

**Chapter 7 Revisions Briefing  
To  
Health, Environment & Human Services  
Committee  
By  
Department of Code Compliance  
Monday, March 7, 2005**

# Background

- May 18, 2004, The Animal Shelter Commission and Code Compliance Staff completed draft revisions to Chapter 7 of the Dallas City Code
- June 4, 2004, Department of Code Compliance submitted draft revisions to the City Attorney's Office for review
- The Animal Shelter Commission, Code Compliance staff and the City Attorney's Office held several meetings between August and December 2004 to deliberate on proposed changes to Chapter 7
- December 16, 2004, the Animal Shelter Commission identified nine areas of concern to Code Compliance staff

## Background (continued)

- December 20, 2004, Code Compliance Department met with the Animal Shelter Commission representatives and concessions were reached on three areas of concern.
- On January 18, 2005, the Animal Shelter Commission met and agreed to pursue only one of the remaining areas of concern
- The following notations have been provided on the left margin of the briefing for reference purposes;
  - ? “New” reflects proposed additions to Chapter 7.
  - ? Various citations of the existing Chapter 7 for reference purposes

# Purpose

- The purpose of this briefing is to review the following with the Health, Environment & Human Services Committee and obtain policy direction:
  - Staff's recommended revisions to Chapter 7 of the Dallas City Code
  - Staff's recommendations to address three areas of concern to the Animal Shelter Commission
  - The outstanding issue of concern to the Animal Shelter Commission

# Executive Summary

## Definitions:

Proposed 17 new definitions for clarification and to improve our enforcement and animal care program, ie: recognition of feral cat, clarification of conviction and euthanasia.

## Article II- Animal Services: City Animal Shelters

Proposed 2 major changes to require the Director to develop policies and procedures for the operations, establish standards for the shelters, care of animals, euthanasia and disposition of animals. Additionally, codify new adoption and registration fees

## Article III- Care and Treatment of Animals

Proposed two new changes to recognize new methods of managing feral cat colonies and establishing standards for transporting animals in an open bed of a motor vehicle

# **Executive Summary (Continued)**

## **Article IV**-Specific Requirements for Dogs and Cats

Proposed adding Section 7-4.7 to establish Standards for tethering dogs to prevent animal cruelty

## **Article V**-Dangerous Dogs

Proposed adding a section to enhance the tracking of dangerous dogs by permitting a microchip implant

## **Article VI**-Prohibited Animals

No changes proposed

## **Article VII**- Miscellaneous

Proposed adding Section 7.7.5 to require the vaccination of ferrets

## **Executive Summary (Continued)**

### **Article VIII-Violations, Penalties on Enforcement**

Propose adding the following four new changes:

Imposes monetary penalties against a person convicted of an offense under Chapter 7 by requiring the person to attend responsible Pet Ownership program, revoking their permit, impounding or forfeiting the animal

## **Executive Summary (Continued)**

Making the parents responsible for violations committed, if the animal is owned by a minor

Exempting holders of a valid three year registration from having to obtain a one year registration, until the expiration or revocation of the three year registration

Establishes a process to refund permit fee, for persons holding a valid prohibited animal permit

## SEC. 7-1.1 DEFINITIONS

In this chapter:

- New (1) **ADOPTER** means a person who adopts an animal from an animal shelter or an animal adoption agency  
*(Reference 7-2.7)*
- New (2) **ADOPTION AGENCY** means an animal welfare organization or animal placement group approved by the director to take impounded dogs and cats from animal services for adoption to the public  
*(Reference 7-2.7)*
- New (3) **ANIMAL** means any nonhuman vertebrate
- New (4) **ANIMAL SERVICES** means the division of the department so designated by the director for the purpose of animal care and control and enforcement of this chapter

## **SEC. 7-1.1 DEFINITIONS (Continued)**

- New (5) ANIMAL SERVICES OFFICER means an employee of animal services whose duty it is to enforce the provisions of this chapter:
- New (6) ANIMAL SHELTER means a city-owned and operated animal shelter facility established for the impoundment, quarantine, care, adoption, euthanasia, and other disposition of unwanted, stray, diseased, or vicious animals
- New (7) ANIMAL WELFARE ORGANIZATION means a non-profit organization incorporated under state law and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes

## **SEC. 7-1.1 DEFINITIONS (Continued)**

- 7-1 (2) (8) **AUTHORIZED REGISTRAR** means a person issued written permission by the director to register dogs and cats in compliance with this chapter
- 7-1 (3) (9) **CHIEF OF POLICE** means the head of the police department of the city of Dallas or a designated representative
- New (10) **CONVICTION** means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. “Conviction” includes disposition of charges against a person by probation or deferred adjudication  
*(added for enforceability)*
- 7-1 (5) (11) **CURRENTLY VACCINATED** means vaccinated against rabies by a licensed veterinarian, with a rabies vaccine licensed by the U.S. Department of Agriculture, and:

## **SEC. 7-1.1 DEFINITIONS (Continued)**

- (A) not more than 12 months have elapsed since the animal's most recent vaccination date, if the most recent vaccination was with a one-year rabies vaccine or was the animal's initial vaccination; or
- (B) not more than 36 months have elapsed since the animal's most recent vaccination date, if the most recent vaccination was with a three-year rabies vaccine and the animal is a dog or cat that has received a least two vaccinations

7-1 (6)(12) **DIRECTOR** means the director of the department designated by the city manager to perform the duties assigned in this chapter or the director's authorized representative

## SEC. 7-1.1 DEFINITIONS (Continued)

- New (13)DOMESTIC ANIMAL means any livestock, dog, cat, ferret, and common “pocket pet” such as a mouse, hamster, gerbil, guinea pig, and rabbit
- New (14)EUTHANASIA means to put an animal to death in a humane manner (*Definition for 7-2.8*)
- 7-1 (8)(15)FENCED YARD means an area that is completely surrounded by a substantial fence of sufficient strength, height, construction, materials, and design as to prevent:
- (A) any animal confined within from escaping; or
  - (B) the head of a dog confined within from extending over, under, or through the fence

## SEC. 7-1.1 DEFINITIONS (Continued)

- New (16)FERAL CAT means any homeless, wild, or untamed cat *(Definition required for 7-3.1 allowing feral cats participating in trap, neuter return program approved by the Director)*
- 7-1 (11) (17)LICENSED VETERINARIAN means a person licensed to practice veterinary medicine within the United States, or an authorized representative under that person's direct supervision
- New (18)LIVESTOCK means any fowl, horse, mule, burro, ass, cattle, sheep, swine, goat, llama, emu, ostrich, or other common farm animal
- New (19)MICROCHIP IMPLANT means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or the recovery of the animal by its owner *(Animal Services microchipping in adoption program and lost animal recovery)*

## SEC. 7-1.1 DEFINITIONS (Continued)

- 7-1 (20) ONE-YEAR RABIES VACCINE means a rabies  
(13) vaccine labeled and licensed by the U.S. Department of Agriculture as immunizing a dog, cat, or ferret against rabies for one year
- New (21) OWN means to have legal right of possession or to otherwise have care, custody, possession, or control of an animal *(Added for enforceability)*
- 7-1 (22) OWNER means any person owning or having care,  
(14) custody, possession, or control of an animal
- 7-1 (23) PERSON means an individual or group of individuals  
(15) acting in concert, a firm, partnership, association, corporation, or other legal entity

## **SEC. 7-1.1 DEFINITIONS (Continued)**

New (24) PET means a domestic animal to be kept as a human's companion *(Added for enforceability)*

7-1  
(16) (25) PROHIBITED ANIMAL means:

- (A) A “dangerous wild animal” as that term is defined in Section 822.101 of the Texas Health and Safety Code, as amended; and
- (B) Any other animal contained in the following classifications, except for a domestic animal:

## SEC. 7-1.1 DEFINITIONS (Continued)

- (i) Class Reptilia: Family Helodermatidea (venomous lizards); Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers, and true vipers); Family Elapidae (coral snakes, cobras, mambas, and other elapids); the following listed species of Family Colubridae - Dispholidus typus (Boomslang), Hydrodynastes gigas (water cobra), Boiga (mangrove snake), and Thelotornis (African twig snake) only; Order Phidia, Family Boidae (racers, boas, water snakes, and pythons); and Order Crocodilia (crocodiles, alligators, caimans, and gavials);
- (ii) Class Aves: Order Falconiforms (such as hawks, eagles, and vultures); and Order Strigiforms (such as owls); and

## SEC. 7-1.1 DEFINITIONS (Continued)

- New (iii) Class Mammalia: Order Carnivora, Family Felidae (such as ocelots, margays, tigers, jaguars, leopards, and cougars); Family Canidae (such as wolves, wolf-dog hybrids, dingos, coyotes, and jackals); Family Mustelidae (such as weasels, skunks, martins, mink, and badgers); Family Procyonidae (raccoon); Family Ursidae (such as bears); Order Marsupialia (such as kangaroos and common opossums); Order Edentata (such as sloths, anteaters, and armadillos); Order Proboscidea (elephants); Order Primata (such as monkeys, chimpanzees, and gorillas); Order Rodentia (such as porcupines); and Order Ungulata (such as antelope, deer, bison, and camels) (*Excludes Ferrets from prohibited animal list, see 7-7.5*)

## **SEC. 7-1.1 DEFINITIONS (Continued)**

7-1 (26) PROTECTIVE CUSTODY means the holding of an  
(17) animal in a city animal shelter:

(A) due to the arrest, eviction, hospitalization, or death of the animal's owner:

(B) pursuant to a court order; or

(C) at the request of a law enforcement agency

7-1 (27) RETAIL PET STORE means a business that regularly  
(18) sells animals for pet purposes to an ultimate owner. The term includes any owner, operator, agent, or employee of the business

## SEC. 7-1.1 DEFINITIONS (Continued)

New (28) SERVICE ANIMAL means:

- (A) any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, and assisting non-ambulatory persons by pulling a wheelchair or fetching dropped items; and
- (B) any trained animal used by a governmental agency in police and rescue work (*Clarifies service animal in 7-4.2 (e2)*)

7-1 (29) STRAY means an unrestrained domestic animal that is  
(20) outside the boundaries of the premises owned, leased, or legally occupied by the animal's owner

## **SEC. 7-1.1 DEFINITIONS (Continued)**

7-1 (30)THREE-YEAR RABIES VACCINE means a rabies  
(21) vaccine labeled and licensed by the U.S. Department of  
Agriculture as immunizing a dog or cat against rabies for  
three years

## **ARTICLE II.**

# **ANIMAL SERVICES; CITY ANIMAL SHELTERS**

7-1.2 SEC. 7-2.1      STATE LAW; LOCAL RABIES CONTROL  
AUTHORITY DESIGNATED

- (a) The provisions of Chapter 823 and 826 of the Texas Health and Safety Code, as amended, are incorporated into this article by reference
- (b) The director is designated as the local rabies control authority for purposes of Chapter 826 of the Texas Health and Safety Code, as amended, and shall perform the duties required of a local rabies control authority under that chapter and under adopted by the Texas Board of Health pursuant to that chapter

**ARTICLE II.  
ANIMAL SERVICES; CITY ANIMAL SHELTERS  
(Continued)**

7-3 SEC. 7-2.2 SHELTERS ESTABLISHED

The city council shall select and establish one or more animal shelters in the city for impoundment, quarantine, care, adoption, euthanasia, and other humane disposition of unwanted, stray, diseased, or vicious animals

# ARTICLE II. ANIMAL SERVICES; CITY ANIMAL SHELTERS (Continued)

## New SEC. 7-2.3. POLICIES AND PROCEDURES

The director will develop written policies and procedures for all animal services operations, including standards for city animal shelters; the training of animal services personnel; the care, euthanasia, and disposition of animals in the custody of animal services; the form and maintenance of records relating to impounded animals; and the transfer and adoption of dogs and cats

*(Requires Director to develop policies and procedures as provided above)*

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

7-20 SEC. 7-2.4. QUARANTINE OF ANIMALS

- (a) The director is authorized to quarantine an animal as provided in Chapter 826 of the Texas Health and Safety Code, as amended, and the rules adopted by the Texas Board of Health under that chapter
- (b) An owner of an animal commits an offense if, upon notification by the director that the animal has bitten or scratched a person, the owner fails to either:
  - (1) surrender the animal immediately to the director for quarantine at a city animal shelter;
  - (2) immediately deliver the animal to a veterinary clinic approved by the director for quarantine at the owner's expense; or
  - (3) quarantine the animal on the owner's property in a secure enclosure approved by the director

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

**SEC. 7-2.5. IMPOUNDMENT OF ANIMALS**

- 7-2;  
7-6;  
7-9;  
7-11;  
7-30
- (a) The director of the chief of police is authorized to impound:
  - (1) any animal in the city that is not restrained by tether or leash, fenced yard, or enclosed structure;
  - (2) any animal for protective custody;
  - (3) any animal required to be quarantined under Section 7-2.4;
  - (4) any animal seized pursuant to a warrant or court order;
  - (5) any prohibited animal kept in the city in violation of Section 7-6.1; and
  - (6) any animal posing a threat to the public health or safety

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

- (b) If an animal described in Subsection (a) is on private property or property of the animal's owner, the impounding officer may enter the property for the purpose of impoundment or issuance of a citation, or both
- (c) No animal impounded at a city animal shelter or in the custody or control of animal services may be knowingly sold, released, or otherwise disposed of for research purposes

# ARTICLE II. ANIMAL SERVICES; CITY ANIMAL SHELTERS (Continued)

- 7-7;  
7-10;  
7-10.1
- SEC. 7-2.6. REDEMPTION OF IMPOUNDED ANIMALS
- (a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees:
- (1) a redemption fee of:
    - (A) \$7 for an animal delivered for impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or
    - (B) \$27 for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;
  - (2) \$10 for each night the animal is housed in a city animal shelter;

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

- (3) \$10 for a rabies vaccination of a dog, cat; or ferret if the owner cannot show either:
  - (A) a current certificate of vaccination for the animal; or
  - (B) proof that the animal was not vaccinated due to health reasons as verified by a licensed veterinarian;
- (4) the applicable registration fee for a dog or cat under Section 7-4.2, if the owner cannot show proof of current registration; and
- (5) \$15 for a microchip implant and national registration of a dog or cat, unless:
  - (A) the animal was injected with a microchip implant prior to impoundment; or

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

- (B) a licensed veterinarian certifies that the animal should not be injected with a microchip implant for health reasons
- (b) The redemption period for an animal impounded in a city animal shelter, other than for quarantine or pursuant to a court order, is:
  - (1) three days after the date of impoundment, unless Paragraph (2) or (3) of this subsection applies to the animal;

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

- (2) 10 days after the date of impoundment if:
  - (A) the animal is wearing a legible tag or has a microchip implant identifying its owner; or
  - (B) the director has reason to believe the animal has an owner; or
- (3) 10 days after the date of impoundment if the animal is being held for protective custody
- (c) The redemption period for an animal impounded pursuant to a court order is the time set forth in the court order or, if no provision is made in the court order, five days after the court proceedings are final

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

- (d) The redemption period for an animal impounded for quarantine is three days after completion of the quarantine period
- (e) If an animal is not redeemed within the appropriate time period specified in Subsections (b) through (d), the animal will become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the director
- (f) An owner of an impounded animal commits an offense if he removes or attempts to remove the animal from a city animal shelter without first paying all applicable fees required in Subsection (a)

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

7-32 SEC. 7-2.7. ADOPTION OF ANIMALS

(a) To adopt a dog or cat from animal services, the adopter shall:

(1) complete and sign an adoption application on a form provided by the director for that purpose;

(2) sign an adoption contract on a form provided by the director for that purpose; and

(3) pay to the director the following fees:

(A) a non-refundable adoption fee of \$85 for a dog and \$55 for a cat (which includes, but is not limited to, the costs of any required vaccination, microchip implant, national registration, and sterilization); and

New

## **ARTICLE II.**

# **ANIMAL SERVICES; CITY ANIMAL SHELTERS**

### **(Continued)**

(B) the applicable registration fee for the dog or cat under Section 7-4.2, if the dog or cat is at least four months of age and the adopter resides in the city

*(Makes adoption fees all inclusive of services provided)*

- (b) Each dog or cat adopted from animal services will be spayed or neutered prior to release of the animal to the adopter, unless
- the dog or cat is under two months of age; or
  - a licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile
- (c) Before an unsterilized dog or cat under the age of two months will be released from animal services for adoption, the adopter must sign a sterilization

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

agreement with the director, complying with Section 828.003 of the Texas Health and Safety Code, as amended, agreeing to:

- (1) have the dog or cat spayed or neutered within 30 days after the date of adoption or the date the animal attains three months of age, whichever occurs last; and
  - (2) furnish to the director, within seven days after the date of sterilization, confirmation complying with Section 828.005 of the Texas Health and Safety Code, as amended, that the animal was spayed or neutered by the completion date required in Paragraph (1) of this subsection
- (d) An adopter who signs a sterilization agreement under Subsection (c) commits an offense if he fails to:

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

- (1) have the adopted dog or cat spayed or neutered within the time period required under Subsection (c)(1); or
  - (2) furnish confirmation of sterilization as required under Subsection (c)(2)
- (e) It is a defense to prosecution under Subsection (d) if, by the seventh day after the sterilization completion date required in Subsection (c)(1), the director receives from the adopter either:
- (1) a letter complying with Section 828.006 of the Texas Health and Safety Code, as amended, stating that the animal is dead; or
  - (2) a letter complying with Section 828.007 of the Texas Health and Safety Code, as amended, stating that the animal is lost or stolen

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

- (f) The director may refuse to release a dog or cat for adoption under any circumstances, including, but not limited to:
- (1) the prospective adopter or adoption agency has previously violated a provision of this chapter or has been convicted of an animal-related crime;
  - (2) the prospective adopter or adoption agency has inadequate or inappropriate facilities for confining the animal and for providing proper care to the animal as required by this chapter;
  - (3) the prospective adoption agency has failed to sign or comply with a transfer agreement with animal services that requires the sterilization of adopted animals or other conditions imposed by the director; or

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

(4) the director determines that the health, safety, or welfare of the animal or of the public would be endangered

7-1.1; 7-2  
SEC. 7-2.8. KILLING OR EUTHANASIA OF ANIMALS

- (a) The director or chief of police is authorized to kill by appropriate and available means an animal that poses an imminent danger to a person or another animal and a real or apparent necessity exists for destruction of the animal
- (b) The director is authorized to euthanize, or to allow a licensed veterinarian to euthanize, an animal impounded at a city animal shelter if:

**ARTICLE II.**  
**ANIMAL SERVICES; CITY ANIMAL SHELTERS**  
**(Continued)**

- (1) the director or a licensed veterinarian determines that euthanasia is necessary to prevent the unnecessary pain and suffering of the animal;
  - (2) the director or a licensed veterinarian determines that recovery of the animal from injury, disease, or sickness is in serious doubt; or
  - (3) the animal is not redeemed from a city animal shelter within the applicable time period required under Section 7-2.6 of this chapter
- (c) An animal impounded at a city animal shelter may only be euthanized by using a barbiturate or derivative substance approved for that purpose by the Federal Food and Drug Administration and administered under the direction of a licensed veterinarian. This section does not apply to action authorized by Subsection (a) of this section

# ARTICLE III.

## CARE AND TREATMENT OF ANIMALS

7-5; SEC. 7-3.1. PROPER RESTRAINT  
7-29

- (a) An owner of an animal commits an offense if he fails to restrain the animal at all times in a fenced yard, in an enclosed pen or structure, or by a tether or leash
- (b) No animal may be restrained by a leash unless the animal is in the immediate possession of and accompanied by the animal's owner
- (c) It is a defense to prosecution under Subsection (a) that the animal was:
  - (1) a dog in an off-leash site established under Section 32-6.1 of this code; or

# ARTICLE III.

## CARE AND TREATMENT OF ANIMALS

### (Continued)

New (2) a feral cat participating in a trap, neuter, and return program approved by the director *(Allows feral cat colonies in an approved program)*

#### SEC. 7-3.2. SANITARY CONDITIONS; MAINTENANCE OF PREMISES

7-21.1

(a) An owner of an animal commits an offense if he fails to:

- (1) keep any cage, pen, enclosure, or other area in which the animal is kept in a sanitary condition; or
- (2) remove all animal excreta from the cage, pen, enclosure, or other area in which the animal is kept as often as necessary to maintain a healthy environment

**ARTICLE III.**  
**CARE AND TREATMENT OF ANIMALS**  
**(Continued)**

- (b) A person commits an offense if he permits any yard, ground, premises, or structure belonging to, controlled by, or occupied by him to become nauseating, foul, offensive, or injurious to the public health or unpleasant and disagreeable to adjacent resident or persons due to the accumulation of animal excreta

**SEC. 7-3.3. TRAPPING ANIMALS**

- <sup>7-8</sup> (a) A person commits an offense if he uses, places, sets, or causes to be set in the city any steel jaw trap, spring trap with teeth or perforated edges on the holding mechanism, or any type of trap with a holding mechanism designed to reasonably ensure the cutting, slicing, tearing or otherwise traumatizing of the entrapped animal

# **ARTICLE III.**

## **CARE AND TREATMENT OF ANIMALS**

### **(Continued)**

- (b) It is a defense to prosecution under Subsection (a) that the trap was:
- specifically designed and used to kill common rodents such as rats and mice, and the trap was not placed in a manner or location that would endanger other animals or humans; or
  - specifically designed to kill and was used under the direction of the city public health officer, the city environmental health officer, or an agent of another governmental entity authorized by the director to trap in the city

# ARTICLE III. CARE AND TREATMENT OF ANIMALS (Continued)

## SEC.7-3.5.TRANSPORTING AN ANIMAL IN AN OPEN BED OF A MOTOR VEHICLE

New

- (a) A person commits an offense if he carries or transports an animal within the open bed of any moving pickup, flat-bed, or similar vehicle
- (b) It is a defense to prosecution under this section that the animal was in a carrier or other device sufficient to keep the animal from falling from the vehicle *(Allows Police Department to enforce-protects loose animals)*

# ARTICLE IV.

## SPECIFIC REQUIREMENTS FOR DOGS AND CATS

### 7-23 SEC. 7-4.1. VACCINATION OF DOGS AND CATS

- (a) An owner of a dog or cat commits an offense if:
  - (1) the dog or cat is not currently vaccinated;
  - (2) the dog or cat is not wearing a collar or harness with a current rabies tag securely attached to it; or
  - (3) the owner fails to show a current certificate of vaccination and rabies tag for the dog or cat upon request by the director or a peace officer
- (b) It is a defense to prosecution under Subsection (a) that the dog or cat is:
  - (1) under four months of age; or
  - (2) unable to be vaccinated due to health reasons as verified by a licensed veterinarian

## **ARTICLE IV.**

### **SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)**

- (c) A licensed veterinarian who vaccinates a dog or cat for rabies shall issue to the owner of the animal a current rabies tag and a certificate of vaccination and send a copy of the certificate of vaccination to the director by the 10th day of the month following the month in which the dog or cat was vaccinated. The certificate of vaccination must contain the following information:
- (1) name, address, and telephone number of the owner;
  - (2) animal identification, including species, sex, age, size (pounds), predominant breed, and color;
  - (3) vaccine used (including whether it is a one-year or three-year rabies vaccine), producer, expiration date, and serial number;

# ARTICLE IV.

## SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)

- (4) date vaccinated and expiration date of the certificate of vaccination;
- (5) rabies tag number; and
- (6) veterinarian's signature and license number

### 7-24; SEC. 7-4.2. REGISTRATION OF DOGS AND CATS

7-25;

7-26 (a);

7-28 (a) An owner of a dog or cat commits an offense if:

- (1) the dog or cat is not currently registered with the city under this article;
- (2) the dog or cat is not wearing a collar or harness with a current registration tag issued by the director or an authorized registrar securely attached to it; or

**ARTICLE IV.**  
**SPECIFIC REQUIREMENTS FOR DOGS AND**  
**CATS (Continued)**

- (3) the owner fails to show a current registration receipt and registration tag for the dog or cat upon request by the director or a peace officer
- (b) It is a defense to prosecution under Subsection (a) that:
  - (1) the dog or cat was under four months of age;
  - (2) the dog or cat was being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization; or days
  - (3) The owner of the dog or cat has resided in the city less than 30 days

## **ARTICLE IV.**

### **SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)**

- (c) To obtain a registration receipt and registration tag for a dog or cat, the owner must present the dog or cat's current certificate of vaccination (or proof that the dog or cat was not vaccinated due to health reasons as verified by a licensed veterinarian) to the director or an authorized registrar and pay to the director or authorized registrar the annual registration fee. No refund of the annual registration fee will be made.
- (d) The annual registration fee is:
  - (1) \$7 for a spayed or neutered dog or cat; and
  - (2) \$30 for an unspayed or unneutered dog or cat.
- (e) No fee is required for the registration of a dog or cat that is:

**ARTICLE IV.**  
**SPECIFIC REQUIREMENTS FOR DOGS AND**  
**CATS (Continued)**

- (1) used as a service animal; or
  - (2) spayed or neutered and owned by and residing with a person who is over 65 years of age, except that no more than three dogs, cats, or combination of dogs and cats may be registered under this paragraph
- (f) Upon presentation of a current certificate of vaccination (or proof that the dog or cat was not vaccinated due to health reasons as verified by a licensed veterinarian) and payment of the appropriate registration fee or submission of proof of exemption from the fee under Subsection (e), the director or authorized registrar will

## **ARTICLE IV. SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)**

issue a registration receipt and registration tag to the owner that will be valid for one year after the date of issuance. The registration tag must indicate the year of registration and such other information as determined by the director. If the director does not receive an application for renewal of a registration within 45 days after the expiration of the registration, a \$10 late fee will be added to the registration fee

- (g) The registration receipt and registration tag are specific to the animal for which they were issued and are not transferable to another animal
- (h) If a registration tag is lost or mutilated, a duplicate registration tag may be purchased from the director or an authorized registrar for a fee of \$5

**ARTICLE IV.**  
**SPECIFIC REQUIREMENTS FOR DOGS AND**  
**CATS (Continued)**

7-28.1 SEC. 7-4.3. REVOCATION AND DENIAL OF  
REGISTRATION

- (a) If, within any 12-month period, a person commits two or more violations of this chapter involving a dog or cat, the director may revoke the existing registrations on all dogs and cats owned by that person and deny all applications for registration of any dog or cat by that person
- (b) If the director revokes or denies the registration of a dog or cat, a written notice of the action and of the right to an appeal must be given to the owner of the dog or cat by personal service or by certified mail, return receipt requested. The owner may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this Code

# **ARTICLE IV.**

## **SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)**

The filing of a request for an appeal hearing stays an action of the director in revoking or denying registration until the permit and license appeal board makes a final decision

- (c) Within 15 calendar days after receipt of a notice of revocation or denial of registration, or after a final decision of the permit and license appeal board if an appeal is filed, the owner shall remove and relocate all dogs and cats from his premises or surrender and forfeit ownership of them to the director. The director or the permit and license appeal board may extend the 15-calendar-day removal and relocation period up to an additional 15 calendar days if it is determined that all

## **ARTICLE IV. SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)**

dogs and cats of the owner cannot reasonably be removed and relocated from the premises within the initial period and no immediate threat to the public health exists. The owner shall demonstrate to the director proof of removal and relocation by furnishing the director with the address to which each dog or cat was relocated and by:

- (1) allowing the director to inspect the premises of the owner to determine that all dogs and cats have been removed from those premises; or
- (2) providing the director with a written, sworn affidavit stating that all dogs and cats have been removed from the premises

**ARTICLE IV.**  
**SPECIFIC REQUIREMENTS FOR DOGS AND**  
**CATS (Continued)**

- (d) A person who has had the registration of a dog or cat revoked or denied under this section may not apply for registration of any dog or cat until 12 consecutive months have elapsed after the date of registration revocation or denial without the person committing any violation of this chapter involving a dog or cat
- (e) A person commits an offense if he:
  - (1) owns any dog or cat within the city during a period when he is prohibited under Subsection (d) from applying for registration of a dog or cat; or
  - (2) fails to remove all dogs and cats from his premises when required by this section

# **ARTICLE IV.**

## **SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)**

### **SEC. 7-4.4. AUTHORIZED REGISTRARS**

- 7-  
26(b);  
7-27
- (a) The director may, upon receipt of an application on a form provided for that purpose, designate a person as an authorized registrar to collect the annual registration fee and issue a registration receipt and registration tag for a dog or cat. The director may, at his sole discretion and without cause, deny or revoke the designation of any person to act as an authorized registrar
  - (b) An authorized registrar shall not register a dog or cat without proof that the animal is currently vaccinated or proof that the dog or cat was not vaccinated due to health reasons as verified by a licensed veterinarian

## **ARTICLE IV.**

# **SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)**

- (c) An authorized registrar may, as a service charge, be paid \$1 for each dog or cat registration fee collected by the authorized registrar
- (d) The director shall provide an authorized registrar with registration receipts, registration tags, and monthly report forms. An authorized registrar must at all times be able to account for all registration receipts and tags issued to the authorized registrar by the director
- (e) The director shall establish rules and procedures for the collection and payment of registration fees by authorized registrars and a format for monthly report forms to be used by authorized registrars

**ARTICLE IV.**  
**SPECIFIC REQUIREMENTS FOR DOGS AND**  
**CATS (Continued)**

- (f) Registration fees collected by an authorized registrar must be sent to the director, along with a properly completed monthly report form, by the end of the month following the month in which the registration fees were collected
  
- (g) An authorized registrar who fails to comply with any requirement of this section or with any rule or procedure for the collection and payment of registration fees and the delivery of monthly report forms as established by the director pursuant to this section forfeits the right to be paid a service charge and may be issued a citation for a violation of this section

# ARTICLE IV.

## SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)

### SEC. 7-4.5. SALE OF DOGS AND CATS

- 7-32.1; (a) A person commits an offense if he sells, exchanges,  
7-32.2 barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer, a dog or cat four months of age or older unless:
- the dog or cat is currently vaccinated or cannot be vaccinated due to health reasons as verified by a licensed veterinarian; and
- (1) the person has a current registration receipt and registration tag for the dog or cat
- (b) It is a defense to prosecution under Subsection (a) if the person is:
- (1) animal services;
  - (2) an animal welfare organization; or

**ARTICLE IV.**  
**SPECIFIC REQUIREMENTS FOR DOGS AND**  
**CATS (Continued)**

(3) an animal adoption agency

**SEC. 7-4.6. LIMITATION ON THE NUMBER OF DOGS**  
**AND CATS IN DWELLING UNITS WITH**  
**COMMON WALLS**

7-31.1

- (a) A person commits an offense if he harbors more than four dogs, cats, or any combination of dogs and cats on the premises of a dwelling unit that shares a common wall with another dwelling unit
- (b) In this section, DWELLING UNIT has the meaning given it in Section 51A-2.102 of the Dallas Development Code, as amended

# ARTICLE IV.

## SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)

### SEC. 7-4.7. TETHERED DOGS

New

An owner of a dog commits an offense if he tethers the dog or allows the dog to be tethered in any manner or by any method that:

- (1) allows the dog to leave the premises owned, leased, or occupied by the dog's owner;
- (2) allows the dog to become entangled; or
- (3) does not allow the dog access to food, water, and appropriate shelter if outside. (*Provides care for tethered dogs and closes loophole for tethered dogs at large*)

# **ARTICLE IV.**

## **SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)**

7-21.2 SEC. 7-4.8. DEFECATION OF DOGS ON PUBLIC AND PRIVATE PROPERTY; FAILURE TO CARRY MATERIALS AND IMPLEMENTS FOR THE REMOVAL AND DISPOSAL OF DOG EXCRETA

- (a) An owner of a dog commits an offense if he knowingly permits, or by insufficient control allows, the dog to defecate in the city on private property or on property located in a public place
- (b) An owner of a dog commits an offense if he:
  - (1) knowingly permits the dog to enter or be present on private property or on property located in a public place; and

# **ARTICLE IV.**

## **SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)**

- (2) fails to have in his possession materials or implements that, either alone or in combination with each other, can be used to immediately and in a sanitary and lawful manner both remove and dispose of any excreta the dog may deposit on the property
- (c) the property was owned, leased, or controlled by the owner of the dog;
- (d) It is a defense to prosecution under Subsection (a) or (b) that:
  - (1) the property was owned, leased, or controlled by the owner of the dog;

# **ARTICLE IV. SPECIFIC REQUIREMENTS FOR DOGS AND CATS (Continued)**

- (2) the owner or person in control of the property had given prior consent for the dog to defecate on the property; or
- (3) the dog was a service dog being used in official law enforcement activities
- (e) This section does not apply to a service dog that is specially trained to assist a person with a disability and that was in the custody or control of that disabled person at the time it defecated or was otherwise present on private property or on property located in a public place

**ARTICLE IV.  
SPECIFIC REQUIREMENTS FOR DOGS AND  
CATS (Continued)**

- (f) A person who violates this section is guilty of an offense and, upon conviction, is punishable by a fine not to exceed:
  - (1) \$25 for the first offense;
  - (2) \$50 for the second offense; and
  - (3) \$100 for the third and each subsequent offense

# ARTICLE V. DANGEROUS DOGS

## 7-33 SEC. 7-5.1. DEFINITIONS

- (a) The definitions contained in Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, are incorporated into this article by reference
- (b) In this article, UNPROVOKED means an action by a dog that is not:

**ARTICLE V.**  
**DANGEROUS DOGS (Continued)**

- (1) in response to being tormented, abused, or assaulted by any person;
- (2) in response to pain or injury;
- (3) in protection of itself or its food, kennel, immediate territory, or nursing offspring; or
- (4) in response to an assault or attempted assault on a person

7-34 **SEC. 7-5.2. STATE LAW; ANIMAL CONTROL  
AUTHORITY**

- (a) The provisions of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, are incorporated into this article, and a violation of any

## **ARTICLE V.**

### **DANGEROUS DOGS (Continued)**

- (b) The director shall serve as the animal control authority for the city for purposes of administering and enforcing this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended

#### **SEC. 7-5.3. DETERMINATION AS A DANGEROUS DOG**

7-35

- (a) Upon receipt of a sworn, written complaint by any person, in a form approved by the director, the director shall investigate and conduct a hearing to determine if a dog is dangerous. The hearing must be conducted within 30 days after receipt of the complaint

## **ARTICLE V. DANGEROUS DOGS (Continued)**

- (b) The director shall provide notice of the date, time, and location of a hearing to the dog owner, either in person or by certified mail, return receipt requested, and to the complainant by regular mail. A hearing must be conducted not less than 10 days after notice has been mailed or delivered to the dog owner. At a hearing all interested persons will be given the opportunity to present evidence on the issue of the dog's dangerousness
- (c) At the conclusion of a hearing required by this section, the director shall either:
  - (1) determine that the dog is not dangerous and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or

## **ARTICLE V. DANGEROUS DOGS (Continued)**

- (2) determine that the dog is dangerous and order the owner to comply with the requirements for ownership of a dangerous dog set forth in Section 7-5.5 of this article and in Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, and, if the dog is impounded, release the dog to its owner after payment of all impoundment fees required by this chapter
- (d) If a dog is determined to be dangerous, the director shall notify the dog owner, either in person or by certified mail, return receipt requested:

## **ARTICLE V. DANGEROUS DOGS (Continued)**

- (1) that the dog has been determined to be a dangerous dog;
- (2) what the owner must do to comply with requirements for ownership of a dangerous dog and to reclaim the dog, if impounded; and
- (3) that the owner has a right to appeal the determination of dangerousness

# **ARTICLE V. DANGEROUS DOGS (Continued)**

## **SEC. 7-5.4. APPEAL FROM DETERMINATION AS A 7-37 DANGEROUS DOG**

If the director determines that a dog is dangerous under Section 7-5.3 of this article, that decision is final unless the dog owner files a written appeal with the municipal court within 15 days after receiving notice that the dog has been determined to be dangerous. The appeal standard is a substantial evidence review and is a civil proceeding for the purpose of affirming or reversing the director's determination of dangerousness

# ARTICLE V. DANGEROUS DOGS (Continued)

## SEC. 7-5.5. REQUIREMENTS FOR OWNER OF A DANGEROUS DOG

- (a) In addition to complying with the requirements of Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, a person shall, not later than the 30th day after learning that he is the owner of a dangerous dog:
  - (1) register the dangerous dog with the director and pay to the director a dangerous dog registration fee of \$50;

## **ARTICLE V. DANGEROUS DOGS (Continued)**

(2) place and maintain on the dangerous dog a collar or harness with a current dangerous dog registration tag securely attached to it;

New

(3) have the dangerous dog injected with a microchip implant and registered with a national registry for dogs; and

## **ARTICLE V. DANGEROUS DOGS (Continued)**

- (4) post a sign at each entrance to the enclosure in which the dangerous dog is confined stating "BEWARE DANGEROUS DOG"
- (b) The owner of a dangerous dog shall renew registration of the dangerous dog with the director annually and pay an annual dangerous dog registration fee to the director of \$50

### **SEC. 7-5.6. DANGEROUS DOG OWNED OR HARBORED BY MINOR**

7-40

If the owner of a dangerous dog is a minor, the parent or guardian of the minor is liable for all injuries sustained by any person or another animal in an unprovoked attack by the dog

# **ARTICLE V.**

## **DANGEROUS DOGS (Continued)**

### 7-41 SEC. 7-5.7. DEFENSES

Any defense to prosecution under Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, is a defense to prosecution for a violation under this article

# ARTICLE VI. PROHIBITED ANIMALS

## SEC. 7-6.1. PROHIBITED ANIMALS

7-18

- (a) A person commits an offense if he:
  - (1) owns a prohibited animal for any purpose in the city; or
  - (2) sells, exchanges, gives away, or transfers a prohibited animal to any person in the city for use, retention, resale, or transfer as a pet or as a human's companion

## **ARTICLE VI.**

### **PROHIBITED ANIMALS (Continued)**

- (b) It is a defense to prosecution under Subsection (a)
  - (1) that the person is:
    - (1)a federal, state, county, or municipal agency or an agent of such an agency acting in an official capacity that:
      - (A)has all required state and federal licenses and permits; and
      - (B)is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal;
    - (2) a medical research facility licensed by the United States Secretary of Agriculture under the Animal Welfare Act (7 U.S.C. Section 2131, et seq.), as amended, that:

## **ARTICLE VI.**

### **PROHIBITED ANIMALS (Continued)**

- (A) has all required state and federal licenses and permits; and
  - (B) is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal;
- (3) an organization that is an accredited member of the American Zoo and Aquarium Association that:
- (A) has all required state and federal licenses and permits; and
  - (B) is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal;

## **ARTICLE VI.**

### **PROHIBITED ANIMALS (Continued)**

- (4) transporting an injured, infirm, orphaned, or abandoned prohibited animal for care or treatment, if the person:
  - (A) has all required state and federal licenses and permits; and
  - (B) is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal;
- (5) a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43 of the Parks and Wildlife Code, as amended, who is temporarily treating or caring for a sick or injured prohibited animal, if the veterinarian, humane society, animal shelter, or rehabilitator:

## **ARTICLE VI.**

### **PROHIBITED ANIMALS (Continued)**

- (A) has all required state and federal licenses and permits; and
  - (B) is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal;
- (6) a transient circus company not based in the State of Texas, if:
- (A) the prohibited animal is used as an integral part of the circus performances;
  - (B) the prohibited animal is kept within the city only during the time the circus is performing in the city; and
  - (C) the circus:
    - (i) has all required state and federal licenses and permits; and

## **ARTICLE VI.**

### **PROHIBITED ANIMALS (Continued)**

- (ii) is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal;
- (7) a television or motion picture production company that has temporary custody or control of the prohibited animal during the filming of a television or motion picture production in the city, if the production company:
- (A) has all required state and federal licenses and permits; and
  - (B) is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal;

## **ARTICLE VI.**

### **PROHIBITED ANIMALS (Continued)**

- (8) a college or university that owns and has possession, custody, or control of the prohibited animal solely as a mascot for the college or university, if the college or university:
  - (A) has all required state and federal licenses and permits; and
  - (B) is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal;
- (9) transporting the prohibited animal in interstate commerce in compliance with the Animal Welfare Act (7 U.S.C. Section 2131, et seq.), as amended, and any regulations adopted under that act, if the person:
  - (A) has all required state and federal licenses and permits; and

## **ARTICLE VI.**

### **PROHIBITED ANIMALS (Continued)**

(B) is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal;

(10) a person whose only business is to supply nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class “A” or Class “B” dealer’s license issued by the United States Secretary of Agriculture under the Animal Welfare Act (7 U.S.C. Section 2131, et seq.), as amended, if:

(A) the prohibited animal is a nonhuman primate owned by and in the custody and control of the person;

## **ARTICLE VI.**

### **PROHIBITED ANIMALS (Continued)**

- (B) the person has all required state and federal licenses and permits; and
  - (C) the person is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal;
- (11) a participant in a species survival plan of the American Zoo and Aquarium Association for the species of prohibited animal owned by or in the possession, control, or custody of the person, if:
- (A) the prohibited animal is an integral part of the
  - (B) the person has all required state and federal licenses and permits; and
  - (C) the person is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal; and

## **ARTICLE VI.**

### **PROHIBITED ANIMALS (Continued)**

- (12) exhibiting a prohibited animal (other than a dangerous wild animal as defined in Section 822.101 of the Texas Health and Safety Code, as amended) at the State Fair of Texas or at a special event conducted with written permission of the city, if the person:
- (A) has all required state and federal licenses and permits; and
  - (B) is in compliance with all federal, state, and city laws or regulations applicable to the prohibited animal

## **ARTICLE VII. MISCELLANEOUS**

### **7-22.1 SEC. 7-7.1. INTERFERENCE WITH AN ANIMAL SERVICES OFFICER**

A person commits an offense if he interferes with, hinders, or molests any employee or agent of animal services in the performance of official duties

### **7-32.1 SEC. 7-7.2. SALE OF ANIMALS FROM PUBLIC PROPERTY**

(a) A person commits an offense if he sells, exchanges, barter, or gives away, or offers to sell, exchange, barter, or give away, any animal from:

## **ARTICLE VII. MISCELLANEOUS (Continued)**

- (1) any public property; or
  - (2) any property to which the public has access that does not have a valid certificate of occupancy allowing the sale of animals on the property
- (b) It is a defense to prosecution under Subsection (a) that the person is:
- (1) animal services; or
  - (2) an animal adoption agency

### **7-15.1 SEC. 7-7.3. KEEPING OF ROOSTERS**

- (a) In this section, ROOSTER means the male of the domestic fowl

## **ARTICLE VII.**

### **MISCELLANEOUS (Continued)**

- (b) A person commits an offense if he owns a live rooster on any premises within the city.
- (c) It is a defense to prosecution under Subsection (b) that the rooster is:
  - (1) kept on premises upon which animal production is permitted under Section 51A-4.201 of the Dallas Development Code;
  - (2) being exhibited at the State Fair of Texas or at a special event conducted with written permission of the city;
  - (3) owned by a governmental entity or participating in a health, research, educational, or similar program conducted by a governmental entity;

## **ARTICLE VII. MISCELLANEOUS (Continued)**

- (4) owned by a medical, educational, or research institution operating in compliance with all city ordinances and state and federal laws; or
- (5) being held for slaughter in a slaughterhouse or meat packing plant operating in compliance with all city ordinances and state and federal laws

(d) A person who owns a live rooster commits an offense if he:

## **ARTICLE VII.**

### **MISCELLANEOUS (Continued)**

- (1) fails to confine the rooster at all times within an enclosure that is of sufficient height and strength to retain the rooster;
- (2) confines the rooster in an enclosure that is wholly or partially located less than 20 feet from any adjacent property line;
- (3) maintains the enclosure in which the rooster is confined in a manner that creates offensive odors, fly breeding, or any other nuisance or condition that is injurious to the public health, safety, or welfare; or
- (4) allows the rooster to violate the noise restrictions of Section 7-7.4 of this chapter

## **ARTICLE VII.**

### **MISCELLANEOUS (Continued)**

- (e) For the purpose of calculating the distance requirement of Subsection (d)(2) of this section, the width of alleys, street rights-of-way, and other public rights-of-way will be used. The distance between a rooster enclosure and an adjacent property line must be measured in a straight line, without regard to intervening structures or objects, from the nearest exterior wall of the enclosure to the nearest property line

#### **7-22 SEC. 7-7.4. DISTURBANCE BY ANIMALS**

- (a) A person commits an offense if he knowingly owns an animal that unreasonably barks, howls, crows, or makes other unreasonable noise near a private residence. Noise made by an animal is unreasonable under this subsection if the noise:

## **ARTICLE VII.**

### **MISCELLANEOUS (Continued).**

(1) continues more than 15 consecutive minutes;  
or

(2) exceeds the sound pressure level allowed in a residential district under the Dallas Development Code

- (b) A person who is disturbed by an animal that unreasonably barks, howls, crows, or makes other unreasonable noise near a private residence may file a disturbance complaint with the director. A disturbance complaint must include the name and address of the complainant, the location of the disturbance, the type of animal causing the disturbance, and the times that the animal is causing the disturbance
- (c) The director shall mail to the animal's owner a notice that the disturbance complaint has been received. A copy of the notice must be mailed to the complainant

## ARTICLE VII.

### MISCELLANEOUS (Continued)

- (d) If, after receiving notice from the director that a disturbance complaint has been received, the owner continues to allow the animal to cause a disturbance:
- (1) the complainant may file a complaint, in writing, with the city attorney; or
  - (2) the director may issue a citation to the owner for the violation of this section

New **SEC. 7-7.5. VACCINATION OF FERRETS.**  
*(Provides required vaccinations)*

- (a) An owner of a ferret commits an offense if:
- (1) the ferret is not currently vaccinated; or

## **ARTICLE VII. MISCELLANEOUS (Continued)**

- (2)the owner fails to show a current certificate of vaccination and rabies tag for the ferret upon request by the director or a peace officer
- (b) It is a defense to prosecution under Subsection (a) that the ferret is:
- (1)under four months of age; or
- (2)unable to be vaccinated due to health reasons as verified by a licensed veterinarian
- (c) A licensed veterinarian who vaccinates a ferret for rabies shall issue to the owner of the ferret a current rabies tag and a certificate of vaccination and send a copy of the certificate of vaccination to the director by the 10th day of the month following the month in which the ferret was vaccinated. The certificate of vaccination must contain the following information

## **ARTICLE VII. MISCELLANEOUS (Continued)**

- (1) name, address, and telephone number of the owner;
- (2) animal identification, including species, sex, age, size (pounds), predominant breed, and color;
- (3) vaccine used, producer, expiration date, and serial number
- (4) date vaccinated and expiration date of the certificate of vaccination;
- (5) rabies tag number; and
- (6) veterinarian's signature and license number

# **ARTICLE VIII. VIOLATIONS, PENALTIES, AND ENFORCEMENT**

## **7-22.2 SEC. 7-8.1. VIOLATIONS; CRIMINAL AND CIVIL PENALTIES**

- (a) A person who violates a provision of this chapter, or who fails to perform an act required of him by this chapter, commits an offense
- (b) A person violating a provision of this chapter commits a separate offense for each day or part of a day during which a violation is committed, continued, or permitted
- (c) A culpable mental state is not required for the commission of an offense under this chapter unless the provision defining the conduct expressly requires a culpable mental state

**ARTICLE VIII.**  
**VIOLATIONS, PENALTIES, AND**  
**ENFORCEMENT (Continued)**

- (d) Unless specifically provided otherwise in this chapter, an offense under this chapter is punishable by a fine not to exceed:
  - (1) \$2,000 if the provision violated governs public health or sanitation;
  - (2) the amount fixed by state law if the violation is one for which the state has fixed a fine; or
  - (3) \$500 for all other offenses
- (e) Unless specifically provided otherwise in this chapter or by state law, an offense under this chapter is punishable by a fine of not less than:

## **ARTICLE VIII.**

### **VIOLATIONS, PENALTIES, AND ENFORCEMENT (Continued)**

- (1) \$50 for a first conviction of a violation of Section 7-2.6(f), 7-2.7(d), 7-3.1, 7-4.2(a), 7-4.5, 7-4.6, 7-7.2, or 7-7.4(a);
  - (2) \$100 for a first conviction of a violation of Section 7-3.3, 7-4.1(a), 7-4.7, 7-7.3, or 7-7.5(a); and
  - (3) \$150 for a first conviction of a violation of Section 7-2.4(b), 7-3.2, 7-4.3(e), 7-6.1, or 7-7.1
- (f) The minimum fines established in Subsection (e) will be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense

**ARTICLE VIII.**  
**VIOLATIONS, PENALTIES, AND**  
**ENFORCEMENT (Continued)**

within any 24-month period. At no time may the minimum fine exceed the maximum fine established in Subsection (d)

- (g) Prosecution for an offense under Subsection (a) does not prevent the use of civil enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense
- (h) In addition to imposing a criminal penalty, the city may, in accordance with Section 54.012(5) of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty pursuant to Section 54.017 of the Texas Local Government Code not to exceed \$1,000 for each day or portion of a day during which each violation is committed, continued, or permitted

**ARTICLE VIII.**  
**VIOLATIONS, PENALTIES,**  
**AND ENFORCEMENT (Continued)**

SEC. 7-8.2. ADDITIONAL ENFORCEMENT  
PROVISIONS

New

In addition to imposing a monetary penalty against a person convicted of an offense under this chapter, a court may do one or more of the following:

- (1) Require the person, at the person's expense, to attend a responsible pet ownership program approved by the director
- (2) Revoke any permit issued to the person under this chapter
- (3) Order the impoundment of any animal owned by the person, forfeit the person's ownership of the animal, and award the animal to the city
- (4) Suspend the person's right to own an animal in the city for a period of time as specified by the court

**ARTICLE VII.  
VIOLATIONS, PENALTIES,  
AND ENFORCEMENT (Continued)**

- (5) Require the person to have any animal owned by the person spayed or neutered within a time period specified by the court
- (6) Impose any other conditions or restrictions that would reasonably abate the violation for which the person was convicted

New SEC. 7-8.3. PARENT'S ULTIMATE RESPONSIBILITY

If an animal is owned by a minor, the parent or guardian of the minor is responsible for all actions required of an owner in this chapter and shall be liable for any violations of this chapter by the minor"

**ARTICLE VIII.**  
**VIOLATIONS, PENALTIES,**  
**AND ENFORCEMENT (Continued)**

New SECTION 2. That any person holding a valid three-year registration for a dog or cat on the date of passage of this ordinance is not required to obtain a one-year registration as required by new Section 7-4.2 of the Dallas City Code, as set forth in Section 1 of this ordinance, until the expiration or revocation of the three-year registration

New SECTION 3. That any person who, on the date of passage of this ordinance, holds a valid prohibited animal permit issued under former Section 7-18 of the Dallas City Code and who would be required under new Section 7-6.1 of the Dallas City Code, as set forth in Section 1 of this ordinance, to remove from the city the animal that is the subject of the permit, shall have until June 1, 2005 or the date of

**ARTICLE VIII.**  
**VIOLATIONS, PENALTIES,**  
**AND ENFORCEMENT (Continued)**

expiration or revocation of the permit, whichever occurs first, to remove the prohibited animal from the city. If an animal is required to be removed from the city under this section before the expiration or revocation of a prohibited animal permit issued under former Section 7-18, then a prorated refund of the permit fee will be made

New SECTION 4. That any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and former CHAPTER 7 of the Dallas City Code is continued in effect for that purpose and for the purpose of regulating prohibited animals temporarily remaining in the city under Section 3 of this ordinance

**ARTICLE VIII.  
VIOLATIONS, PENALTIES,  
AND ENFORCEMENT (Continued)**

New SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended

New SECTION 6. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained

## Next Steps

- Include recommendations of the Health, Environmental & Human Services Committee in the proposed Chapter 7 revisions
- Schedule Chapter 7 revisions for City Council agenda for consideration and/or adoption

# Appendixes

- Appendix A – Existing Chapter 7 of the Dallas City Code.
- Appendix B – Department of Code Compliance recommendations to address three areas of concern
- Appendix C – Animal Shelter Commission support for including one additional outstanding issue to the proposed ordinance revisions