

ORDINANCE NO. 1136-2017

AN ORDINANCE AMENDING CHAPTER 2, "ANIMAL CONTROL", OF OF THE RIVER OAKS CODE OF ORDINANCES (2006) AS AMENDED; AMENDING THE REGULATIONS OF ANIMALS; CREATING REGULATIONS OF DANGEROUS AND VICIOUS ANIMALS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas 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 Local Government Code; and

WHEREAS, the legislature has codified many statutes that authorize municipalities to adopt regulations and procedures for the control of animals in the city; and

WHEREAS, the City Council of the City of River Oaks has previously adopted regulations and procedures to control animals in the city; and

WHEREAS, the City Council of the City of River Oaks has determined that it is in the best interest of the City to amend and update these regulations and procedures; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

SECTION 1.

That Chapter 2, "Animal Control" of the City of River Oaks Code of Ordinances is amended to read as follows:

"CHAPTER 2 – ANIMAL CONTROL

2.01 General Provisions

2.01.001 Definitions

For purposes of this chapter, the terms and words stated below are defined as stated in this section. In this chapter, words in the present tense include the future, words in the singular number include the plural, words in the plural number include the singular, and the word "shall" is mandatory.

Animal. Any warm-blooded animal.

Animal Bite. An animal bite is a wound, usually **lacerations**, caused by the teeth penetrating and resulting in a break in the skin or otherwise causing bodily injury”.

Animal Control Authority. The city’s animal control department.

Animal Control Officer. An employee of the city designated by the chief of police to enforce this chapter.

Cat. A domesticated animal of the feline family, specifically *Felis catus*.

Dangerous Dog. A dog that:

(1) makes an unprovoked attack on a person that causes bodily injury and that 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 certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dog. A domesticated animal that is a member of the canine family, specifically *Canis familiaris*.

Estray. Any stray livestock.

Fowl. Any bird, wild or domesticated, such as but not limited to chickens, ducks, geese, peacocks, pheasants, quail, turkey, or other birds, except common household pets such as parakeets, parrots, etc.

Guard or Attack Dog. Any dog professionally trained for security purposes.

Harboring. The act of keeping and caring for an animal or providing a premises to which the animal returns for food, shelter, or care for a period of 72 hours.

Impounded. Taken into custody and placed into an animal control facility.

Kennel. Any shelter where dogs or cats are bred, boarded, or held in return for payment.

Livestock. Any cattle, horses, stallions, mares, geldings, fillies, colts, mules, jacks, jennets, asses, burros, sheep, goats, swine, other penned animals, chicken, or any other fowl, including any miniature forms of any of these animals.

Local Rabies Control Officer. The person or entity designated by the city to receive reports of animal bites, investigate such reports, and ensure quarantine of suspected rabid animals.

Nuisance Animal. Any animal for which the animal control officer has received three reports for any of the following:

- (1) running at large;
- (2) causing a disturbance due to excessive noise;
- (3) chasing a person; or
- (4) causes a disturbance by causing a person to be in fear of the animal.

Owner. Any person, firm, corporation, association, partnership, or trust who has a property right or interest in an animal or who harbors an animal or who allows an animal to remain on a premises for a period of 72 hours or more.

Pet. A domesticated animal including, but not limited to a cat, dog, rabbit, rodent, bird, and any other species of animal which is sold or retained in a household, but shall not include livestock, fowl, a skunk, nonhuman primates, and any wild, exotic or carnivorous animal.

Owner Quarantine. Requires:

- (1) The animal be kept inside an enclosed structure, i.e., house or garage, or, if kept outside, the animal must be kept behind a fence from which it cannot escape and on a chain from which it cannot break loose or inside a covered pen or kennel from which it cannot escape; and
- (2) The animal must remain so contained for ten (10) days without interruption.

Running at Large. An animal not completely confined by a building, cage, container, wall, leash, rope, chain, vehicle, or fence of sufficient

construction to restrain the animal, whether on or off the owner's premises. An animal being physically held by the owner within the limits of the owner's private property is not an animal running at large.

Secure Enclosure. A fenced area or structure that is: (1) locked; (2) capable of preventing the entry of the general public, including children; (3) capable of preventing the escape or release of the animal to be contained therein; (4) clearly marked as containing a dangerous animal; and (5) has four walls, a floor, and a ceiling or roof.

Swine. Any hog or pig, whether domestic, wild, potbelly, or other.

Vaccinated. Properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture or the Department of State Health Services and administered by a veterinarian licensed to practice in the State of Texas.

Vicious Animal. An animal that makes an unprovoked attack on another animal that causes bodily injury and that occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own.

Wild Animal. Includes all species of animals which commonly exist in a natural, unconfined state and are usually not domesticated, regardless of the circumstances or duration of captivity, including, but not limited to, the following:

- (1) a lion;
- (2) a tiger;
- (3) an ocelot;
- (4) a cougar;
- (5) a leopard;
- (6) a cheetah;
- (7) a jaguar;
- (8) a bobcat;
- (9) a lynx;
- (10) a serval;
- (11) a caracal;
- (12) a hyena;
- (13) a bear;
- (14) a coyote;
- (15) a jackal;
- (16) a baboon;
- (17) a chimpanzee;
- (18) an orangutan;

- (19) a gorilla;
- (20) a skunk;
- (21) a raccoon;
- (22) a panther;
- (23) a fox;
- (24) a javelina;
- (25) a wolf;
- (26) a python;
- (27) a boa constrictor;
- (28) a crocodile;
- (29) an alligator;
- (30) any poisonous reptile; and
- (31) any hybrid of an animal listed in this definition.

2.01.002 Authority.

This chapter is adopted, in part, pursuant to Chapter 826, Texas Health and Safety Code, known as the Rabies Control Act.

2.01.003 Enforcement

(a) Chief of Police. The enforcement of this chapter shall be the responsibility of the chief of police and his designated animal control officer. The chief of police is designated as the local rabies control officer for the city.

(b) Citations. Any police officer, the animal control officer, the code enforcement officer, and the local rabies control officer shall have authority to issue citations for violations of the provisions of this chapter.

(c) Remedies. When any officer enforcing this chapter is made aware of a violation of this chapter, the officer may issue a citation in lieu of or in addition to pursuing any other remedy or enforcement mechanism under this chapter.

(d) Quarantine facilities. The animal control officer has the authority to approve or disapprove quarantine facilities.

(e) Shelter and holding facilities. The city council shall select a place for impounding animals under any provision of this chapter.

2.01.004 Penalty

Any person, firm or corporation who violates any of the provisions of this chapter or who fails to comply with any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum as provided in section 1.01.009 of this code. Each day that a violation occurs or continues constitutes a separate offense.

2.02 Dogs and Cats

2.02.001 Annual registration.

(a) Required. The owner of a dog or cat that is four months of age or older must register each such dog or cat with the city. A registration may be obtained in person or by mail upon providing:

(1) a Certificate of Vaccination for the cat or dog showing that the cat or dog has received a rabies vaccination within the last 36 months and including the following information:

(A) the name, address, and telephone number of the owner of the vaccinated dog or cat;

(B) the date of vaccination;

(C) the year and number of the rabies tag;

(D) the breed, age, color, and sex of the vaccinated dog or cat; and

(E) whether the dog or cat is neutered, spayed, or intact; and

(2) the payment of the registration fee set forth in Section 2.11.001.

(b) Metal tag. The city will issue a metal tag for the dog or cat upon the registration. The owner of the dog or cat shall attach the current registration tag to a collar or harness that is worn at all times by the dog or cat. All registration tags shall be valid for a period of one (1) year from the date of issuance.

(c) Duplicate tags. The owner of a dog or cat may obtain a duplicate registration tag upon payment of a duplicate tag fee and presentation of the receipt showing payment of the current year's registration fee.

(d) Renewal. The owner of a dog or cat shall annually renew the registration with the city. The same proof of current rabies vaccination and payment of the registration fee that is required for the initial registration is required for a renewal.

(e) New residents. A person moving into the city from an area outside of the city has 30 days to comply with this section.

(f) Guard or attack dogs. The owner of a guard or attack dog shall:

- (1) indicate on the registration application that the dog is a guard or attack dog and the location and hours of presence of the dog;
- (2) register the guard or attack dog with the police department; and
- (3) conspicuously post warning signs stating "GUARD DOG ON PREMISES" in letters not less than 2 inches high at the location or premises where the guard or attack dog is confined.

2.02.002 Vaccination.

- (a) The owner of a dog or cat shall have the dog or cat vaccinated against rabies by the time the animal is four months of age and every 36 months thereafter.
- (b) Upon vaccination, the owner shall be issued a metal rabies tag and a Certificate of Vaccination. The Certificate of Vaccination shall include the following information:
 - (1) the name, address, and telephone number of the owner of the vaccinated dog or cat;
 - (2) the date of vaccination;
 - (3) the year and number of the rabies tag;
 - (4) the breed, age, color, and sex of the vaccinated dog or cat; and
 - (5) whether the dog or cat is neutered, spayed, or intact.
- (c) The owner shall attach the rabies tag to a collar or harness that is worn at all times by the dog or cat. A rabies tag shall be valid for a period of 36 months from the date of vaccination.

2.02.003 Restraint of a dog or cat.

- (a) No person shall leave a dog or cat outside and unattended, tied, restrained, tethered, or cabled for a period longer than is necessary for the owner to complete a temporary task that requires the dog or cat to be restrained.
- (b) A dog or cat shall never be restrained using a pinch-type, prong type, or choke type collar or a collar that is not properly fitted to the dog or cat.
- (c) A dog or a cat shall not be restrained outside between the hours of 10:00 PM and 6:00 AM.

(d) A dog or a cat restrained outside must be restrained in a safe and humane manner that does not restrict the dog or cat from food, water, or shelter.

(e) A dog or a cat may not be restrained outside in a manner that will interfere with city or governmental services.

2.02.004 Number restricted.

(a) It shall be unlawful to keep or harbor, on a single-family residentially zoned property in the city, more than:

- (1) four dogs that are eight weeks or older;
- (2) four cats that are eight weeks or older; or
- (3) a total of five cats and dogs combined that are eight weeks or older.

(b) It shall be unlawful to keep or harbor, on a multi-family residentially zoned property in the city, more than a total of two cats and dogs combined in a single dwelling unit.

(c) Upon discovery of a violation of this section, the violator will be given ten days to get into compliance with this section. Each day after the expiration of the ten days that a violation of this section continues shall be a separate offense.

(d) Nothing in this section prevents the owner or management of a rental property from prohibiting pet animals on a property.

2.02.005 Running at large.

(a) It shall be unlawful for a person who owns or harbors a dog or cat to allow the dog or cat to run at large.

(b) A violation of this section is a Class C misdemeanor.

(c) A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued.

(d) Each offense under this section is punishable by a fine of not more than two thousand dollars and not less than:

- (1) Seventy-five dollars for the first offense;
- (2) One hundred fifty dollars for the second offense within any twelve-month period; and

- (3) Two hundred fifty dollars for the third offense within any twelve-month period.

2.03 Livestock and Other Animals.

2.03.001 Livestock.

- (a) It shall be unlawful to maintain any livestock within the corporate limits of the city without a permit.
- (b) A permit shall be granted for livestock to be maintained on a lot or parcel of land in the city upon the payment of the livestock permit fee and compliance with the following conditions:
 - (1) One head of livestock may be kept on a lot or tract of land containing a minimum of 5 acres; and
 - (2) One additional head of livestock for every additional 20,000 square feet of land may be kept on the same lot or tract of land.
- (c) The permit shall describe the lot or tract of land on which the livestock are permitted to be maintained and the number and type of livestock permitted on the lot or tract of land. The permit shall be kept at the property where the livestock are maintained and available for inspection by the city upon request.
- (d) Livestock maintained on a lot or tract of land in the city shall be restrained by fencing or other suitable barrier at least 100 feet away from adjacent residential or commercial structures.

2.03.002 Rabbits.

It shall be unlawful to maintain more than three (3) rabbits within the corporate limits of the city, unless the owner complies with the following:

- (1) the rabbits are maintained on a lot or tract of land under one ownership containing a minimum of 15,000 square feet;
- (2) the rabbits are maintained in individual cages;
- (3) the rabbits are maintained in a manner that does not create a nuisance;
- (4) the rabbits are maintained at least 100 feet from adjacent residential or commercial structures; and
- (5) no more than 20 rabbits are kept on a single lot or tract of land.

2.03.003 Fowl.

It shall be unlawful to maintain more than 3 fowl within the corporate limits of the city, unless the owner complies with the following:

- (1) the fowl are maintained on a lot or tract of land under one ownership containing a minimum of 15,000 square feet;
- (2) the fowl are maintained in a manner that does not create a nuisance; and
- (3) the fowl are maintained at least 100 feet away from adjacent residential or commercial structures; and
- (3) no more than 20 fowl may be maintained on a single lot or tract of land.

2.03.004 Bees.

It shall be unlawful to maintain bees within the corporate limits of the city, unless the owner complies with the following:

- (1) the bees are maintained on a lot or tract of land under one ownership containing a minimum of one acre;
- (2) the bees shall be maintained in a manner that does not create a nuisance;
- (3) the bees shall be maintained such that no bee hive is located within 100 feet of adjacent residential or commercial structures; and
- (4) no more than two beehives may be maintained on a single lot or tract of property.

2.03.005 Wild animals.

It shall be unlawful to maintain a wild animal within the corporate limits of the city.

2.03.006 Swine.

It shall be unlawful to maintain swine within the corporate limits of the city.

2.04 Impoundment.

2.04.001 Reasons for impoundment.

- (a) Any animal found in violation of this chapter, any other ordinance of the city, or any law, rule or regulation of the State of Texas or the United States may be impounded and taken to the city's animal control facility.
- (b) Any animal found being kept under conditions which could endanger the life or health of a person or animal, such as a rabid animal may be impounded and taken to the city's animal control facility.
- (c) Any animal found abandoned within an enclosure in the city may be impounded and taken to the city's animal control facility 48 hours after posting notice on the enclosure.
- (d) Any officer enforcing this chapter may enter private property and impound any animal under exigent circumstances if the officer reasonably believes it to be necessary to protect the life of the animal.

2.04.002 Notification of owner.

Upon impoundment of an animal, the animal control officer shall make reasonable efforts to contact the owner of the animal if the owner is known.

2.04.003 Redemption of animal.

Unless the animal is authorized to be held under another section of this chapter, the owner of an animal may redeem the animal from the city's animal control facility upon providing proof of compliance with the registration and vaccination requirements of this chapter and the payment of all impoundment fees, handling fees, and any veterinary expenses incurred.

2.04.004 Disposition of unclaimed animals.

- (a) If the owner of an impounded animal does not redeem the animal within 72 hours after notification of the owner, or within 72 hours from the time of impoundment if the owner is unknown, the animal is deemed to be abandoned, the owner is divested of ownership of the animal, and the city is deemed to be the owner of the animal.
- (b) Any animals abandoned under this section shall be given away, put up for adoption, euthanized, or disposed of in another humane manner, at the discretion of the animal control officer.
- (c) Notwithstanding any other provisions of this chapter, the animal control officer may immediately transfer any cats believed to be feral cats to the Humane Society of North Texas for treatment or other disposition.

2.05 Health Regulations.

2.05.001 Duty to report.

Any person having knowledge of an animal bite to a human or to an animal shall report the incident to the animal control officer immediately, but not later than 24 hours after the time of the incident. The owner of the biting animal shall quarantine the biting animal in accordance with this chapter.

2.05.002 Quarantine.

- (a) The owner of an animal that has bitten a human is required to quarantine the animal for a period of 10 days at the owner's expense.
- (b) The animal shall be impounded in the city's animal control facility at the owner's expense during the quarantine period, unless the animal control officer determines that the owner is capable of maintaining a proper owner quarantine. At the request of the owner and upon the payment of the euthanasia fee, in lieu of the quarantine period the animal may be euthanized and the brain submitted to the proper state authorities for testing.
- (c) A wild animal that has bitten a human shall not be held for the quarantine period. A wild animal that has bitten a human shall be humanely euthanized and the brain submitted to the proper state authorities for testing.
- (d) The owner of an animal in quarantine must obtain a release from the animal control officer upon expiration of the quarantine period.
- (e) The owner of an animal impounded for quarantine may redeem the animal upon the expiration of the quarantine period, providing proof of compliance with the registration and vaccination requirements of this chapter, and the payment of all quarantine fees, impoundment fees, handling fees, and any veterinary expenses incurred.
- (f) If the owner of an animal impounded for quarantine does not redeem the animal within 72 hours after the expiration of the quarantine period, the animal is deemed to be abandoned, the owner is divested of ownership in the animal, the city is deemed to be the owner of the animal, and the animal shall be disposed of in accordance with Section 2.04.004(b).
- (g) It shall be unlawful for a person to:
 - (1) fail or refuse to quarantine an animal that has bitten a human; or

(2) interrupt the quarantine observation period before obtaining a release from the rabies control officer.

2.05.003 Removal of dead animals.

The animal control officer is authorized to retrieve the body of a dead animal at the request of the owner or other person having control of the dead animal. The owner of the dead animal shall be responsible for all costs related to the removal of the dead animal.

2.05.004 Destruction of animals.

(a) Any animal found running at large may be destroyed by a peace officer or animal control officer, if in the judgment of the officer, the animal constitutes an immediate threat to the health and safety of any person, other animal, or the public in general.

(b) The owner of an animal may release the animal to the city to be euthanized upon the signature of the Animal Release and payment of the euthanasia fee. However, no animal required by law to be quarantined shall be administered euthanasia before the expiration of the quarantine period unless the brain is submitted to the proper authorities as required by law.

(c) Notwithstanding any other provisions of this chapter, any impounded animal that appears to be suffering from extreme injury or illness may be administered euthanasia or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined by the animal control officer.

(d) No dog or cat may be killed for the purpose of human consumption or for its fur within the city limits.

(e) No livestock, domestic animals, nondomestic animals, or any other animal may be slaughtered within the city limits.

2.06 Miscellaneous Provisions

2.06.001 Kennels.

Kennels or other places where animals are bred, raised, or boarded must be located in commercially zoned districts.

2.06.002 Abandonment.

No person shall knowingly or intentionally discard or abandon an animal in the city, whether alive or dead.

2.06.003 Proper care of animals.

Every owner or other person having care and control of any animal shall provide the following for each animal under his or her care:

- (1) sufficient nutritious and wholesome food, served in a clean container;
- (2) continuous supply of clean water;
- (3) adequate shelter, which allows the animal to remain dry and protected from the elements at all times; and
- (4) veterinary care as needed to prevent suffering.

2.06.004 Tampering with traps and equipment

No person shall remove, alter, damage, or otherwise tamper with a trap, vehicle, or equipment belonging to or set out by the animal control officer or his agent.

2.06.005 Feeding stray or feral animals.

No person shall intentionally place or leave any food or edible item on any public or private property that is not owned by the person placing or leaving the item for consumption by stray or feral animals, unless that person is:

- (1) An employee of a governmental agency acting in an official capacity;
or
- (2) Person or agency relocating and or removing wildlife from public or private property at the city's request.

2.07 Nuisances

2.07.001 Unlawful to maintain a nuisance.

It shall be unlawful for a person to maintain a nuisance on a lot or tract within the corporate limits of the city.

2.07.002 Nuisances defined.

The following circumstances and conditions are declared to be a threat and a danger to the public health and safety in the city and to be a public nuisance:

- (1) harboring or keeping an animal in a manner that causes or creates an unsanitary, dangerous, or offensive condition;

(2) harboring or keeping an animal in a manner that causes a disturbance due to excessive barking, crying, bellowing, braying, crowing, bleating, or other noise for a period longer than 10 minutes or that reasonably offends another person;

(3) allowing an animal to chase vehicles or molest, attack, or interfere with persons or other domestic animals on public property or property not owned by the owner of the animal; or

(4) harboring or keeping an animal in a manner that allows for the accumulation of animal wastes creating a foul and offensive odor or creating a breeding place for flies and mosquitoes.

2.08 Dangerous Dogs

2.08.001 Dangerous dog report.

(a) The animal control officer may receive a report concerning a dangerous dog. Such report and any supporting statement must be in writing and sworn to.

(b) The animal control officer shall investigate all reports filed under this section and may issue sworn reports based on the animal control authority's investigation or observation.

2.08.002 Determination that dog is dangerous.

(a) If a person reports an incident described by Section 2.08.001, the animal control officer shall investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control officer determines the dog is a dangerous dog, the animal control officer shall notify the owner in writing of the determination.

(b) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control officer to the municipal court.

(c) To file an appeal under Subsection (b), the owner must:

(1) file a notice of appeal of the animal control officer's dangerous dog determination with the court;

(2) attach a copy of the determination from the animal control officer; and

(3) serve a copy of the notice of appeal on the animal control officer by mailing the notice through the United States Postal Service.

(d) Upon filing an appeal under Subsection (b), the owner shall immediately deliver the dog to the city's animal control facility and the city shall provide for the impoundment of the dog in secure and humane conditions pending the result of a hearing under Section 2.08.006.

(e) If the owner fails to deliver the dog as required by Subsection (d), the court shall issue a warrant authorizing the seizure of the dog. The animal control officer shall seize the dog or order its seizure and shall provide for the impoundment of the 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 dog. The governing body of the city may prescribe the amount of the fees.

2.08.003 Knowledge of a dangerous dog.

For purposes of this chapter, a person learns he or she is the owner of a dangerous dog and is subject to the requirements in Section 2.08.004 upon the occurrence of any of the following:

(1) the owner knows of an attack described in the definition of dangerous dog found in Section 2.08.001;

(2) the owner is notified by the animal control officer that the dog is a dangerous dog; or

(3) the owner is notified by the municipal court that the court has upheld the animal control officer's determination that the dog is a dangerous dog.

2.08.004 Requirements of a Dangerous Dog.

(a) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog:

(1) the person shall:

- (A) register the dangerous dog with the animal control authority for the city;
- (B) restrain the dangerous dog at all times on a leash in the immediate control of a person capable of controlling the dangerous dog or in a secure enclosure;
- (C) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept; and
- (D) comply with all other applicable city regulations, requirements, or restrictions on dangerous dogs; or

(2) the person shall deliver the dog to the animal control authority and the animal control authority shall provide for the impoundment of the dog in humane and secure conditions.

(b) Once in compliance with Subsection (a), the owner of a dangerous dog shall maintain compliance with Subsection (a) at all times thereafter.

2.08.005 Failure to Comply.

(a) Any person may make a sworn application to the municipal court that the owner of a dangerous dog has failed to comply with Section 2.08.004 or that a dangerous dog has attacked a person or another animal.

(b) Upon the filing of a sworn application under this section, the court shall order the animal control officer to seize the dangerous dog and shall issue a warrant authorizing the seizure. The animal control officer shall seize the dangerous dog or order its seizure and shall provide for the impoundment of the dangerous dog in secure and humane conditions. The owner may be ordered to pay any cost or fee assessed by the city related to the seizure, acceptance, impoundment, or destruction of the dangerous dog. The governing body of the city may prescribe the amount of the fees.

(c) If, after a hearing on an application filed under this section, the municipal court finds that the owner of the dangerous dog has failed to comply with Section 2.08.004 or that the dangerous dog has attacked a person or another animal, the municipal court shall order the animal control officer to humanely destroy the dangerous dog or that the dangerous dog be permanently removed from the city. The court shall 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.

(d) 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 Section 2.08.004 and that the dangerous dog has not attacked a person or a domesticated animal, the municipal court shall order that the animal control officer 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.

(e) Notwithstanding any other law or local regulation, a dangerous dog shall not be destroyed during the pendency of an appeal under Section 2.08.007.

(f) If the owner of a dangerous dog seized due to a sworn application filed under this section cannot be located before the 15th day 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

court may order the humane destruction of a dangerous dog abandoned under this section upon application of the animal control authority, without a hearing.

2.08.006 Hearing

(a) The court, on receiving notice of appeal under Section 2.08.002(b) or a sworn application under Section 2.08.005(a), shall set a time for a hearing to determine whether the dog is a dangerous dog or whether the owner of the dog has complied with Section 2.08.004 or has attacked a person or a domesticated animal. A hearing under this section must be held not later than the 10th day after the date on which the dog is seized or delivered.

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

- (1) the owner of the dog or the person from whom the dog was seized or who delivered the dog;
- (2) the person who made the report or filed the application; and
- (3) the animal control officer.

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

(d) The court shall determine the estimated costs to house and care for the impounded dog 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 in the manner described by Section 2.08.007.

2.08.007 Appeal.

(a) A party to an appeal under Section 2.08.002(b) or a hearing on an application filed under Section 2.08.005(a) may appeal the decision 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 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 Section 30.00014, Government Code, 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.

2.08.008 Registration.

(a) The city shall annually register a dangerous dog if the owner:

(1) presents proof of:

(A) liability insurance or financial responsibility, as required by Section 2.08.004;

(B) current rabies vaccination of the dangerous dog; and

(C) the secure enclosure in which the dangerous dog will be kept; and

(2) pays the annual registration fee set forth in Section 2.11.001.

(b) The city shall provide to the owner registering a dangerous dog a registration tag. The owner of the dangerous dog shall attach the current registration tag to a collar or harness that is worn at all time by the dangerous dog.

(c) If an owner of a registered dangerous dog sells or moves the dangerous dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the animal control officer of the new address. On presentation by the new owner of the dangerous dog's prior registration tag and payment of dangerous dog registration transfer fee, the city shall issue a new registration tag.

(d) An owner of a dangerous dog shall notify the animal control officer of any attacks the dangerous dog makes on people or other animals.

2.08.009 Dangerous dog ordered removed from the city

(a) A dangerous dog ordered to be removed from the city under this chapter must be removed from the city within ten (10) days of the date of the order.

(b) 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 chapter within the corporate limits of the city.

(c) The animal control officer or any officer enforcing this chapter shall seize any dangerous dog that has been ordered to be removed from the city that is found to be at any location within the corporate limits of the city and shall provide for the impoundment of the dangerous dog in humane and safe conditions.

(d) Upon application by the animal control officer, without a hearing, the court shall order that a dangerous dog be humanely destroyed if it was previously ordered to be removed from the city and is later found to be in the city.

2.08.010 Attack by Dangerous Dog.

(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 dangerous dog's enclosure and causes bodily injury to the other person.

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

(c) If a person is found guilty of an offense under this section, the court may order the dangerous dog humanely destroyed by the animal control officer.

2.08.011 Violation.

(a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with Section 2.08.004 or any other applicable city regulation relating to dangerous dogs.

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

(c) If a person is found guilty of an offense under this section, the court may order the dangerous dog humanely destroyed by the animal control officer.

2.08.012 Defenses.

(a) It is a defense to prosecution under Section 2.08.010 or Section 2.08.011 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 dog in connection with that position.

(b) It is a defense to prosecution under Section 2.08.010 or Section 2.08.011 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 dogs for law enforcement or corrections purposes.

(c) It is a defense to prosecution under Section 2.08.010 or Section 2.08.011 that the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Occupations Code.

2.09 Vicious Animals.

2.09.001 Vicious animal report.

(a) The animal control officer may receive a report concerning a vicious animal. Such report and any supporting statement must be in writing and sworn to.

(b) The animal control officer shall investigate all reports filed under this section and may issue sworn reports based on the animal control authority's investigation or observation.

2.09.002 Determination that animal is vicious.

(a) If a person reports an incident described by Section 2.09.001, the animal control officer shall investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control officer determines the animal is a vicious animal, the animal control officer shall notify the owner in writing of the determination.

(b) An owner, not later than the 15th day after the date the owner is notified that an animal owned by the owner is a vicious animal, may appeal the determination of the animal control officer to the municipal court.

(c) To file an appeal under Subsection (b), the owner must:

(1) file a notice of appeal of the animal control officer's vicious animal determination with the court;

(2) attach a copy of the determination from the animal control officer; and

(3) serve a copy of the notice of appeal on the animal control officer by mailing the notice through the United States Postal Service.

2.09.003 Knowledge of a vicious animal.

For purposes of this chapter, a person learns he or she is the owner of a vicious animal and is subject to the requirements in Section 2.09.004 upon the occurrence of any of the following:

(1) the owner knows of an attack described in the definition of vicious animal found in Section 2.01.001;

(2) the owner is notified by the animal control officer that the animal is a vicious animal; or

(3) the owner is notified by the municipal court that the court has upheld the animal control officer's determination that the animal is a vicious animal.

2.09.004 Requirements of a vicious animal.

(a) Not later than the 30th day after a person learns that the person is the owner of a vicious animal:

(1) the person shall:

(A) register the vicious animal with the city;

(B) restrain the vicious animal at all times on a leash in the immediate control of a person capable of controlling the vicious animal or in a secure enclosure;

(C) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the vicious animal causing bodily injury to a person or another animal and provide proof of the required liability insurance coverage or financial responsibility to the city; and

(D) comply with all other applicable city regulations, requirements, or restrictions on vicious animals; or

(2) the person shall deliver the vicious animal to the city's animal control facility and the city shall provide for the impoundment of the vicious animal in humane and secure conditions.

(b) Once in compliance with Subsection (a), the owner of a vicious animal shall maintain compliance with Subsection (a) at all times thereafter.

2.09.005 Failure to comply.

(a) Any person may make a sworn application to the municipal court that the owner of a vicious animal has failed to comply with Section 2.09.004 or that a vicious animal has attacked a person or another animal.

(b) Upon the filing of a sworn application under this section, the court shall order the animal control officer to seize the vicious animal and shall issue a warrant authorizing the seizure. The animal control officer shall seize the vicious animal or order its seizure and shall provide for the impoundment of the vicious 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 vicious animal. The governing body of the city may prescribe the amount of the fees.

(c) If, after a hearing on an application filed under this section, the municipal court finds that the owner of the vicious animal has failed to comply with Section 2.09.004 or that the vicious animal has attacked a person or a another animal, the municipal court shall order the city to humanely destroy the vicious animal or that the vicious animal be permanently removed from the city. The court shall also order that the owner of the vicious animal pay all costs or fees assessed by the city related to the seizure, acceptance, impoundment, and destruction of the vicious animal due to the sworn complaint filed under this section.

(d) If, after a hearing on an application filed under this section, the municipal court finds that the owner of the vicious animal has not failed to comply with Section 2.09.004 or that the vicious animal has not attacked a person or another animal, the municipal court shall order that the animal control officer immediately release the vicious animal to the owner, and the owner shall not be responsible for the costs of seizure or impoundment of the vicious animal due to the sworn complaint filed under this section.

(e) If the owner of a vicious animal seized due to a sworn application filed under this section cannot be located before the 15th day after the seizure and impoundment of the vicious animal, the vicious animal shall be considered abandoned and the city shall be deemed the owner of the vicious animal. The court may order the humane destruction of a vicious animal abandoned under this section upon application of the animal control officer, without a hearing.

2.09.006 Hearing.

(a) The court, on receiving notice of appeal under Section 2.09.002(b) or a sworn application under Section 2.09.005(a), shall set a time for a hearing to determine whether the animal is a vicious animal or whether the owner of the animal has complied with Section 2.09.004 or the vicious animal has attacked a person or another animal. The hearing must be held not later than the 10th day after the date on which the animal is seized or delivered.

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

- (1) the owner of the animal or the person from whom the animal was seized or who delivered the animal;
- (2) the person who made the report or filed the application; and
- (3) the animal control officer.

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

2.09.007 Vicious animal ordered to be removed from city.

(a) A vicious animal ordered to be removed from the city under this chapter must be removed from the city within ten (10) days of the date of the order.

(b) It shall be unlawful for a person to harbor, keep, or have possession of a vicious animal previously ordered to be removed from the city under this chapter within the corporate limits of the city.

(c) The animal control officer or any officer enforcing this chapter shall seize any vicious animal that has been ordered to be removed from the city that is

found to be at any location within the corporate limits of the city and shall provide for the impoundment of the vicious animal in humane and safe conditions.

(d) Upon application by the animal control officer, without a hearing, the court shall order that a vicious animal be humanely destroyed if it was previously ordered to be removed from the city and is later found to be in the city.

2.09.008 Registration.

(a) The city shall annually register a vicious animal if the owner:

(1) presents proof of:

- (A) liability insurance or financial responsibility, as required by Section 2.09.004;
- (B) current rabies vaccination of the vicious animal, if required by law; and
- (C) the secure enclosure in which the vicious animal will be kept; and

(2) pays the annual registration fee set forth in Section 2.11.001.

(b) The city shall provide to the owner registering a vicious animal a registration tag. The owner of the vicious animal shall attach the current registration tag to a collar or harness that is worn at all time by the vicious animal.

(c) If an owner of a vicious animal sells or moves the vicious animal to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the animal control officer of the new address. On presentation by the new owner of the vicious animal's prior registration tag and payment of vicious animal registration transfer fee, the city shall issue a new registration tag.

(d) An owner of a vicious animal shall notify the animal control officer of any attacks the vicious animal makes on a person or another animal.

2.09.009 Attack by Vicious Animal.

(a) A person commits an offense if the person is the owner of a vicious animal and the vicious animal makes an unprovoked attack on another person or animal outside the vicious animal's enclosure and causes bodily injury to the other person or animal.

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

(c) If a person is found guilty of an offense under this section, the court may order the vicious animal humanely destroyed by the city or permanently removed from the city.

2.09.010 Violation.

(a) A person who owns or keeps custody or control of a vicious animal commits an offense if the person fails to comply with Section 2.09.004 or any other applicable city regulation relating to vicious animals.

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

(c) If a person is found guilty of an offense under this section, the court may order the vicious animal humanely destroyed by the city or permanently removed from the city.

2.09.011 Defenses.

(a) It is a defense to prosecution under Section 2.09.009 or Section 2.09.010 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 a defense to prosecution under Section 2.09.009 or Section 2.09.010 that the person is an employee of the institutional division of the Texas

- (a) A nuisance animal ordered to be removed from the city under this chapter must be removed from the city within ten (10) days of the date of the order.
- (b) It shall be unlawful for a person to harbor, keep, or have possession of a nuisance animal previously ordered to be removed from the city under this chapter within the corporate limits of the city.
- (c) The animal control officer or any officer enforcing this chapter shall seize any nuisance animal that has been ordered to be removed from the city that is found to be at any location within the corporate limits of the city and shall provide for the impoundment of the nuisance animal in humane and safe conditions.
- (d) Upon application by the animal control officer, without a hearing, the court shall order that a nuisance animal be humanely destroyed if it was previously ordered to be removed from the city and is later found to be in the city.

2.11 Fees.

2.11.001 Registration fees.

The annual registration fees for animals in the city are:

- | | | |
|-----|--------------------------|---------|
| (1) | Intact dog or cat: | \$8.00 |
| (2) | Sterilized dog or cat: | \$3.00 |
| (3) | Duplicate tag fee: | \$3.00 |
| (4) | Dangerous dog: | \$50.00 |
| (5) | Dangerous dog transfer: | \$25.00 |
| (6) | Vicious animal: | \$25.00 |
| (7) | Vicious animal transfer: | \$15.00 |

2.11.002 Impoundment and euthanasia fees.

The following fees shall apply in connection with impoundments or euthanasia in the city:

- (1) Impoundment base fee: \$35.00
- (2) Daily impoundment fee: \$5.00
- (3) Euthanasia fee: \$10.00
- (4) Veterinary fee: Expenses actually incurred
- (5) Estray enforcement program fee Set by the County

2.11.003 Animal permit fees.

The following fees shall apply to animal permits:

- (1) Livestock: \$5.00"

SECTION 2.

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

SECTION 3.

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

SECTION 4.

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of River Oaks, Texas or any other ordinances affecting animal control, dangerous dogs, or vicious animals 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 5.

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 fined not more than Two Thousand Dollars (\$2000.00) or the maximum allowed by law for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

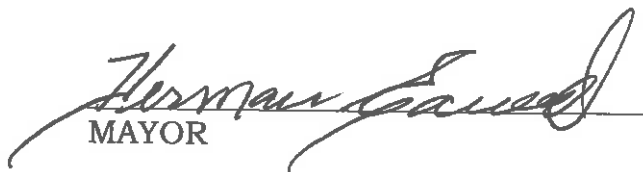
SECTION 6.

The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

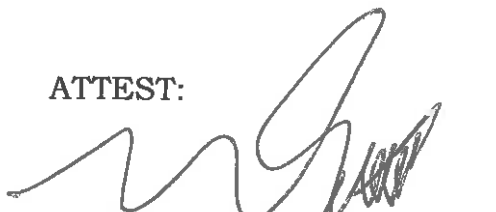
SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 14th DAY OF FEBRUARY 2017.


MAYOR

ATTEST:


CITY SECRETARY