potbellied pig~~Potbellied Pig in any ~~one~~ location within the city.

(D) It shall be unlawful for any person to keep a ~~potbellied pig~~Potbellied Pig outdoors other than at those times necessary for the elimination of waste materials, eating, or exercise, and no ~~potbellied pig~~Potbellied Pig may be outside more than two hours during a 24-hour period. All outdoor areas must be kept clean and free of excess waste material.

(E) Potbellied ~~pigs~~Pigs are subject to all applicable sections of this chapter including the requirements of this chapter which ~~prohibit animals at large~~address animals At-Large, Nuisances, permitting, impoundment, enforcement, care and humane treatment, rabies and quarantine, and penalties.

(F) It shall be unlawful for any person to keep a ~~potbellied pig~~Potbellied Pig at any location within the city unless such person has first paid an annual ~~registration~~permit fee and filed a ~~registration~~permit application with the Animal ~~Control Division~~Care and Control Department. The annual permit fee shall be established in the Master Fee Schedule which shall be adopted by City Council, as amended from time to time. A Potbellied Pig permit is valid for one year starting January 1 until December 31 of the same year. Mid-year application for a Potbellied Pig permit shall be valid from the time of permit fee payment and the application has been approved, through December 31 of the same year. Thereafter, a Potbellied Pig permit shall be valid from January 1 to December 31 of the year of issuance. Each permit application must include the following:

- (1) Name, street address and phone number of the ~~owner~~Owner;
- (2) Evidence that the animal has been spayed/or neutered;
- (3) Name and description of the animal;
- (4) Approximate weight, height and age of the animal; and
- (5) Animal's general health.

(G) All Potbellied Pig permits shall be renewed on an annual basis. The permit renewal shall be on a form prescribed by the Animal Care and Control Division, and shall be filed by January 1 each year. Potbellied Pig Owners shall not be required to pay a permit renewal fee. Notice for renewal may be provided by the Animal Care and Control Department by mail to the designated (last known) mailing or email address. Failure to renew shall forfeit the Potbellied Pig permit. A Potbellied Pig permit that has lapsed for failure to renew will be reinstated upon completion of a new permit application and payment of the permit application fee.

§ 90.08 KEEPING OF FOWL.

—(A) ~~The keeping of fowl~~ Domestic Fowl on any residential properties shall meet the following conditions:

(1) For any lot size, if the distance between the exterior side of the Coop on the property within the City of Mansfield must comply with the regulations of the Zoning Ordinance and the exterior side of the primary residential structures on all adjacent properties is less than fifty (50) feet, no fowl may be kept on the property.

(2) For any lot size, if the distance between the exterior side of the Coop on the property and the exterior side of the primary residential structures on all adjacent properties is fifty (50) feet or greater but less than seventy (70) feet, no more than six (6) Domestic Fowl shall be kept.

(3) For properties in which the distance between the exterior side of the Coop on the property and the exterior side of the primary residential structures on all adjacent properties is seventy (70) feet or greater:

a. If the property is less than one half (1/2) acre, no more than ten (10) Domestic Fowl shall be kept.

b. If the property is greater than one half (1/2) acre but less than three quarters (3/4) of an acre, no more than fifteen (15) Domestic Fowl shall be kept.

c. If the property is greater than three quarters (3/4) of an acre but less than one (1) acre, no more than eighteen (18) Domestic Fowl may be kept.

d. If the property is greater than one (1) acre, no more than twenty-five (25) Domestic Fowl may be kept.

(B) ~~The provisions of the Zoning Ordinance related to fowl shall be enforced by the Code Compliance Department.~~

—(C) ~~A person commits an offense if he/she~~ the person:

~~—(1) Keeps or maintains more than four fowl on one half acre or less or at a distance closer than 50 feet from any habitation located on another's property;~~

~~—(2) Keeps or maintains more than ten fowl on more than one half acre but less than one acre at a distance closer than 50 feet from any habitation located on another's property;~~

~~—(3) Keeps or maintains 25 fowl or more on one acre or more at a distance closer than 50 feet from any habitation located on another's property;~~

~~—(4) (1) Fails to keep any duck, goose, or swan from being at large~~ At-Large; however, all ducks, geese, or swans found within the parks of the city are hereby exempted.

~~(5) Fails to keep any chicken, pea fowl, turkey, or guinea fowl~~ Domestic Fowl contained within a ~~coop or pen~~; Coop or Exercise Yard at any time, except:

a. —(6) When being removed to be transported to, or returned from, a location off the property; or,

b. During daylight hours when they are under the direct supervision of an adult, provided that they are enclosed within a perimeter fence at a height which would prevent them from becoming At-Large; or,

c. When being temporarily confined in a garage or indoor space during periods of extreme weather or brooding.

(3) Constructs or maintains a Coop or Exercise Yard that fails to comply with the requirements of this chapter and all zoning requirements for accessory buildings.

(4) Keeps or maintains roosters except with written permission of the Animal Control Manager within a Poultry Farm; and

—(7)(5) Keeps or maintains fowl within 100 feet of any private water well.

—(D)(C) In connection with all of the above, the premises and facilities used for the keeping of ~~fowl~~ Domestic Fowl authorized to be kept under any of the provisions of this section must be kept in such a manner as to prevent the emission of odor or noise offensive to persons of ordinary sensibilities in the neighborhood or the existence of any nuisance dangerous to so as not to endanger the public health, safety or welfare of others, or become a public Nuisance. This shall include:

(1) Hay, grain, feed, and all other food sources shall be stored in secure containers that are not accessible to rats, flies, mosquitos, or other rodents and insects;

(2) Manure and soiled bedding material shall be immediately disposed of, properly composted, or stored in secure containers that are not accessible to rats, flies, mosquitos, or other rodents or insects;

(3) Food scraps, kitchen scraps, or other perishable food items shall not be fed on the ground or in any container other than an impervious container or on an impervious platform; and,

(4) Domestic Fowl meat byproducts may not be sold or offered to be sold.

(D) This section shall not supersede, replace, or have control over any recorded deed restrictions, covenants, homeowner association rules, or other applicable restrictions that prohibit the keeping of Domestic Fowl on such property.

§ 90.09 ANIMALS AT-LARGE.

(A) A person commits an offense if ~~he~~the person fails to keep an animal ~~he~~the person owns from being ~~at-large~~At-Large or fails to keep an animal under restraint in a securely enclosed or confined area and in a manner that will isolate the animal from the public.

(B) It is an exception to division (A) of this section that the animal was a ~~police service animal~~Police Animal under the supervision of a peace officer in the performance of his official duties.

(C) Each animal in violation of this section constitutes a separate offense.

§ 90.10 ~~DANGEROUS WILD ANIMALS.~~

~~—(A)—~~ It shall be unlawful to keep any ~~dangerous wild animal~~ Wild Animal inside the city.

~~—(B)—~~ It shall be an exception that a ~~dangerous wild animal~~ Wild Animal may be kept within the city only during the time a performing animal exhibition or circus is performing ~~or for~~ a maximum of thirty (30) days, and the ~~dangerous wild animal~~ Wild Animal must be under the care and control of a bona fide performing animal exhibition or circus.

§ 90.11 ~~DANGEROUS ANIMALS.~~

~~—(A)—~~ A person learns that the person is the owner of a dangerous animal when:

~~—(1)—~~ The owner knows of an attack as described in § 90.01, definition of DANGEROUS ANIMAL; or

~~—(2)—~~ The owner is informed by the Animal Control Manager that the animal is a dangerous animal.

~~—(B)—~~ If a person reports an incident described in § 90.01, definition of DANGEROUS ANIMAL, the Animal Control Manager shall investigate the incident. If, after receiving the sworn statements of any witnesses, the Animal Control Manager determines that the animal is a dangerous animal, he shall notify the owner of that fact.

~~—(C)—~~ An owner, not later than the fifteenth business day after the date the owner is notified that an animal owned by the owner is a dangerous animal, may appeal the determination of the Animal Control Manager to Municipal Court.

~~—(D)—~~ The owner of the animal shall be required to remand custody of the dangerous animal to Animal Control pending the outcome of any appeal. The owner shall be required to pay fees associated with the care and boarding of the animal while the appeal is pending. If such animal is not surrendered to the city, the Animal Control Manager and/or staff may obtain a warrant to seize such animal.

~~—(E)—~~ If the court upholds the dangerous animal determination on appeal, the Animal Control Manager shall maintain custody of the dangerous animal until the owner arranges for the dangerous animal to be removed from the city or until the owner relinquishes ownership of the dangerous animal to the city for humane euthanasia. If the dangerous animal is removed from the city, the owner will be required to provide an exact address that the dangerous animal will be relocated to, and the proper authorities for the jurisdiction will be notified by the Animal Control Manager.

~~—(F)—~~ If any dangerous animal found in violation of any provision of this section cannot be taken up and impounded with reasonable safety for the person attempting the same, such animal may be slain by any peace officer or animal control officer.

~~—(G)—~~ The animal control officer or any peace officer shall be authorized to obtain a search and seizure warrant if there is reason to believe that a dangerous animal ordered removed from the city has not been so removed or has been returned to the city. Any person within

~~the city limits of Mansfield found to be in possession of any animal that has been determined "dangerous" by the Animal Control Manager shall be in violation of the dangerous animal order.~~

§ 90.11 SLAUGHTERING OF ANIMALS.

(A) The slaughter or butcher of an animal or fowl must not be in public view.

(B) To prevent odor and attraction of scavengers or pests, all waste material produced from the slaughter or butcher of animals, fish or fowl (blood, hide, pelt, skin, feathers, entrails, scales, bones, feet, head, carcass, etc.) must be placed in sealable containers or double bagged in plastic bags of sufficient size and strength to contain the waste material.

(C) Waste material from the slaughter or butchering of animals, fish or fowl shall not be stored in public view and shall be disposed of per city ordinance.

(D) No animals shall be slaughtered for any purpose other than as food for personal consumption.

(E) It shall be unlawful to haul, carry, or transport any slaughtered or dead animals or meat on, along, or upon any street, alley, highway, park, or other public grounds within the corporate limits of the city without having the same covered and protected from public view and screened from insects, germs, and dust.

§ 90.1213 NUISANCES.

(A) The following actions are considered to be a ~~nuisance~~Nuisance and shall be unlawful:

(1) No female animal in heat shall be allowed upon any street, avenue, highway, alley, sidewalk, parkway, park or other public place within the city, unless such animal is under the control of the ~~owner~~Owner or any other person, either by leash, cord, chain or otherwise, and only for the minimal amount of time necessary for female animal to defecate or urinate. Should female animal create or cause a ~~nuisance~~Nuisance as described in any other division of this section, the person in control of the female animal shall be found to be in violation of division (B) of this section.

~~(2) The keeping of any animal, which, by causing frequent or long continued barking, crying or~~
Animal Noise Nuisances

(a) Barking dog means a dog that barks, bays, cries, howls or makes any noise that shall disturb for an extended period of time to the disturbance of any person of ordinary sensibilities at any time of day or night, regardless of whether the dog is physically situated in the vicinity is prohibited or upon private property. Such extended period of time shall consist of incessant barking for 30 minutes or more in any 24-hour period, or intermittent barking for 60 minutes or more during any 24-hour period.

(i) Exception: A dog shall not be deemed a "barking dog" for purposes of this article if, at any time the dog is barking, due to a person trespassing or threatening to

trespass upon private property in or upon which the dog is situated, or when the dog is being provoked.

(b) Any animal, other than a dog or Livestock animal, creates a Nuisance when it makes a noise which emanates from the animal and such noise occurs for an extended period of time to the disturbance of any person at any time of day or night. Such extended period of time shall consist of incessant noise for 30 minutes or more in any 24-hour period, or intermittent noise that accumulates to a total of 60 minutes or more during any 24-hour period.

(c) Responsible person for a violation of this section includes:

_____ (i) A person who allows a barking dog or animal Nuisance violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog or Nuisance animal;

_____ (ii) A person whose agent, employee, or independent contractor allows a barking dog or animal Nuisance violation to exist, whether through willful action, failure to act, or failure to exercise proper control over a barking dog or Nuisance animal; and

_____ (iii) A person who is the Owner of, and a person who is a lessee or sub-lessee with the current right of possession of, real property in or upon which a barking dog or Nuisance animal violation occurs.

(3) The keeping of any non-Livestock animal ~~or insect~~ in such a manner so to endanger the public health; to annoy neighbors by the accumulation of animal wastes which cause foul and offensive odors, or are considered to be a hazard to any other animal or human being; or by continued presence on the premises of another is prohibited.

(4) All non-Livestock animal ~~pens, stables or~~ enclosures in which any animal may be kept or confined which, from use, have become offensive to a person of ordinary sensibilities are prohibited.

(5) It shall be unlawful for any person in the city to cause to be placed or place on the premises of any other person, or in any of the streets or other public ways, a dead animal, either wild or domesticated, or any dead fowl, either wild or domesticated, or allow to remain on his or her premises a dead animal, either wild or domesticated.

~~— (6) The owner of any animal who permits, takes, or causes such animal to be on any sidewalk, park, or other public place shall clean up any waste created by such animal and remove it to an appropriate trash disposal location.~~

~~— (6) An animal Owner shall not allow or cause to be allowed their animal to walk along public property without a hand held leash restraint under the Direct Physical Control of a capable person, and shall not guide or take animals onto the yards or driveways of properties not owned, leased, or occupied by the animal Owner for the purpose of allowing the animal to defecate, but shall keep the animal in the public right-of-way, and shall carry a container and implement for the sanitary~~

removal of the animal's fecal matter from the public sidewalk and public right-of-way adjacent to any property with a structure or other improvements thereon. If the animal(s) does defecate on someone else property that is not owned by the Owner, the Owner must pick up the feces immediately.

(B) It is unlawful to create or allow a ~~nuisance~~Nuisance as defined herein. Any person who creates or allows a ~~nuisance~~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~~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 Care and Control Manager~~Department~~ determines that a continuing public ~~nuisance~~Nuisance exists, one which is detrimental to the public health, safety, and welfare and one which continues unabated despite enforcement efforts, ~~he~~the Animal Care and Control Department may take action to abate such ~~nuisance~~Nuisance.

(1) If the Animal Care and Control Manager~~Department~~ determines that such public ~~nuisance~~Nuisance exists unabated, the Animal Care and Control Manager~~Department~~ may determine that a continuing public ~~nuisance~~Nuisance exists. ~~He~~The Animal Care and Control Department may investigate any report of perceived ~~nuisance~~Nuisance, and may interview witnesses as ~~he~~the manager may determine necessary. ~~He~~The Animal Care and Control Department 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~~Nuisance and the adoption of the animal(s), except that the ~~owner~~Owner, his/her agents or representatives, or family members may not adopt the animals adjudged a continuing public ~~nuisance~~Nuisance;
- (b)— Impoundment and humane ~~destruction~~euthanasia of the animal(s) that is the source of the continuing public ~~nuisance~~Nuisance; or
- (c)— Removal of an animal(s) determined to be a continuing public ~~nuisance~~Nuisance from the city.

(2) Upon determination, the Animal Care and Control Manager~~Department~~ shall notify the animal ~~owner~~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, as outlined in Section 90.20(B).

(3) Notice shall be mailed certified mail, return receipt requested, to last known mailing address of the ~~owner~~Owner or person in control of the animal(s), or delivered in person.

(4) An ~~owner~~Owner or person in control of the animal(s), not later than ~~ten business~~fifteen (15) calendar days after the date such person is notified that an animal(s) is a continuing public ~~nuisance~~Nuisance, may appeal the determination of the Animal Care and Control ~~Manager~~Department to the Municipal Court.

(5) The ~~owner~~Owner or person in control of the animal(s) determined to be a continuing public ~~nuisance~~Nuisance shall remove such animal(s) from the city within ~~ten business~~fifteen (15) calendar days of such notification by the Animal Care and Control ~~Manager~~Department or within 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) If the ~~owner~~Owner or person in control of such animal(s) fails to remove such animal(s) as provided for by the order of the Animal Care and Control ~~Manager~~Department or the court, such animals may be impounded and put up for adoption or humanely ~~destroyed~~Euthanized.

(7) The ~~owner~~Owner or person in control of such animal(s) must report the disposition and exact address or relocation of such animal(s) that is outside the city limits of Mansfield to the Animal Care and Control ~~Manager~~Department in writing within ~~ten business~~fifteen (15) calendar 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.

(8) The Animal Care and Control ~~Manager~~Department shall be authorized, after due process, to obtain ~~an administrative~~search and seizure-warrant for the purpose of enforcing this section.

§ 90.14 FEEDING OF WILD, STRAY, OR FERAL ANIMALS PROHIBITED

(A) It shall be unlawful for any person to feed Wild Animals, Stray animals or Feral animals, regardless of age, sex or temperament. It shall also be unlawful for any person to place food of any kind with the intent to feed Wild, Stray, or Feral animals or to leave, store or maintain food of any kind in a manner or area accessible to Wild, Stray, or Feral animals including:

(1) On any vacant or undeveloped property or tract of land in any zoning ~~area~~district;

(2) On property not owned or occupied by the person feeding or attempting to feed ~~said~~ Wild Animals, or Stray animal, or Feral animals; and

(B) On any fenced or unfenced property, even if owned or occupied by the person feeding or attempting to feed said Wild Animals, or Stray animal, or Feral animals. This section shall not apply to:

(1) Animal Care and Control Officers or police officers for the City of Mansfield during the course of their official duties or a person caring for an infant or injured Wild Animal that is not capable of surviving on its own and said person possesses a valid Texas State Parks and Wildlife Rehabilitation Permit and said Wild Animal is kept in a secure manner and in accordance with all other city ordinances and state laws;

(2) Birdfeeders used for the sole purpose of feeding wild birds within the boundaries of a person's owned or occupied property, or the feeding of water fowl within Mansfield city parks; and

(3) Any person who is using food as an attractant to live trap a Wild Animal, a Stray or Feral animal in a legally authorized or permitted manner.

(C) If upon investigation, an Animal Care and Control Officer or police officer for the City of Mansfield determines that a person is in violation of this section, the Animal Care and Control Officer or police officer at their discretion may issue a warning or citation and time frame for compliance to said person.

§ 90.15 HUMANE TRAPPING.

(A) All ~~citizens~~ person trapping Nuisance wildlife, including Feral cats, shall have a Humane Trap agreement in place with the Animal Care and Control Department, even if the Humane Trap is ~~citizen~~privately owned. The Humane Trapping agreement must be completed and returned to Animal Care and Control Department before trapping begins and may be delivered by email, online, or in person to the Animal Care and Control Department., Such agreement shall be considered executed after receipt and confirmation by the Animal Care and Control Department.

(B) Humane Trapping is not permitted for wildlife that is behaving normally or which does not present a danger to public health. Seeing wildlife or smelling skunks shall not be considered a Nuisance. Wildlife that has burrowed into homes, foundations, crawl spaces, attics, under sheds, or other areas of a dwelling shall be considered a Nuisance.

(C) Humane Traps shall only be allowed from Sunday through Thursday between the hours of 9:00 p.m. and 8:00 a.m. Humane Traps may be set between Monday through Friday between the hours of 8:00 a.m. to 4:00 p.m. provided the individual that is trapping is checking the trap every hour. Traps are only serviced by the Animal Care and Control Department Monday through Friday from 8:00 a.m. to 4:30 p.m.

(D) Humane Traps shall not be set on Saturdays, holidays, or days immediately preceding holidays, during Inclement Weather, when ambient outside air temperature measures above 90 degrees Fahrenheit, or when ambient outside air temperature measures below 35 degrees Fahrenheit.

(E) Humane care shall be provided for any trapped animals, including the provision of food, water and protection from Inclement Weather.

(F) ~~Humane Traps may be lent out from the~~The Animal Care and Control Department may lend Humane Traps for a period of not more than seven (7) days. Humane Traps shall be lent out in person at the Animal Care and Control Department. The ~~individual~~person who is trapping must come to the Office of the Animal Care and Control Department to complete a Humane Trapping agreement and be provided a Humane Trap. No deposit is required to borrow a Humane Trap, but said trap must be returned on the date specified or the recipient of the Humane Trap shall be

subject to prosecution under the State of Texas Penal Code Section 31.03- Theft, which is classified as a Class "C" misdemeanor and punishable by a fine not to exceed five hundred (\$500) dollars.

(G) Individuals are not allowed to release any animal from a Humane Trap unless approved by an Animal Care and Control Officer or any other staff under the Animal Care and Control Department.

(H) ~~Individuals are~~ A person is only allowed to humanely trap on their own private property. Individuals are not allowed to trap on public property or property they do not own. In the event any animal traps are discovered on public property, said traps shall be declared to be abandoned, and the Animal Care and Control Department are hereby authorized and directed to seize any such trap and process the same as abandoned property in accordance with the applicable provisions of state law and city procedures.

(I) ~~Individuals that are~~ A person who is humanely trapping shall call Animal Care and Control Department promptly if an animal is in a Humane Trap. Notification may be in the form of a voicemail or by telephone call to the Animal Care and Control department. Notification shall include the ~~individual's~~ person's full name, address, phone number, type of animal caught, and where the Humane Trap is located. Such information is provided to allow an Animal Care and Control Officer to retrieve the trapped animal.

(J) The use of steel jaw, leg hold, snare traps or any other inhumane trap shall be prohibited.

(K) The use of any poisonous or toxic substance inside a Humane Trap as bait, lure, or attractant to entice an animal to enter such Humane Trap shall be prohibited.

(L) Any high-risk rabies animal, including any living species of fox, skunk, bat, coyote or raccoon, cannot be transported under any circumstances. Those exempt from this restriction, per Texas state law, shall be the following: peace officers; individuals hired or contracted by state or federal agencies or local government; employees of zoos or other institutions accredited by the American Association of Zoological Parks and Aquariums; educators permitted by the Texas Parks and Wildlife Department for educational display; rehabilitators permitted by the Texas Parks and Wildlife Department; or pest management professionals licensed by the Texas Department of Agriculture. If an exempt ~~individual~~ person transports such animals for release, the animals must be released within a ten-mile radius or within ten miles of the City limits of where they were originally captured, and the release must be within the county in which they were originally captured.

(M) Any person who utilizes any Humane Trap on any property within the City limits shall be deemed responsible for the health, safety, and welfare of the trapped animal concerning shade, Shelter, prevention of injury by insects, and access to adequate food and water. If an Animal Care and Control Officer observes any misuse of a live trap, including harm or death of a trapped animal, the Animal Care and Control Officer may: recover the trap (if loaned out from the City); issue a citation to the person for violation of this section or Section 90.25; or initiate an animal cruelty investigation against the person.

(N) This shall not apply to traps designed to kill common rodents, including but not limited to rats, mice and gophers. A person shall not place rodent traps on the person's property in such a manner that is likely to trap animals other than common rodents. A person must also provide proof that said trap was designed or used for common rodents only.

(O) Animal Care and Control staff and any sworn peace officer for the city is exempt from this section.

§ 90.20 APPEALING ACO DETERMINATIONS, ORDERS, AND PERMIT DENIALS AND REVOCATIONS.

(A) Upon the written request for appeal by an owner or caretaker Owner whose animal has been seized, ordered to be removed from the city, been denied a permit required in this chapter, had a permit revoked, or had restrictions placed upon the keeping of an animal, the municipal court shall set a time for an appeal hearing to determine the appropriateness of any decision. The hearing must be held not later than ten (10) business days after the date on which the appeal of the seizure or the order to remove the animal from the city decision was issued, unless agreed to by all parties.

~~(A) All appeals *Dangerous Animal Determination Appeal Hearing*~~

~~— Appeal. The hearing must be filed requested in writing not later than ten business fifteen (15) calendar days, unless otherwise stated per Texas State Law, after the animal Owner was seized or ordered removed from the city served in writing with the Dangerous Animal determination.~~

~~— (B) The appeal hearing must be filed requested with the Animal Control Manager Mansfield Municipal Court.~~

~~— (C) The Municipal Court shall give written notice of the time and place of the hearing to:~~

~~— (1) All involved department staff, Police Officers, and any other city staff deemed appropriate to receive such notification;~~

~~— The owner Owner of the animal; and~~

~~— The person who made the complaint.~~

~~— Any interested party, including the City Attorney, is entitled to present evidence at the hearing.~~

(B) *All Other Requested Hearings Appeal and Hearing Process*

(1) Hearings must be requested in The Owner may appeal a decision in writing not later than fifteen (15) calendar days after any other determination the decision made by the Animal Care and Control Department or an Animal Care and Control Officer.

(2) The hearing must be requested with the Animal Care and Control Manager.

(3) The municipal court shall give written notice of the time and place of the hearing to:

(a) All involved department staff, Police Officer, and any other city staff deemed appropriate to receive such notification;

(b) The Owner of the animal, or the person from whom the animal was seized or received the order to remove said animal from the city; and

~~—(2)-(c)~~ The person who made the complaint, if there is one.

~~—(D)-(4)~~ Any interested party, including the City Attorney, is entitled to present evidence at the hearing.

§ 90.21 PROMOTIONAL DISPLAYS; DYEING PROHIBITED.

(A) It shall be unlawful for any person to sell, offer for sale, barter, or give away as toys, premiums or novelties, baby chickens, ducklings, or other fowl under three weeks old, or rabbits under eight weeks old, unless the manner or method of display is first approved by the Animal Care and Control Manager Department.

(B) It shall be unlawful to color, dye, stain, or otherwise change the natural color of any chickens, ducklings, other fowl, or rabbits, or to possess for the purpose of sale or to be given away, any of the above-mentioned animals which have been so colored.

(C) (1) It shall be unlawful for any person to sell, exchange, trade, barter, lease, give away, or display for a commercial purpose, any live animal on any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, flea market, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized, or any property to which the public has access that does not have a valid business license allowing the sale of animals on the property.

~~—(2) It shall be unlawful for any person to receive any live animal through sale, exchange, trade, barter, lease, rent, or give away from any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, garage sale, flea market, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized, or any property to which the public has access that does not have a valid business license allowing the sale of animals on the property.~~

—(2) It shall be unlawful for any person to receive any live animal through sale, exchange, trade, barter, lease, rent, or give away from any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, garage sale, flea market, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized, or any property to which the public has access that does not have a valid business license allowing the sale of animals on the property.

(3) This section shall not apply to Animal Rescue Organizations or any other tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.

(4) Officers in the city's Public Health, Code City's Regulatory Compliance, Department and Public Safety Departments are authorized to investigate alleged violations of this section and to issue citations for such violations.

§ 90.22 LICENSE, VACCINATION AND MICROCHIP REQUIREMENTS.

(A) A person commits an offense if ~~he~~the person owns any dog or cat over 16 weeks of age without having such dog or cat currently vaccinated against rabies. The same animal must receive a booster within the 12-month interval following the animal's initial Vaccination and must be revaccinated against rabies at the recommended interval for booster Vaccination as established by the vaccine manufacturer.

~~—(1) The same animal must receive a booster within the 12 month interval following the animal's initial vaccination.~~

~~—(2) The same animal must be revaccinated against rabies at the recommended interval for booster vaccination as established by the vaccine manufacturer.~~

(B) A person commits an offense if ~~he~~the person owns any dog or cat over 16 weeks of age without having such dog or cat currently licensed with the city ~~and issued by the Animal Care and Control Division, City.~~ The animal license will be valid for 12 months from October to September-January 1 until December 31 of each given year. City licenses issued mid-year shall be valid from the time of issuance until December 31 of the same year. The color of the city license will change from year to year for easy visual recognition. This subsection does not apply to animals temporarily within the city for a period not to exceed fourteen (14) consecutive days. Dogs temporarily in the city will not be allowed access to the Man's Best Field Dog Park unless a city license is obtained.

(C) A person who owns a dog or cat commits an offense if ~~he~~the person fails to display on such dog or cat both a current rabies ~~vaccination~~Vaccination tag furnished by a veterinarian and a current license tag furnished by the city.

(D) A person who owns a dog or cat commits an offense if ~~he~~the person displays on such dog or cat a rabies or license tag issued to another animal.

(E) A person who owns any dog or cat over 16 weeks of age ~~having~~shall have such dog or cat ~~micro-chipped~~Microchipped, or any existing ~~micro-chip~~Microchip verified by the Animal ~~Care and Control Manager, and micro-chip~~Department. A dog or cat with a Microchip registered with a national ~~micro-chip~~Microchip data base shall receive a \$5 discount from the annual license fee.

(F) The Animal ~~Care and Control~~ Manager~~Department~~ may revoke or deny the license of a cat or dog issued to any person who has been convicted in any duly authorized court of jurisdiction in the state, or resides with any person so convicted of any of the following:

(1) Cruelty to animals as defined in the Tex. Penal Code § 42.09, inhumane treatment, or negligence to an animal; or

(2) Conviction of four or more separate and distinct violations of an animal control ordinance of a municipality in the state within any 12-month period.

(G) A person denied such a ~~registration~~license may appeal the refusal as set out in § 90.20:~~(B)~~.

(H) Each animal in violation of this section constitutes a separate offense.

§ 90.23 IMPOUNDMENT; FEES.

(A) The City Manager shall select and establish a place for impounding all animals impounded under any provision of this chapter.

(B) Animals that may be impounded are as follows:

(1) Cats and dogs not exhibiting evidence of being vaccinated as described in §90.22 or licensed as described in §90.22.

(2) Any animal kept under conditions that could endanger the public health or public safety.

(3) Any animal that creates a ~~nuisance~~Nuisance, as defined in §-90.1213.

(4) Any animal running ~~at-large~~At-Large, as ~~stipulated~~provided in §90.09.

(5) A dog or cat that has rabies or symptoms thereof, or that a person could suspect as having rabies, or that bites, ~~scratches~~ or otherwise creates a condition which may have exposed or transmitted the rabies virus to any human being.

(6) A dog or cat that is suspected of having inflicted ~~bodily injury~~Bodily Injury on any human being or animal, or poses a threat to public safety.

(7) Any dog or cat whose license has been revoked, or ~~livestock~~Livestock that has had its permit revoked.

(8) Any animal in violation of any provisions of this chapter.

(C) Reasonable effort shall be made by the ~~animal control officer~~Animal Care and Control Officer to contact the ~~owner~~Owner of any animal impounded ~~which~~that is wearing a current ~~vaccination~~Vaccination tag or city license tag; however, final responsibility for location of an impounded animal is that of the ~~owner~~Owner.

(D) –(1) The ~~owner~~Owner can resume possession of any impounded animal upon payment of impoundment fees, handling fees, and any veterinary bills incurred by animal control for the welfare of the animal, and upon compliance with the ~~vaccination~~Vaccination and licensing provisions of this code except where prohibited in divisions (D)(2) and (D)(3) below and all other provisions of this chapter.

(2) Disposition of animals impounded on the grounds of cruel or inhumane treatment shall be determined by ~~the~~a court of competent jurisdiction.

(3) If any animal is being held under ~~quarantine~~Quarantine or observation for rabies, the ~~owner~~Owner shall not be entitled to possession until it has been released from ~~quarantine~~Quarantine.

(E) (1) The ~~animal shelter~~city shall ~~be considered~~have the ~~designated caretaker~~right, at the city's discretion, to provide necessary Vaccinations or other veterinary care, including humane euthanasia in the event of suffering during an animal's stray hold period, to an impounded animal immediately upon intake at the shelter. After the expiration of any required holding period, the ~~animal shall be considered abandoned, all ownership rights shall be transferred to the city, the~~ city shall become the ~~owner~~Owner of the animal in question, and ~~the city may dispose of the animal as it in accordance with this chapter~~deems appropriate, including humane euthanasia.

(2) Any animal ~~not reclaimed by the owner may be humanely euthanized after being~~shall remain impounded for 72 hours, except that any animal wearing a current rabies ~~vaccination~~Vaccination tag and any animal that is ~~microchipped~~Microchipped shall be impounded for not less than six ~~(6)~~ days and any animal wearing a city license tag shall be impounded for not less than ~~fifteen (15)~~ days. ~~If an animal is not reclaimed by the Owner after the applicable waiting period, all ownership rights for the animal shall transfer to the city, and the city may dispose of the animal as it deems appropriate, including humane euthanasia.~~

(3) Any impounded ~~feral~~Feral or unmanageable ~~animals~~animal, unless there is reason to believe that it has an ~~owner~~Owner, may be immediately disposed of as may be deemed appropriate by the Animal ~~Care and Control~~Manager~~Department~~ for the safety of staff caring for the animal during the impoundment period.

(4) Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately ~~euthanized~~Euthanized to prevent further suffering.

(5) An ~~owner~~Owner who no longer wishes responsibility of an animal, or believes the animal to be in an ill or injured condition, may sign an Owner Surrender Form ~~allowing. Upon the signing of the Owner Surrender Form, all ownership rights for the animal shall transfer to~~ be the city, and the city may immediately ~~euthanized in a humane manner, provided~~dispose of the animal as it deems appropriate. Animals that no dog or cat that has have bitten a human ~~being shall be euthanized before expiration of the ten day will have final disposition determined after the rabies quarantine period. has passed or a rabies shipment has been completed.~~

(6) Any impounded animal with no form of Identification to contact the Owner that appears to be suffering from extreme injury or illness may be ~~ethanized~~Euthanized or given to a non-profit ~~humane organization~~Animal Rescue Organization for the purpose of immediate veterinary medical care, as determined by the Animal Care and Control ~~Manager~~Department. ~~This can be done prior to the expiration of the holding period if there is no form of Identification and the animal is in need of immediate medical care.~~The ownership rights of such animal shall be transferred to the City and the City shall become the Owner.

(7) After the expiration of any required impoundment period or immediately after being voluntarily released by its ~~owner~~Owner, the animal shall become the property of the city, all ownership rights for the animal shall transfer to the city, and the department may dispose of the animal by any of the following methods: adoption, transfer to another agency, reclamation, or humane euthanasia.

§ 90.23.1 FEE SCHEDULE.

~~—(A) A fee schedule for animal control related matters shall be established by the City Council to be incorporated in the policies and procedures associated with this chapter.~~

Adoptions	Spay/Neuter	\$25 (voucher)/animal
	Rabies	\$10 (voucher)/animal
	Microchip	\$20/animal
	Core Vaccine	\$5/animal
City License	Spay/Neuter	\$10/\$5 with a microchip
	Non-Spay/Neuter	\$15/\$10 with a microchip
Registration	Potbellied pig	\$25/animal
Multiple pet permit		\$25 per year
Impoundment Fees	Dogs/Cats 1st	\$20
	Dogs/Cats 2nd	\$30
	Dogs/Cats 3rd	\$45
	Boarding	\$5/day/animal
	Small	\$50/animal
Owner Relinquish		
—Pickup Fee	Licensed	\$30/animal
	Non-Licensed	\$40/animal

—Owner Drop Off	Licensed	\$20/animal
	Non-Licensed	\$30/animal
—Quarantine	Boarding	\$10/day/animal
	Testing	\$60/animal
—Microchip	Implant	\$20/animal

§ 90.24 ENFORCEMENT.

—(A) Enforcement of this ~~subchapter~~chapter shall be the responsibility of the Animal Care and Control Department, ~~Planning and Zoning~~Regulatory Compliance Department, ~~and Code Enforcement Division.~~ In the absence of an ~~animal control officer~~Animal Care and Control Officer, any department or official designated by the City Manager shall have enforcement responsibilities and authority.

—(B) Enforcement may be by the filing of a criminal complaint in the municipal court, by civil proceedings to enjoin Nuisances or violations, any other manner authorized by law, or any combination thereof.

(C) ~~Animal control officers~~Care and Control Officers shall have the authority to issue citations for any violations of this ~~subchapter~~chapter.

—(C)(D) If the person being cited is not present, the Animal Care and Control Officer may send the citation to the alleged offender by certified or registered mail, return receipt requested, and they may be summoned to court in accordance with applicable law.

—(D)(E) It shall be unlawful for any person being issued a citation to municipal court or any civil proceeding to intentionally or knowingly fail to give an Animal Care and Control Officer their true name and address to impact their ability to appear in accordance with the terms of issuance of a citation or civil process issued by the Animal Care and Control Department, its officers, or any authorized designee by the City.

(E) It shall be unlawful for any person to interfere with ~~the animal control officer~~an Animal Care and Control Officer in the performance of duties. A person interferes with an ~~animal control officer~~Animal Care and Control Officer if ~~he/she~~the person:

(1) Releases or causes an animal to be released after an ~~animal control officer~~Animal Care and Control Officer has impounded the animal; or

(2) Physically constrains the movement of an ~~animal control officer or his/her~~Animal Care and Control Officer or the officer's vehicle or equipment by:

(a) Placing any part of the person or person's property in the way of the ~~animal control officer's~~Animal Care and Control Officer's progress in the performance of the officer's duties; or

(b) Taking or moving an officer's equipment which causes a time delay in the officer's ability to use the equipment.

(3) No person shall remove, alter, damage, or otherwise tamper with a trap or equipment belonging to or set out by the Animal Care and Control Department.

§ 90.25 CARE AND HUMANE TREATMENT OF ANIMALS.

(A) ~~Every owner or person having care and control of any animal~~An Owner shall commits an offense if the Owner fails to provide the following for each animal under his or her care:

—(1) Sufficient ~~nutritious and wholesome~~necessary food, ~~served in clean containers,~~ to maintain the animal in a state of good health;

—(2) Clean and wholesome water, served to the animal in a clean container, ~~such water to be and~~ available to the animal at all times. Breeding of flies, mosquitos, or other insects or the growth of plant matter in any water troughs, bowls, tanks or other containers is prohibited if it effects the health of the animal;

—(3) Adequate shelter which shall allow the animal to remain dry and protected from the elements at all times and which shall provide either natural or artificial shade for the animal to avoid direct sunlight. If the ~~shelter~~Shelter is provided by enclosure, the enclosure shall allow for adequate ventilation. The floor must be constructed in a solid manner that protects the animal's feet and legs from injury;

—(4) ~~Veterinary care shall be provided as needed to prevent suffering and maintain the animal in a healthy state.~~

(4) It shall be a violation for any individual who owns or has care, custody, or control of an animal having ~~Treatment for~~ an obvious or diagnosed illness, injury, or communicable illness transmittable to animal or human, ~~to not provide the animal with treatment by a licensed veterinarian; or, failing to follow a proper treatment regime for the injury or illness;~~

(5) Basic Grooming for an animal so that it is not a detriment to the health of the animal;

(6) It shall be a violation for any individual who owns or has care, custody, or control of an animal having an ~~Treatment for~~ infestation of tick, fleas, or other parasites, ~~to not provide the animal with treatment~~ by a licensed veterinarian or with proper commercially reasonable treatment available for the infestation; and

(7) Enclosures used as an area for a dog to regularly eat, sleep, drink, and eliminate must have at least one hundred square feet (100 sq. ft.) of space for each dog six (6) months of age or older that are housed there.

(B) A person commits an offense if ~~he~~the person beats, torments, overloads, overworks, maims, disfigures, burns or scalds, mutilates or needlessly kills an animal, or if ~~he~~the person carries or transports an animal in any vehicle or other conveyance in a cruel or inhumane manner, or if ~~he~~the person permits any animal to remain in its own filth or if ~~he~~the person causes any of these acts to be done.

~~(C)~~ (C) A person commits an offense if the person exposes any known poisonous substance, whether mixed with food or not, so that the same may be attractive to any warm-blooded animal or human; except that it shall not be unlawful for a person to expose, on his or her own property or with permission of the property owner, commercially available rat poison or other pesticides appropriately placed in accordance with the labeling directions.

(D) A person commits an offense if the person causes, allows, or trains an animal to fight another animal or possesses Animal Fighting Paraphernalia or training equipment.

(E) A person commits an offense if the person carries or transports an animal in any motor vehicle, conveyance, or trailer if said vehicle fails to effectively restrain the animal so as to prevent the animal from leaving or being accidentally thrown from the motor vehicle, conveyance, or trailer. Transporting an animal in the open bed of a truck or leaving an animal in the bed of a truck during Inclement Weather shall be considered an inhumane manner of transportation.

(F) A person commits an offense if the person places or confines an animal, or allows an animal to be placed or confined, in a motor vehicle, conveyance, or trailer without adequately providing for the necessities of life, including air, food, potable water, sanitary conditions, Shelter, or protection from the heat, cold, or other environmental condition or under other circumstances that may cause Bodily Injury, Serious Bodily Injury, or death of the animal. Transporting an animal in the open bed of a truck or leaving an animal in the bed of a truck during Inclement Weather shall be considered an inhumane manner of confinement.

~~(G) It shall be unlawful for a~~ A person commits an offense ~~to~~if a person crops a dog's ears, docks a tail, removes dew claws or performs other surgical procedures on a dog or a cat except as provided by the veterinary licensing act.

~~(D)~~ (H) It shall be unlawful for a person to A person commits an offense if the person uses steel jaw or leg-hold traps.

~~(E) It shall be unlawful for an owner or other person having care and control of any animal to abandon said animal.~~

~~(F)~~ (I) A person commits an offense if the person Abandons any animal that the person has possession of at the Office of Animal Care and Control, at any other place of business, on public property, or with any person that has not consented or has revoked consent to be responsible for the care of the animal.

~~(I) It shall be unlawful for an~~ A person commits an offense if he or she is the Owner of an animal ~~to~~and fails to reclaim the animal from the Animal Care and Control Department or any person who had temporary possession of the animal.

~~(K) It shall be unlawful for a person to~~ A person commits an offense if a person confines an animal in a parked or standing vehicle in such a way as to endanger the animal's health, safety, or welfare. It is presumed that an animal's health, safety, or welfare is endangered when the animal is confined in a parked or standing vehicle for a period of five or more minutes when the ambient outside air temperature measures above 85 degrees Fahrenheit or below 35 degrees Fahrenheit. It shall be *prima facie*-proof that temperature at time of violation when such temperature is verified at the Animal Care and Control Office at 407 Industrial, Mansfield, Texas. An Animal Care and Control Officer is authorized to use necessary force, including but not limited to breaking a vehicle's window, to make lawful seizures of animals pursuant to this chapter, subject to all local, state and federal laws and court orders.

~~(G)~~ (L) *Tethering animals.*

(1) A person commits an offense if ~~he tethers an~~ the person Tethers an unattended animal to a stationary object for any length of time except as allowed by divisions ~~(23)~~ (23) and ~~(34)~~ (34) of this section. Any animal that is Tethered must have access to adequate shelter, clean water, dry ground and shade from direct sunlight at all times.

~~—(2)(2) No person shall Tether a puppy, sick or injured animal, or a female dog while in estrus.~~

~~—(3)~~ (3) Restraint on the ~~owner's~~ Owner's property or for a lawful animal event, veterinary treatment, grooming, training, law enforcement activity, or when needed to protect the safety or welfare of a person or animal, shall be allowed provided that all of the following conditions are met:

(a) The animal's ~~owner~~ Owner maintains continuous, ~~direct physical control~~ Direct Physical Control of the animal throughout the period of restraint;

(b) The ~~tether~~ Tether is attached to a properly fitting ~~collar~~ Collar or harness and is not wrapped around the animal's neck. Choke or prong-type ~~collars~~ Collars are prohibited;

~~(c) —(c) An Owner may not Tether an unattended animal outside by use of a restraint that is composed primarily of chain, has weights attached or is not attached to a Properly Fitted Collar or harness. A person shall not Tether an animal with a tying device that weighs more than 1/10 of the animal's body weight;~~

~~(d) The tethering device (to include trolley systems) shall be attached to the animal's Collar or harness and shall be at least ten (10) feet in length and must have a swivel device on the anchor and Collar end to prevent tangling;~~

~~(e) No person shall Tether their dog using a Collar exceeding one and a half (1.5") inches wide for any dog weighing less than sixty pounds. Dogs weighing sixty pounds or more shall not be Tethered using a Collar exceeding two (2") inches in width;~~

~~(f) The Collar must be adjusted to provide at least the circumference of the animal's neck plus one inch;~~

~~—(g) The Tether is designed and placed in a manner to prevent entanglement or injury; and~~

(eh) The ~~tether~~Tether does not allow the animal to move outside the person's property or come within ten feet of public property if ~~tethered~~Tethered outside a fenced area.

~~(3)~~(4) A “skyline” type aerial trolley consisting of a line that is strung between two fixed points that ~~are~~are at least 20 feet apart with a down line that is at least five feet in length is allowed as long as the requirements of divisions (2)(b) and (d) of this section are met and the animal is enclosed behind a fence of adequate size and strength capable of preventing the general public, including children, and other animals from entering the area.

(5) A person commits an offense if the person Tethers an animal to a stationary object or a “skyline” aerial trolley during times of extreme weather, including, but not limited to heat advisories, severe storm warnings and freeze warnings.

(6) Any animal observed by a police officer, Animal Care and Control Officer, or any individual otherwise designated by the City Manager to be in immediate harm may be removed from such situation by the quickest and most reasonable means available.

(7) During Inclement Weather, no animal is to remain on a stationary Tether or trolley system. This includes, but is not limited to, ambient outside temperatures below 32 degrees Fahrenheit or above 95 degrees Fahrenheit, severe storms, winter weather events, or any other weather that would cause undue stress on an outdoor Domestic Animal.

(8) If upon investigation, Exigent Circumstances exist and the Animal Care and Control Officer, police officer, or any individual otherwise designated by the City Manager, believe that there is imminent danger of Serious Bodily Injury or death to a human being, another animal, or the animal in question, and there is insufficient time to obtain a warrant, the officer can remove the animal(s) in question from the premises to receive care or for safe keeping.

(9) ~~It shall be unlawful for any~~ A person commits an offense if the person who has been subject to animal seizure for violations of humane care and treatment of animals, where a ruling was made in a court of law, ~~to if the person owns, Harbors, possesses, has~~ custody and control over or provide a premises to which an animal returns for food, shelter, or care within the city limits of Mansfield.

RABIES CONTROL AND BITE PROCEDURES

§ 90.35 DEFINITIONS.

The following words and terms when used in ~~this section~~Sections 90.36 – 90.39 shall have the following meanings unless the context clearly indicates otherwise:

ANIMAL.- Any live or dead mammal, domesticated or wild, excluding Homo sapiens.

~~BITE OR SCRATCH.~~ A bite or scratch from an animal that breaks the skin and is capable of transmitting rabies.

HIGH RISK ANIMAL.-Any animal that has a high probability of transmitting rabies (including foxes, bats, skunks, coyotes, and raccoons).

LOW RISK ANIMAL.-Any animal that has a low probability of transmitting rabies as determined by the Animal Care and Control ~~Manager~~Department.

§ 90.36 REPORT OF RABIES.

(A) A person commits an offense if he has knowledge of an animal bite ~~or scratch~~ of a human and fails to report said bite ~~or scratch~~ to the Animal Care and Control ~~Manager~~Department within 24 hours from the time of the incident.

(B) A person commits an offense if ~~he~~the person knows of an animal within the City limits that ~~he~~the person suspects is rabid and fails to report such animal to the Animal Care and Control ~~Manager~~Department.

(C) A report shall be written or oral and include if known, the name and address of the victim ~~and of~~, the animal's ~~owner~~Owner information, and any information which could lead to locating the victim, the animal, and the animal's ~~owner~~Owner.

(D) The Animal Care and Control ~~Manager~~Department shall investigate all reports made under this section.

(E) The ~~owner~~Owner of the biting animal ~~will~~must place that animal in ~~quarantine~~Quarantine as prescribed in ~~§ 90.37~~ 90.37 under the supervision of the Animal Care and Control ~~Manager~~Department.

(F) Humans bitten by rodents, birds and reptiles are excluded from the reporting requirements of this section.

(G) The provisions of ~~this chapter~~Sections 90.36-90.39 shall not apply to dogs trained and used by police departments, corrections departments or other ~~government service~~governmental service; however, bites that occur while the animal is not working shall be subject to placement in Quarantine as prescribed in § 90.37 under the supervision of the Animal Care and Control Department.

~~(H) It shall be unlawful for any Owner within the city to~~ A person commits an offense if the person conceals, sells, gives away or otherwise disposes of an animal that has bitten a human or to otherwise permit the animal to be taken beyond the limits of the city after having knowledge of the animal's having bitten a person as to cause an abrasion of the person's skin.

§ 90.37 QUARANTINE PROCEDURES FOR ANIMALS.

(A) The ~~owner~~Owner of an animal that has bitten a human commits an offense if ~~he~~the Owner fails to submit the animal to the Animal Care and Control ~~Manager~~Department for ~~quarantine~~Quarantine immediately upon notification by the Animal Care and Control ~~Manager~~Department of a biting incident.

(B) The ~~owner~~Owner of an animal that is suspected of being rabid commits an offense if ~~he~~the Owner fails to submit the animal to the Animal Care and Control ~~Manager~~Department for ~~quarantine~~Quarantine immediately when ordered by the Animal Care and Control ~~Manager~~Department to do so.

(C) The Animal Care and Control ~~Manager~~Department shall follow these procedures for quarantining and testing:

(1) When a dog or cat has bitten a human, the dog or cat shall be placed in ~~quarantine~~Quarantine in a facility specified by the Animal Care and Control ~~Manager~~ and approved by the Texas Department ~~and approved by the Texas Department~~ of State Health Services.

(2) When an animal, that has not bitten a human, is suspected of having rabies, it shall be placed in ~~quarantine~~Quarantine for ten (10) days in a facility specified by the Animal Care and Control ~~Manager~~Department and approved by the Texas Department of State Health Services. The Quarantine period shall be ten (10) days from the date of the bite or other exposure, and said period may only be altered under recommendation by the regional veterinarian from the Texas Department of Health.

(3) Upon the request of the ~~owner~~Owner of a dog or cat which has bitten a human, and at the sole discretion of the Animal Care and Control ~~Manager~~Department, the Animal Care and Control ~~Manager~~Department may permit home ~~quarantine~~Quarantine for the animal if the following criteria can be met:

(a) The animal was currently vaccinated against rabies at the time of the bite ~~or scratch~~;

(b) The animal was not ~~at large~~At-Large at the time of the bite;

(c) The animal's ~~owner~~Owner has secure facilities at his home for the animal which have been approved by the Animal Care and Control ~~Manager~~Department;

(d) ~~The~~An Animal Care and Control ~~Manager~~Officer or a licensed veterinarian must observe the animal on at least the first and eighth days of the ~~quarantine~~Quarantine period;

(e) If the animal becomes ill during the observation period, the person with possession of the animal must notify the Animal Care and Control ~~Manager~~Department;

(f) The ~~owner~~Owner must sign an agreement to abide by the ~~quarantine~~Quarantine rules; and

(g) At the end of the ~~quarantine~~Quarantine period, the animal shall be observed by a licensed veterinarian and the veterinarian will ~~generate a letter authorizing~~complete the ~~form provided by~~

the Animal Care and Control Department and submit said form to the Animal Care and Control Department in order to authorize release ~~of the animal~~ from ~~quarantine~~home Quarantine.

(4) If the Animal Care and Control ~~Manager~~Department is in possession of a dog or cat which has bitten a human, and such animal is designated as unowned, the Animal Care and Control ~~Manager~~Department may cause such animal to be ~~ethanized~~Euthanized, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

(5) If the animal which has bitten a human is a high-risk animal, the Animal Care and Control ~~Manager~~Department shall cause such animal to be ~~ethanized~~Euthanized, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

(6) If the animal which has bitten a human is a low-risk animal, the Animal Care and Control ~~Manager~~Department shall cause the animal to be ~~ethanized~~Euthanized, and shall submit its brain for rabies diagnosis by a Texas Department of State Health Services certified laboratory if the Animal Care and Control ~~Manager~~Department has cause to believe the animal is rabid. If the Animal Care and Control ~~Manager~~Department has no cause to believe the animal is rabid, then neither quarantining nor testing will be required.

(7) If the animal, including a dog or cat, which has bitten a human, inflicted multiple bite wounds, lacerations or punctures to a person, the Animal Care and Control ~~Manager~~Department may cause the animal to be ~~ethanized~~Euthanized, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

(8) If the animal which has bitten a human is not included in divisions (C)(1), (C)(2), (C)(3), (C)(4), (C)(5), (C)(6) or (C)(7) of this section, the Animal Care and Control ~~Manager~~Department shall cause the animal to be ~~ethanized~~Euthanized, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

(9) The Animal Care and Control ~~Manager~~Department shall cause to be ~~ethanized~~Euthanized any animal required to be quarantined under this division (C) which cannot be maintained in a secure ~~quarantine~~Quarantine, and shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

(10) The Animal Care and Control ~~Manager~~Department shall follow the rules promulgated by the Texas Department of State Health Services when submitting an animal brain for testing.

(11) The Animal Care and Control ~~Manager~~Department may ~~ethanize~~Euthanize an unowned animal prior to the end of the ~~quarantine~~Quarantine, and have the brain tested for rabies.

(12) All quarantined animals shall be separated from all other animals in such a manner that there is no possibility of physical contact between animals.

§ 90.38 DISPOSITION OR RELEASE OF QUARANTINED ANIMAL.

(A) At the conclusion of the ~~quarantine~~Quarantine, the Animal ~~Services~~Care and Control ~~Department~~ shall release the quarantined animal to its ~~owner~~Owner if the quarantined animal shows no clinical signs of rabies, ~~and the Owner pays the Quarantine fee, and:~~

(1) If the ~~owner~~Owner presents an unexpired rabies ~~vaccination certificate~~Vaccination Certificate for the animal to the Animal Care and Control ~~Manager~~Department; or

(2) If the animal is vaccinated against rabies by a licensed veterinarian at the ~~owner's~~Owner's expense, and the ~~owner~~Owner presents a rabies ~~vaccination certificate~~Vaccination Certificate for the animal to the Animal Care and Control ~~Manager~~Department.

(B) The Animal Care and Control ~~Manager~~Department shall ~~euthanize~~Euthanize any animal which at the end of the ~~quarantine~~Quarantine period is determined by a veterinarian to show clinical signs of rabies.

(C) If an animal dies, is killed, or ~~euthanized~~Euthanized while in ~~quarantine~~Quarantine, the Animal Care and Control ~~Manager~~Department shall submit the animal's brain to a Texas Department of State Health Services certified laboratory for rabies diagnosis.

(D) The ~~owner~~Owner of a quarantined animal shall pay to the Animal Care and Control ~~Manager~~Department all costs of ~~quarantine~~Quarantine and disposition of the animal by fee ~~set at an amount established in the Master Fee Schedule adopted by the City Council, as amended from time to time.~~ No quarantined animal shall be released until all fees have been paid, unless waived by the Animal Care and Control ~~Manager~~Department.

(E) If the ~~owner~~Owner of an animal fails to take possession of the animal before the fourth day following the final day of the ~~quarantine~~Quarantine period, the ~~animal shall be deemed abandoned, the city shall be deemed the Owner of the animal, and the~~ Animal Care and Control ~~Manager~~Department shall at ~~his~~their option place the animal for adoption or cause it to be ~~euthanized~~Euthanized.

§ 90.39 ANIMAL EXPOSED TO RABIES.

(A) The ~~owner~~Owner of an animal which has been bitten by a rabid animal or exposed by physical contact to its fresh tissues commits an offense if ~~he~~the Owner fails to report such bite or exposure to the Animal Care and Control ~~Manager~~Department within 24 hours of the incident.

(B) The ~~owner~~Owner of an animal which has been bitten by a rabid animal or exposed by physical contact to its fresh tissues commits an offense if ~~he~~the Owner fails to submit ~~his~~the animal to the Animal Care and Control ~~Manager~~Department for ~~quarantine~~Quarantine or to be ~~euthanized~~Euthanized immediately when requested to do so by the Animal Care and Control ~~Manager~~Department.

(C) If the animal which has been bitten or exposed has not been vaccinated against rabies and is an animal for which an approved vaccine exists, the Animal ~~Care and Control~~ ManagerDepartment:

(1) May cause such animal to be ~~euthanized~~Euthanized; or

(2) May, if sufficient justification for preserving the animal exists, cause the animal to be immediately vaccinated against rabies, placed in strict isolation for 90 days, and given booster ~~vaccinations~~Vaccinations during the third and eighth weeks of isolation. If the animal is under 16 weeks of age at the time of the second ~~vaccination~~Vaccination, an additional booster shall be given when the animal reaches 16 weeks of age.

(D) If the animal which has been bitten or exposed was currently vaccinated against rabies at the time of the bite or exposure, and is an animal for which an approved vaccine exists, the Animal ~~Care and Control~~ ManagerDepartment:

(1) May cause such animal to be ~~euthanized~~Euthanized; or

(2) May, if sufficient justification for preserving the animal exists, cause the animal to be given an immediate booster rabies ~~vaccination~~Vaccination and be placed in strict isolation for 45 days.

(E) If the animal which has been bitten or exposed is an animal for which no approved rabies vaccine exists, the Animal ~~Care and Control~~ ManagerDepartment shall cause such animal to be ~~euthanized~~Euthanized.

(F) The procedures for disposition or release of the animal following isolation shall be the same as those for disposition of an animal following ~~quarantine set forth in § 90.38.~~Quarantine set forth in § 90.38.

ANIMAL ADVISORY COMMITTEE

§ 90.50 ANIMAL ADVISORY COMMITTEE.

~~—(A) The governing body of a county or municipality in which an animal shelter is located shall appoint an~~ (A) ~~There is hereby established~~ The City of Mansfield Animal Advisory Committee is established to assist ~~the city with~~ complying with the requirements of Tex. Health & Safety Code Chapter 823.

(B) ~~The City of Mansfield Animal Advisory Committee~~Membership must be composed of at least one licensed veterinarian, one municipal official, one person whose duties include the daily operation of an animal shelter, and one representative from an animal welfare organization.

(C) Members ~~shall~~ are appointed by the City Council, serve for a three years term, and may be reappointed. Members may be removed by the City Council.

(D) The City of Mansfield Animal Advisory Committee shall meet at least three times a year.

DANGEROUS DOGS

§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.

§90.56. FILING OF REPORT OF A DANGEROUS INCIDENT WITH COURT.

- (A) The City of Mansfield hereby elects to be governed by Section 822.0422, Texas Health and Safety Code.
- (B) A person, including the Animal Care and Control Department, may file a Dangerous Incident report involving an animal to the municipal court of the city. A report filed with the municipal court under this section must comply with the requirements of §90.55(A).
- (C) Upon the filing of a Dangerous Incident report under subsection (B), the Owner of the dog that is the subject of the report shall deliver the dog to the Animal Care and Control Department not later than the fifth (5th) day after the date on which the Owner receives notice that the report has been filed with the municipal court. The Animal Care and Control Authority shall provide for the impoundment of the dog in secure and humane conditions until the court enters an order concerning the dog.
- (D) If the Owner fails to deliver the dog as required by subsection (C), the municipal court shall order the Animal Care and Control Department to seize the dog and shall issue a warrant authorizing the seizure. The Animal Care and Control Department shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog. The Owner shall pay any costs incurred in seizing the dog.
- (E) The municipal court shall determine, after notice and hearing as provided in §90.61, whether the dog is a Dangerous Dog.

- (F) The court, after determining that the dog is a Dangerous Dog, may order the Animal Care and Control Department to continue to impound the Dangerous Dog in secure and humane conditions until the dog is released to the Owner upon compliance with §90.65 or the court orders the humane destruction of the dog under §90.5960.
- (G) The Owner of the dog shall pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the dog. The amount of the fees shall be established in the Master Fee Schedule which shall be adopted by City Council, as amended from time to time.

§90.57. ANIMAL CARE AND CONTROL OFFICER DETERMINATION.

- (A) If, after performing an investigation of a Dangerous Incident and receiving the sworn statements of any witnesses, the Animal Care and Control Officer determines the animal is a Dangerous Dog, the Animal Care and Control Officer may notify the Owner in writing of the determination and require the Owner of the Dangerous Dog comply with the requirements in Section 90.59.
- (B) 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 Dangerous Dog, may appeal the determination of the Animal Care and Control Officer to ~~a justice, county or the~~ municipal court ~~of competent jurisdiction~~.
- C) Upon the filing of an appeal under subsection (B), the municipal court of the city shall schedule a hearing on the appeal in accordance with §90.6162.
- (D) To file an appeal under subsection (B), the Owner must:
- (1) 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;
 - (2) Attach a copy of the determination from the Animal Care and Control Department; and
 - (3) 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.
- (E) An appeal filed under subsection (B) 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.
- (F) Upon filing an appeal under subsection (B), 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 municipal 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 amount of the fees shall be established in the Master Fee Schedule which shall be adopted by 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.

~~(f) An appeal filed under subsection (f) in a justice or county court must comply with the requirements of Chapter 822, Texas Health and Safety Code.~~

§90.58. KNOWLEDGE OF A DANGEROUS DOG.

~~For purposes of this division, a person learns he or she is t~~**The Owner of a Dangerous Dog and is subject to the requirements of this chapter upon the occurrence of any of the following:**

- (1) The Owner knows of a Dangerous Incident involving the animal;**
- (2) The Owner is notified by the Animal Care and Control Officer that the animal is a Dangerous Dog; or**
- (3) The Owner is notified by the municipal court that the court has upheld the Animal Care and Control Officer's determination that the animal is a Dangerous Dog.**

§90.59 REQUIREMENTS FOR OWNER OF DANGEROUS DOG.

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

- (A) Register the Dangerous Dog with the Animal Care and Control Department;
- (B) Restrain the Dangerous Dog at all times on a leash in the immediate control of a person;
- (C) Confine the dog 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 dog is being kept;
- (D) Not permit the dog to be outside the Secure Enclosure unless the dog is muzzled, in a manner that will not cause injury to the dog 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;
- (E) Have the dog micro-chipped and fitted with a tag or Collar designated by the Animal Care and Control Department;
- (F) Have the dog sterilized and provide proof of sterilization to the Animal Care and Control Department;
- (G) Allow the Animal Care and Control Department to photograph the dog;
- (H) Obtain, maintain and provide the Animal Care and Control Department proof of personal liability insurance in the amount of \$100,000.00 to cover an attack by the animal; and
- (I) Complete a responsible pet ownership or animal training program as prescribed by Animal Care and Control Department.

§90.5960. DANGEROUS DOG ORDER OF DESTRUCTION.

(A) If the municipal court orders for 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 governing body City Council 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.

§90.6061. 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 §90.6566 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 §90.6162.
- (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 ~~governing body of the city~~ City Council 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 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 §90.6566 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 finds that the Owner of the Dangerous Dog has not failed to comply with §90.6566 and 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.

- (F) 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 §90.6566(A).
- (G) Notwithstanding any other law or local regulation, a Dangerous Dog shall not be destroyed during the pendency of an appeal under §90.6263.
- (H) 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.

§90.6162. HEARING.

- (A) The municipal court of the city, on receiving notice of appeal under §90.56(b) or a sworn application under §90.6061(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 §90.6566 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 §90.6263.
- (F) An animal that is the subject of a proceeding under this division shall remain impounded throughout the pendency of any appeal of a determination or order under this division.
- (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 §90.6263.

§90.6263. APPEAL OF DANGEROUS DOG ORDER.

- (A) A party to an appeal under §90.56(B) or a hearing under §90.6162 may appeal a decision that a dog is a Dangerous Dog or other order concerning a Dangerous Dog to a county court or county court at law in the county in which the municipal court is located and is entitled to a jury trial on request.
- (B) As a condition of perfecting an appeal, not later than the tenth (10th) calendar day after the date the decision is issued by the municipal court, the appellant must file a notice of appeal

and, if applicable, an appeal bond in the amount determined by the municipal court from which the appeal is taken.

- (C) Notwithstanding V.T.C.A., Government Code § 30.00014, or any other law, a person filing an appeal from a municipal court under subsection (A) is not required to file a motion for a new trial to perfect an appeal.
- (D) Notwithstanding any other law, a county court or a county court at law has jurisdiction to hear an appeal filed under this section.
- (E) A decision of a county court or county court at law under this section may be appealed in the same manner as an appeal for any other case in a county court or county court at law.

§90.6364. NOTICES.

All required notices ~~under this division~~ shall be personally delivered or deposited with the United States Postal Service, sent certified mail, return receipt requested. When the city mails a notice in accordance with this section and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

§90.65. DANGEROUS DOG ORDERED REMOVED FROM THE CITY.

- (A) The Owner of a Dangerous Dog that is ordered to be permanently removed from the city ~~by order of the municipal court~~ must provide to the Animal Care and Control Department the plan for removal of the Dangerous Dog from the city and the name, address, and phone number for the place where the Dangerous Dog will be relocated outside of the city before the Dangerous Dog will be released to the Owner. Upon receipt of the required information, the Animal Care and Control Department shall release the Dangerous Dog to the Owner to be removed from the city. A Dangerous Dog ordered to be permanently removed from the city must be removed from the city within ten (10) days of the date of the order.
- (B) If the Owner does not provide the information required by subsection (a) to the Animal Care and Control Department and reclaim the Dangerous Dog within ten (10) days of the order of the municipal court of the city, the Dangerous Dog shall be deemed abandoned by the Owner and the city shall be deemed the Owner of the Dangerous Dog. A Dangerous Dog ordered to be removed from the city under this ~~division~~ section must be removed from the city within ten (10) days of the date of the order. Upon application by the Animal Care and Control Department, without a hearing, the municipal court shall order that a Dangerous Dog deemed to be abandoned under this ~~sub~~section be humanely destroyed.
- (C) It shall be unlawful for a person to Harbor, keep, or have possession of a Dangerous Dog previously ordered to be removed from the city under this ~~division~~section within the corporate limits of the city.
- (D) The Animal Care and Control Department or any Animal Care and Control Officer enforcing this ~~division~~ section shall seize any Dangerous Dog that has been previously ordered to be removed from the city and is found to be at any location within the corporate limits of the city. Upon seizure, the city shall provide for the impoundment of the Dangerous Dog in humane and sanitary conditions.
- (E) Upon application by the Animal Care and Control Department, without a hearing, the court shall order that a Dangerous Dog that was previously ordered to be removed from the city and later found to be in the city be humanely destroyed.

§90.66. NUISANCE DECLARED.

It is hereby declared to be a Nuisance that an Owner or other person Harbors, keeps, or maintains a Dangerous Dog in the city unless the Owner complies with the requirements of this division and, with respect to dogs, all state statutes regulating Dangerous Dogs.

§90.67. OFFENSES.

- (A) A person commits an offense if the person is the Owner of a Dangerous Dog and the Dangerous Dog makes an Unprovoked attack on another person outside the animal's enclosure and causes Bodily Injury to the other person.
- (B) A person commits an offense if the person is the Owner of a Dangerous Dog and performs an act prohibited or fails to perform an act required by this division.
- (C) A person commits an offense if the person is the Owner of a dog that attacks another Domestic Animal or Livestock and that attack causes Bodily Injury or death to the other Domestic Animal or Livestock.
- (D) A person commits an offense if the person is the Owner and the animal attacks a person or another animal and the Owner fails to notify the Animal Care and Control Department within five (5) days of the attack.
- (E) An offense under subsection (A), (B), (C), or (D) is a class C misdemeanor punishable ~~by a fine up to but not more than \$2,000.00~~ as provided in Section 10.99 of the Code of Ordinances of the City. Each day that a violation is committed or continues is a separate offense.
- (F) If a person is found guilty of an offense under this section, the municipal court may order that the animal be humanely destroyed immediately, or that the animal be permanently removed from the city. If a person is found guilty of an offense under this section for a second time, the municipal court may order that the animal be humanely destroyed immediately or that the animal be permanently removed from the city.

§90.68. DEFENSES.

- (A) It is an affirmative defense to prosecution under §90.67 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with Stray animals and has temporary ownership, custody, or control of the animal in connection with that position.
- (B) It is an affirmative defense to prosecution under §90.67 that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses the dog for law enforcement or corrections purposes.
- (C) It is an affirmative defense to prosecution under §90.67 that the person is a dog trainer or an employee of a guard dog company under V.T.C.A., Occupations Code Ch. 1702.
- (D) It is an affirmative defense to prosecution under §90.67 that the person injured was teasing, tormenting, abusing, or assaulting the animal.
- (E) It is an affirmative defense to prosecution under §90.67 that the person injured was committing or attempting to commit a crime.
- (F) It is an affirmative defense to prosecution under §90.67 that the animal was protecting or defending a person, while in the person's control, from an unjustified attack or assault.

DANGEROUS ANIMALS

§90.70. DANGEROUS ANIMAL CLASSIFICATIONS.

- ~~()~~ — An animal shall be designated a Dangerous Animal if it is found to have exhibited the specific behaviors that qualify the animal for one of the Dangerous Animal classifications established by this section.
- ~~()~~ — The following classifications shall be established for Dangerous Animals:
- ~~(1)~~ — Level 1. The animal, while at large, is found to menace, to chase, or to display threatening or aggressive behavior toward any Domestic Animal or Livestock.
 - ~~(2)~~ — Level 2. The animal, while at large, is found to have caused a severe Bodily Injury to any Domestic Animal or Livestock.
 - ~~(3)~~ — Level 3. The animal, while at large, is:
 - ~~a~~ — found to have killed or cause the death of any Domestic Animal or Livestock; or
 - ~~b~~ — a Dangerous Animal classified as a Level 2 and is found to have repeated the behavior in subsection (b)(2) after the Owner has received notice of the determination under §90.72.
- ~~()~~ — In addition to the behavior identified above, an animal may be classified as a Dangerous Animal 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.
- ~~()~~ — In determining whether an animal is a Dangerous Animal under this division, the Animal Care and Control Department shall consider all relevant facts and circumstances and shall have the discretion to assign a higher or lower classification or to not find an animal to be a Dangerous Animal upon mitigating or extenuating circumstances.

§90.71. DANGEROUS ANIMAL INCIDENT REPORT.

- ~~()~~ — A person may report a Dangerous Animal 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.

~~() The Animal Care and Control Department, upon receipt of a report filed under this section or upon learning of a Dangerous Animal Incident, shall investigate the Dangerous Animal Incident and may issue sworn reports based on the Animal Care and Control Department's investigation or observation.~~

~~() 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 Animal 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 behavior; or~~

~~(3) With due diligence, Animal Care and Control Department cannot locate the Owner of the animal.~~

~~§90.72. ANIMAL CARE AND CONTROL OFFICER DETERMINATION.~~

~~() If, after performing an investigation of a report of a Dangerous Animal, the Animal Care and Control Department determines that the animal is a Dangerous Animal, the Animal Care and Control Department shall notify the Owner in writing of the determination. The notice shall include the following:~~

~~(1) That the animal was determined to be a Dangerous Animal and the animal's classification pursuant to §90.70;~~

~~(2) The requirements applicable to the animal pursuant to §90.74; and~~

~~(3) That the Owner has the right to appeal the classification pursuant to §90.73.~~

~~() An impounded animal that is classified by the Animal Care and Control Department as a Dangerous Animal 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 §90.74.~~

~~() If the Owner of an impounded animal has not complied with §90.74 within thirty (30) days after a final determination is made that an impounded animal is a Dangerous Animal, 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 Animal shall be considered abandoned and the city shall be deemed the Owner of the Dangerous Animal and the Animal Care and Control Department may order the animal to be humanely destroyed.~~

§90.73. APPEAL OF DETERMINATION.

~~() 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 Dangerous Animal, may appeal the determination of the Animal Care and Control Officer to the municipal court of the city.~~

~~() Upon the filing of an appeal under subsection (), the municipal court of the city shall schedule a hearing on the appeal in accordance with §90.78.~~

~~() To file an appeal under subsection (), the Owner must:~~

~~(1) File a notice of appeal of the Animal Care and Control Department's Dangerous Animal determination with the clerk of the municipal court of the city, which must include the name, address, and phone number of the Owner;~~

~~(2) Attach a copy of the determination from the Animal Care and Control Department; and~~

~~(3) 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.~~

~~() An appeal filed under subsection () 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.~~

~~() Upon filing an appeal under subsection (), 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.~~

~~() If the Owner fails to deliver the animal as required by subsection (), 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.~~

§90.74. REQUIREMENTS OF DANGEROUS ANIMAL.

~~() Not later than thirty (30) days after learning that he or she is the Owner of Dangerous Animal, the Owner shall comply with the following requirements applicable based on the animal's classification:~~

~~(1) — Level 1 Classification. For a Dangerous Animal 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; and~~
- ~~d — Allow the Animal Care and Control Department to photograph the animal.~~

~~(2) — Level 2 Classification. For a Dangerous Animal 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 — 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~~
- ~~g — 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 Animal 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 Animal, 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— 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~~
- ~~g— Complete a responsible pet ownership or animal training program as prescribed by Animal Care and Control Department.~~

~~() — Once in compliance with subsection (), the Owner of a Dangerous Animal shall continue and maintain compliance with subsection () at all times, unless subject to declassification in §90.75.~~

§90.75. DECLASSIFICATION OF DANGEROUS ANIMAL.

~~() — Declassification of Level 1 or Level 2 Dangerous Animals will occur, and the restrictions required by §90.74 may be removed when the following conditions have been met:~~

- ~~(1) — Level 1 or Level 2 Dangerous Animal 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 Animal with the Owner; and~~

~~b—The Owner provides the Animal Care and Control Department with written verification from a licensed veterinarian that the Dangerous Animal has been sterilized.~~

~~()—Declassification will not occur, and the restrictions required by §90.74 will not be fully removed. If a Level 3 Dangerous Animal meets the conditions set out below, the restrictions required by §90.74 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 Animal, 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 Animal shall continue to comply with all other restrictions required by §90.74. After the reduction of restrictions on a Level 3 Dangerous Animal 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 Animal shall be required to comply with all requirements for a Level 3 Dangerous Animal under §90.74 as if the animal were newly designated. The following are the conditions for reduction of restrictions for a Level 3 Dangerous Animal:~~

~~(1) —Level 3 Dangerous Animal 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 Animal 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.~~

§90.76. ORDER OF DESTRUCTION.

~~()—The Animal Care and Control Department may order that a Dangerous Animal be humanely destroyed if the animal is classified as a Level 3 Dangerous Animal and 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 Animal 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 §90.73.~~

~~(f) — An order for the humane destruction of a Dangerous Animal under this section may be appealed in the same manner as a Dangerous Animal determination under §90.73.~~

~~(g) — At the conclusion of the appeal hearing for an order for humane destruction of a Dangerous Animal under this section, the municipal court shall:~~

~~(1) Find that the animal was designated as a Level 3 Dangerous Animal 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.~~

~~(h) — In an order for the humane destruction of a Dangerous Animal, 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.~~

~~(i) — Upon filing an appeal under subsection (j), 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.~~

~~(j) — If the Owner fails to deliver the animal as required by subsection (i), 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.~~

§90.77. FAILURE TO COMPLY.

~~(k) — If the Owner of a Dangerous Animal fails to comply with §90.74, the Animal Care and Control Department may file a sworn application to the municipal court of the city that the Owner of a~~

Dangerous Animal has failed to comply with §90.74. 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 §90.78.

~~()~~ 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 Animal and shall issue a warrant authorizing the seizure. The Animal Care and Control Department shall seize the Dangerous Animal or order its seizure and shall provide for the impoundment of the Dangerous 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 Dangerous 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 Dangerous Animal shall remain impounded pending an order of disposition from the municipal court of the city.

~~()~~ If, after a hearing on an application filed under this section, the municipal court of the city finds that the Owner of the Dangerous Animal has failed to comply with §90.74, 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 Animal to pay all costs or fees assessed by the city related to the seizure, acceptance, impoundment, and destruction of the Dangerous Animal due to the sworn complaint filed under this section.

~~()~~ If, after a hearing on an application filed under this section, the municipal court finds that the Owner of the Dangerous Animal has not failed to comply with §90.74, the municipal court shall order that the Animal Care and Control Department immediately release the Dangerous Animal to the Owner, and the Owner shall not be responsible for the costs of seizure or impoundment of the Dangerous Animal due to the sworn complaint filed under this section.

~~()~~ A Dangerous Animal ordered to be humanely destroyed shall remain impounded until the Dangerous Animal is humanely destroyed.

~~()~~ If the Owner of a Dangerous Animal 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 Animal, the Dangerous Animal shall be considered abandoned, and the city shall be deemed the Owner of the Dangerous Animal. The court shall order the humane destruction of a Dangerous Animal abandoned under this subsection upon application of the Animal Care and Control Department, without a hearing.

§90.78. HEARING.

~~()~~ The municipal court of the city, on receiving notice of appeal under §90.73() or a sworn application under §90.77(), shall set a time for a hearing to determine whether the animal is a Dangerous Animal or whether the Owner of the animal has complied with §90.74. 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.~~

~~() The 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.~~

~~() Any interested party, including the city attorney, is entitled to present evidence at the hearing.~~

~~() At a hearing under this section, the 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.~~

~~() An animal that is the subject of a proceeding under this division shall remain impounded throughout the pendency of any appeal or order.~~

~~**§90.79. ORDERS OF MUNICIPAL COURT NON-APPEALABLE.**~~

~~_____ The order of the municipal court concerning a Dangerous Animal are final and are not appealable.~~

~~**§90.80. NOTICES.**~~

~~All required notices under this division shall be personally delivered or deposited with the United States Postal Service, sent certified mail, return receipt requested. When the city mails a notice in accordance with this section and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.~~

~~**§90.81. REGISTRATION.**~~

~~() The Animal Care and Control Department shall annually register a Dangerous Animal if the Owner:~~

~~(1) Presents proof satisfactory to Animal Care and Control Department showing compliance with all the applicable requirements contained in §90.74;~~

~~(2) Presents proof of current rabies Vaccination of the Dangerous Animal, if required by this chapter; and~~

~~(3) Pays the annual registration fee as established in the Master Fee Schedule, which shall be adopted by City Council, as amended from time to time.~~

~~(f) The Animal Care and Control Department shall provide to the Owner registering an animal a registration tag. The Owner of the Dangerous Animal shall attach the current registration tag to the Collar that is worn by the Dangerous Animal. The current registration tag shall be displayed on the Dangerous Animal in this manner at all times. The registration of a Dangerous Animal shall be valid for one year from the date of issuance.~~

~~(g) If an Owner of a Dangerous Animal sells or moves the Dangerous Animal 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.~~

~~(h) If the Owner of a Dangerous Animal sells or gives a Dangerous Animal 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 Animal.~~

~~(i) A person who buys or receives a Dangerous Animal 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 (f).~~

~~(j) An Owner of a Dangerous Animal shall notify the Animal Care and Control Department of any attack the Dangerous Animal makes on a person or another animal within five (5) days of the attack.~~

~~(k) In the event a Dangerous Animal 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 Animal.~~

~~**§90.82. NUISANCE DECLARED.**~~

~~It is hereby declared to be a Nuisance that an Owner or other person Harbors, keeps, or maintains a Dangerous Animal in the city unless the Owner complies with the requirements of this division.~~

~~**§90.83. OFFENSES – FAILURE TO COMPLY.**~~

~~(a) A person who owns or keeps custody or control of a Dangerous Animal commits an offense if the person fails to comply with the requirements of §90.74 applicable to the Dangerous Animal's classification.~~

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

~~§ — If a person is found guilty of an offense under this section for a Level 3 Dangerous Animal, the municipal court may order the Dangerous Animal humanely destroyed by one of the following persons:~~

~~(1) A licensed veterinarian;~~

~~(2) Personnel of a recognized animal shelter or humane society who are trained in the destruction of animals; or~~

~~(3) Personnel of a governmental agency responsible for animal control who are trained in the humane destruction of animals.~~

§90.84. GENERAL OFFENSES.

~~§ — A person commits an offense if the person fails to comply with any the requirement of this article when said requirement applies to the person as an Owner or keeper of a Dangerous Animal designated under this division.~~

~~§ — An offense under this section is a Class C misdemeanor.~~

§90.85. DEFENSES.

~~§ — It is a defense to prosecution under §90.83 or §90.84 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter or person employed by the State or a political subdivision of the State to deal with Stray animals and has temporary ownership, custody or control of the animal; provided, however, that for any person to claim a defense under this section, that person must be acting within the course and scope of his or her official duties with regard to the Dangerous Animal.~~

~~§ — It is a defense to prosecution under §90.83 or §90.84 that the person is an employee of the Institutional Division of the Texas Department of Criminal Justice or of a law enforcement agency and trains or uses animal for law enforcement or corrections purposes; provided, however, that for any person to claim a defense under this section, that person must be acting within the course and scope of his or her official duties with regard to the Dangerous Animal.~~

~~§ — It is a defense to prosecution under §90.83 or §90.84 that the animal at issue is a trained guard animal in the performance of official duties while confined or under the control of its handler.~~

§ 90.99 PENALTY.

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 chapter shall be fined no more than

\$2,000 for all violations involving public health and sanitation, and shall be fined not more than \$500 for all other violations of this chapter. Each day that a violation is permitted to exist shall constitute a separate offense.