

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 90 “ANIMAL CONTROL” OF TITLE IX “GENERAL REGULATIONS” OF THE CODE OF MANSFIELD, TEXAS TO AMEND SECTIONS 90.01 THROUGH 90.03 AND SECTIONS 90.05 THROUGH 90.50 IN THEIR ENTIRETY AND ADOPTING NEW SECTIONS 90.55 THROUGH 90.68 REGARDING DANGEROUS DOG DETERMINATIONS, APPEALS, HEARINGS AND OFFENSES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF UP TO \$500.00 AND EACH DAY A VIOLATION EXISTS SHALL BE A SEPARATE OFFENSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the City Council has previously adopted regulations governing animal control in Chapter 90 of the Code of Ordinances of the City of Mansfield in compliance with relevant Texas law, including but not limited to Title 10 of the Health and Safety Code and has adopted a Resolution as required by Chapter 251 of the Texas Agricultural Code making the required findings relative to city regulations for livestock as part of agricultural operations; and ,

WHEREAS, the City Council has reviewed the proposed amendments and finds it is in the best interest of the public to amend Chapter 90 relating to general animal control, livestock, determinations and appeals for dangerous dogs and related matters in order to protect the health, safety and general welfare of the residents of Mansfield and the public.

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

SECTION 1.

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

SECTION 2.

Sections 90.01 through 90.03, of Chapter 90, “Animal Control,” of Title IX, “General Regulations,” of the Code of Mansfield, Texas, are hereby amended to read as follows:

“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 Director of Regulatory Compliance to supervise the daily operations of the Animal Care and Control 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.

ANIMAL ESTABLISHMENT. Any pet shop, Boarding Kennel or Cattery, grooming shop, auction, performing animal exhibition, or other facility engaged in the handling of 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 not 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. 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 DOG. A dog that:

- (1) Makes an Unprovoked attack on a person that causes Bodily Injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits Unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause Bodily Injury to 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.

DANGEROUS INCIDENT. An incident in which a dog:

- (1) Makes an Unprovoked attack on a person that causes Bodily Injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) Commits Unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack 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 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 chapter, voice control, shock Collars, e-Collars, and Collar mounted electronic training devices, regardless of the animal's proximity or training status shall not be considered direct physical contact.

DOG. Any live or dead dog (*canis familiaris*).

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. 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 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.

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 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 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.

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 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.

SECURE ENCLOSURE. A fence or structure, being securely enclosed and locked, having four sides, a top, and a bottom, and clearly marked as containing a Dangerous Dog with nine-inch

letters, that capable to prevent the escape or release of a Dangerous Dog 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 by the United States Department of Agriculture for use in that species and which is administered 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 twelve (12) weeks of age at the time of Vaccination;
- (2) At least thirty (30) days must have elapsed since the initial Vaccination; and
- (3) The time elapsed since the most recent Vaccination has not exceeded the recommended interval for booster 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 THE ANIMAL CARE AND CONTROL DEPARTMENT.

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

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

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

(E) The responsibilities of the Animal Care and Control 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.
- (2) Supervise the 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 PERMITS.

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

(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 pets over the age of eight weeks.

(C) Any person desiring to keep more than four dogs or four cats or exceed the combined total of six such pets over the age of eight weeks at a residence may apply with the Animal Care and Control Department for a multiple pet permit.

(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 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 a multiple pet permit if the following conditions are met:

- (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 Department information concerning the maximum number of animals to be kept at any one time at such premises;
- (c) A record search indicates that no enforcement action for violations of this chapter has been necessary within the preceding 12 months;
- (d) An Animal Care and Control Officer inspects the property and interviews 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. 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. Adequate food, water, and 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. 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. 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. The animals must not cause noise which is offensive or disturbing to a person of ordinary sensibilities on adjacent premises.
 - vi. All animals must be vaccinated, Microchipped, and sterilized and must wear current tags at all times in accordance with this chapter.

(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 multiple pet permit shall be established in the Master Fee Schedule as adopted by the City Council, as amended from time to time.

(5) The Animal Care and Control Department may revoke 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 fails to comply with conditions, limitations, and restrictions specified in the permit; or

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

(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 Department. Failure to timely renew the permit shall result in forfeiture of the multiple pet permit.

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

(8) Multiple pet permits are issued for specific Owners of a specific property. Application for a new multiple pet permits will be required if:

(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

(b) Ownership of the property for which a permit was originally issued changes and the new 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.”

SECTION 3.

Sections 90.05 through 90.50, of Chapter 90, “Animal Control,” of Title IX, “General Regulations,” of the Code of Mansfield, Texas, are hereby amended to read as follows:

“§ 90.05 ADOPTION OF CATS OR DOGS.

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

(B) In determining whether an impounded dog or cat will be placed for adoption, the Animal Care and Control Department shall consider whether a dog or cat is healthy enough for adoption and is of sufficient health and age to be vaccinated. However, such decision by the Animal Care and Control Department shall not constitute a warranty of the health or age of the animal.

(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 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 shall be set 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.

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

(1) *Vaccination fee.*

(a) In the event a dog or cat age 16 weeks or older is adopted and is not vaccinated, a fee shall be paid for the issuance of a rabies Vaccination voucher. 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 shall present to any licensed 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 voucher with a statement verifying the Vaccination to the Animal Care and Control Department for receipt of the prepaid fee or the veterinarian's fee for administering the Vaccination, whichever is less.

(b) An adopting person commits an offense if after adopting a dog or cat 16 weeks of age or older he fails to obtain a rabies Vaccination for such animal within 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 Department with proof of the Vaccination. Such proof shall be in the form of a receipt from the veterinarian who administered the Vaccination.

(d) 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 seize and impound any dog or cat adopted under this subsection (F) if the 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 Department the license fee established in the Master Fee Schedule as adopted by the City Council, as amended from time to time.

(G) 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 will not be required until the animal is 16 weeks of age. A fee in an amount 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 voucher. Within ten (10) days of the animal turning 16 weeks of age, the adopting person shall present to any licensed 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 to the Animal Care and Control Department for receipt of the prepaid fee or the veterinarian's fee for administering the Vaccination, whichever is less.

(b) A person who adopts a dog or cat under this subsection (G) commits an offense if he fails to obtain a rabies Vaccination for such animal within the age limits required in this 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 ten (10) days of the animal turning 16 weeks of age, the Owner has not presented proof of Vaccination to the Animal Care and Control Department. Proof shall be in the form of a receipt from the licensed veterinarian who administered the vaccine.

(d) The Animal Care and Control Department shall be authorized to impound the adopted dog or cat under this subsection (G) if the Vaccination is not obtained within the time required 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 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 Department the original adoption receipt and proof of Vaccination to receive the city license.

(b) The adopting person shall pay the Animal Care and Control Department the license fee as established in the Master Fee Schedule adopted by the City Council, as amended from time to time, at the time the person receives the city license.

(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 Department, 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 Department a sterilization fee. The fee shall be in an amount 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) Before the sterilization date, the adopting person shall present the voucher to a licensed veterinarian who shall perform the sterilization of the adopted animal.

(c) The veterinarian shall present a spaying or neutering voucher to the Animal Care and Control 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 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 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 subdivision (H).

(4) *Confirmation of sterilization.*

(a) A person who signs a sterilization agreement shall deliver to the Animal Care and Control 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 Department a signed letter stating that the animal is dead. The letter shall be delivered not later than ten (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 (H)(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 Department a signed letter stating that the animal is lost or stolen. The letter shall be delivered not later than ten (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 (H)(4)(a) of this section.

(5) *Prosecution.*

(a) If the Animal Care and Control Department does not receive a letter under division (H)(4) of this section before the expiration of the seventh (7th) day after the sterilization completion date, the 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 Department a letter required by division (G)(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 (G)(4) of this section.

(6) *Reclamation of animal.*

The Animal Care and Control 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 Department has not received a letter as outlined in division (G)(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) 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.

(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 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.

(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 permit holders may receive penalties as permitted within this Chapter for any of the following reasons:

- (1) Animal cruelty or neglect as defined in Tex. Penal Code § 42.09.
- (2) More than three violations of Livestock At-Large within a calendar year.
- (3) Failure to obtain a livestock permit within fifteen (15) calendar days of placing Livestock on property within the city.

§ 90.07 POTBELLIED PIGS.

(A) The keeping of Potbellied 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 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 in any location within the city.

(D) It shall be unlawful for any person to keep a Potbellied Pig outdoors other than at those times necessary for the elimination of waste materials, eating, or exercise, and no 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 are subject to all applicable sections of this chapter including the requirements of this chapter which 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 at any location within the city unless such person has first paid an annual permit fee and filed a permit application with the Animal 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;
- (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 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 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) A person commits an offense if the person:

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

(2) Fails to keep any Domestic Fowl contained within a Coop or Exercise Yard at any time, except:

- (a) 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 within a Poultry Farm; and
 - (5) Keeps or maintains fowl within 100 feet of any private water well.
- (C) In connection with all of the above, the premises and facilities used for the keeping of Domestic Fowl authorized to be kept under any of the provisions of this section must be kept in such a manner 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 the person fails to keep an animal the person owns from being 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 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 WILD ANIMALS.

- (A) It shall be unlawful to keep any Wild Animal inside the city.
- (B) It shall be an exception that a Wild Animal may be kept within the city only during the time a performing animal exhibition or circus is performing for a maximum of thirty (30) days, and the Wild Animal must be under the care and control of a bona fide performing animal exhibition or circus.

§ 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.

§ 90.13 NUISANCES.

(A) The following actions are considered to be a 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 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 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) Animal Noise Nuisances

(a) Barking dog means a dog that barks, bays, cries, howls or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in 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 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 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) 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 as defined herein. Any person who creates or allows a Nuisance is deemed guilty of a misdemeanor and, upon conviction, is subject to a fine, as authorized by other sections of this chapter and references to the Code of Ordinances of the city.

(C) A continuing public Nuisance in this section is defined as an irresponsible action of ownership or control of an animal(s) that endangers the public health, public safety or public welfare; an action that offends the public morals; or an action that endangers life or health, gives unreasonable offense to the senses, or obstructs the reasonable and comfortable use of another's property. If the Animal Care and Control Department determines that a continuing public Nuisance exists, one which is detrimental to the public health, safety, and welfare and one which continues unabated despite enforcement efforts, the Animal Care and Control Department may take action to abate such Nuisance.

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

(2) Upon determination, the Animal Care and Control Department shall notify the animal Owner or the person in control of the animal(s). This notice shall be in writing and shall contain a statement that such person has a right to appeal, 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 or person in control of the animal(s), or delivered in person.

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

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

(7) The 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 Department in writing within 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 Department shall be authorized, after due process, to obtain an administrative search 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 district;
- (2) On property not owned or occupied by the person feeding or attempting to feed a Wild Animal, Stray animal, or Feral animal; and

(B) On any fenced or unfenced property, even if owned or occupied by the person feeding or attempting to feed said Wild Animals, Stray animal, or Feral animal. 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) A 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 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) 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 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) 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) 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 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 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 appeal by an Owner whose animal has been seized, ordered to be removed from the city, been denied a permit required in this chapter, had a permit required by this chapter revoked, or had restrictions placed upon the keeping of an animal, the municipal court shall set a time for a 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 decision was issued, unless agreed to by all parties.

(B) Appeal and Hearing Process

(1) The Owner may appeal a decision in writing not later than fifteen (15) calendar days after 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

(c) The person who made the complaint, if there is one.

(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 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, 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 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 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.

(B) A person commits an offense if the person owns any dog or cat over 16 weeks of age without having such dog or cat currently licensed with the city. The animal license will be valid from 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 the person fails to display on such dog or cat both a current rabies 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 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 shall have such dog or cat Microchipped, or any existing Microchip verified by the Animal Care and Control Department. A dog or cat with a Microchip registered with a national Microchip database shall receive a discount from the annual license fee.

(F) The Animal Care and Control 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 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, as defined in § 90.13.

(4) Any animal running At-Large, as 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 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 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 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 Care and Control Officer to contact the Owner of any animal impounded that is wearing a current Vaccination tag or city license tag; however, final responsibility for location of an impounded animal is that of the Owner.

(D)(1) The 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 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 a court of competent jurisdiction.

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

(E) (1) The city shall have the 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 of the animal in question, and the city may dispose of the animal as it deems appropriate, including humane euthanasia.

(2) Any animal shall remain impounded for 72 hours, except that any animal wearing a current rabies Vaccination tag and any animal that is 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 or unmanageable animal, unless there is reason to believe that it has an Owner, may be immediately disposed of as may be deemed appropriate by the Animal Care and Control 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 to prevent further suffering.

(5) An 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. Upon the signing of the Owner Surrender Form, all ownership rights for the animal shall transfer to the city, and the city may immediately dispose of the animal as it deems appropriate. Animals that have bitten a human 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 Euthanized or given to a non-profit Animal Rescue Organization for the purpose of immediate veterinary medical care, as determined by the Animal Care and Control Department. 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, 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.

§ 90.24 ENFORCEMENT.

(A) Enforcement of this chapter shall be the responsibility of the Animal Care and Control Department, and Regulatory Compliance Department. In the absence of an 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 Care and Control Officers shall have the authority to issue citations for any violations of this chapter.

(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.

(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.

(F) It shall be unlawful for any person to interfere with an Animal Care and Control Officer in the performance of duties. A person interferes with an Animal Care and Control Officer if the person:

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

(2) Physically constrains the movement of an 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 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) An Owner commits an offense if the Owner fails to provide the following for each animal under his or her care:

(1) Sufficient and necessary food to maintain the animal in a state of good health;

(2) Clean and wholesome water served to the animal in a clean container 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 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) Treatment for an obvious or diagnosed illness, injury, or communicable illness transmittable to animal or human 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) Treatment for infestation of tick, fleas, or other parasites 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 the person beats, torments, overloads, overworks, maims, disfigures, burns or scalds, mutilates or needlessly kills an animal, or if the person carries or transports an animal in any vehicle or other conveyance in a cruel or inhumane manner, or if the person permits any animal to remain in its own filth or if the person causes any of these acts to be done.

(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) A person commits an offense 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.

(H) A person commits an offense if the person to uses steel jaw or leg-hold traps.

(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.

(J) A person commits an offense if he or she is the Owner of an animal and fails to reclaim the animal from the Animal Care and Control Department or any person who had temporary possession of the animal.

(K) 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. 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.

(L) *Tethering animals.*

(1) A person commits an offense if the person Tethers an unattended animal to a stationary object for any length of time except as allowed by divisions (3) and (4) 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) No person shall Tether a puppy, sick or injured animal, or a female dog while in estrus.

(3) Restraint on the 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 maintains continuous, Direct Physical Control of the animal throughout the period of restraint;
- (b) The Tether is attached to a properly fitting Collar or harness and is not wrapped around the animal's neck. Choke or prong-type Collars are prohibited;
- (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 tying 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
- (h) The Tether does not allow the animal to move outside the person's property or come within ten feet of public property if Tethered outside a fenced area.

(4)A "skyline" type aerial trolley consisting of a line that is strung between two fixed points that 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) 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, 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 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. A bite 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 Department.

§ 90.36 REPORT OF RABIES.

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

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

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

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

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

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

(G) The provisions of Sections 90.36-90.39 shall not apply to dogs trained and used by police departments, corrections departments or other 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) 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 of an animal that has bitten a human commits an offense if the Owner fails to submit the animal to the Animal Care and Control Department for Quarantine immediately upon notification by the Animal Care and Control Department of a biting incident.

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

(C) The Animal Care and Control 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 in a facility specified by the Animal Care and Control 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 for ten (10) days in a facility specified by the Animal Care and Control 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 of a dog or cat which has bitten a human, and at the sole discretion of the Animal Care and Control Department, the Animal Care and Control Department may permit home 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;
- (b) The animal was not At-Large at the time of the bite;
- (c) The animal's Owner has secure facilities at his home for the animal which have been approved by the Animal Care and Control Department;
- (d) An Animal Care and Control Officer or a licensed veterinarian must observe the animal on at least the first and eighth days of the 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 Department;
- (f) The Owner must sign an agreement to abide by the Quarantine rules; and
- (g) At the end of the Quarantine period, the animal shall be observed by a licensed veterinarian and the veterinarian will 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 from home Quarantine.

(4) If the Animal Care and Control 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 Department may cause such animal to be 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 Department shall cause such animal to be 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 Department shall cause the animal to be 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 Department has cause to believe the animal is rabid. If the Animal Care and Control 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 Department may cause the animal to be 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 Department shall cause the animal to be 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 Department shall cause to be Euthanized any animal required to be quarantined under this division (C) which cannot be maintained in a secure 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 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 Department may Euthanize an unowned animal prior to the end of the 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, the Animal Care and Control Department shall release the quarantined animal to its Owner if the quarantined animal shows no clinical signs of rabies, the Owner pays the Quarantine fee, and:

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

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

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

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

(D) The Owner of a quarantined animal shall pay to the Animal Care and Control Department all costs of Quarantine and disposition of the animal by fee 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 Department.

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

§ 90.39 ANIMAL EXPOSED TO RABIES.

(A) The 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 the Owner fails to report such bite or exposure to the Animal Care and Control Department within 24 hours of the incident.

(B) The 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 the Owner fails to submit the animal to the Animal Care and Control Department for Quarantine or to be Euthanized immediately when requested to do so by the Animal Care and Control 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 Department:

(1) May cause such animal to be 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 during the third and eighth weeks of isolation. If the animal is under 16 weeks of age at the time of the second 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 Department:

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

(2) May, if sufficient justification for preserving the animal exists, cause the animal to be given an immediate booster rabies 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 Department shall cause such animal to be 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.

ANIMAL ADVISORY COMMITTEE

§ 90.50 ANIMAL ADVISORY COMMITTEE.

- (A) 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) 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 are appointed by the City Council, serve for a three year 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.

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SECTION 4.

Sections 90.55 through 90.68, of Chapter 90, “Animal Control,” of Title IX, “General Regulations,” of the Code of Mansfield, Texas, are hereby added to read as follows:

“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 §90.60.
- (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 the municipal court.
- (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 §90.62.
- (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.

§90.58. KNOWLEDGE OF A DANGEROUS DOG.

The Owner of a Dangerous Dog 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.

§90.60. DANGEROUS DOG ORDER OF DESTRUCTION.

- (A) If the municipal court orders the humane destruction of a Dangerous Dog, the Animal Care and Control Department shall maintain custody of the Dangerous Dog, and the municipal court shall:
- (1) Find that the criteria for an order of destruction are met and order that Ownership be relinquished to the Animal Care and Control Department.
 - (2) Order that the animal be humanely destroyed after a period of ten (10) calendar days from the date the order is issued.
 - (3) In an order for the humane destruction of a Dangerous Dog, the municipal court shall order that the Owner pay for any applicable costs or fees related to the seizure, acceptance, impoundment, or destruction of the animal. The City Council may prescribe the amount of the fees at an amount established in the Master Fee Schedule, as amended from time to time.

§90.61. FAILURE TO COMPLY.

- (A) Any person may make a sworn application to the municipal court of the city that the Owner of a Dangerous Dog has failed to comply with §90.66 or that a Dangerous Dog has attacked a person. Upon the filing of a sworn application under this section, the municipal court of the city shall schedule a hearing on the application in accordance with §90.62.
- (B) A sworn application under this section must include:
- (1) Name, address, and telephone number of complainant and other witnesses;
 - (2) Date, time, and location of the incident forming the basis of the report;
 - (3) Description of the animal(s) involved in the incident;
 - (4) Name, address, and telephone number of the animal Owner, if known;
 - (5) A statement of facts upon which the application is based;
 - (6) A statement addressing whether the animal has exhibited dangerous propensities in past conduct, if known;
 - (7) Any other relevant facts or circumstances; and
 - (8) A Texas state notary stamp and signature.
- (C) Upon the filing of a sworn application under this section, the municipal court of the city shall order the Animal Care and Control Department to seize the Dangerous Dog and shall issue a warrant authorizing the seizure. The Animal Care and Control Department shall seize the Dangerous Dog or order its seizure and shall provide for the impoundment of the Dangerous Dog in secure and humane conditions. The Owner may be ordered to pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the Dangerous Dog. The City Council may prescribe the amount of the fees at an amount established in the Master Fee Schedule, as amended from time to time. The Dangerous Dog shall remain impounded pending an order of disposition from the municipal court of the city.
- (D) If, after a hearing on an application filed under this section, the municipal court of the city finds that the Owner of the Dangerous Dog has failed to comply with §90.66 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 §90.66 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 §90.66(A).
- (G) Notwithstanding any other law or local regulation, a Dangerous Dog shall not be destroyed during the pendency of an appeal under §90.63.
- (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.

§90.62. HEARING.

- (A) The municipal court of the city, on receiving notice of appeal under §90.56(B) or a sworn application under §90.61(A), shall set a time for a hearing to determine whether the animal is a Dangerous Dog or whether the Owner of the animal has complied with §90.66 or the Dangerous Dog has attacked a person. A hearing under this section must be held not later than the tenth (10th) day after the date on which the animal is seized or delivered.
- (B) The municipal court shall give written notice of the time and place of the hearing to:
 - (1) The Owner of the animal or the person from whom the animal was seized or who delivered the animal;
 - (2) The person who made the report or filed the application; and
 - (3) The Animal Care and Control Department.
- (C) Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- (D) At a hearing under this section, the municipal court shall determine the estimated costs to house and care for the impounded animal during any appeal process and shall set the amount of bond for an appeal adequate to cover those estimated costs.
- (E) An Owner or the person who made the report or filed the application may appeal the decision of the municipal court of the city at a hearing under this section in the manner described by §90.63.
- (F) An animal that is the subject of a proceeding under this 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 §90.63.

§90.63. APPEAL OF DANGEROUS DOG ORDER.

- (A) A party to an appeal under §90.56(B) or a hearing under §90.62 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.

§90.64. NOTICES.

All required notices 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 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 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 section within the corporate limits of the city.
- (D) The Animal Care and Control Department or any Animal Care and Control Officer enforcing this 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 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.

**SECTION 5.
CUMULATIVE REPEALER**

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

**SECTION 6.
SEVERABILITY**

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

**SECTION 7.
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 Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1.00 and no more than \$500.00. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such.

**SECTION 8.
SAVINGS**

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

**SECTION 9.
PUBLICATION**

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

**SECTION 10.
EFFECTIVE DATE**

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MANSFIELD THIS 9TH DAY OF DECEMBER, 2024.**

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Andy Messer, City Attorney