

THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 05-2018

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING CHAPTER 5, ANIMAL CONTROL, OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 5.01, "GENERAL PROVISIONS", ARTICLE 5.02, "DANGEROUS DOGS", ARTICLE 5.03, "IMPOUNDMENT", AND ARTICLE 5.04, "ANIMAL CARE", TO PROVIDE NEW AND REVISED REGULATIONS CONCERNING THE KEEPING OF ANIMALS WITHIN THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED \$2,000 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to add provisions to Chapter 5 to amend the regulations concerning the keeping of animals within the City of Seagoville; and

WHEREAS, the City Council finds that adopting the changes provided herein will benefit the citizens of the City of Seagoville; and

WHEREAS, based on the foregoing, the City Council of the City of Seagoville, Texas hereby amends various sections of Chapter 5 of the Seagoville Code of Ordinances as provided herein.

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

SECTION 1. That the Code of Ordinances of the City of Seagoville, Texas be, and the same is, hereby amended by amending Chapter 5, Article 5.01, "General Provisions", Article 5.02, "Dangerous Dogs" Article 5.03, "Impoundment", and Article 5.04, "Animal Care", which shall read as follows:

**"CHAPTER 5. ANIMAL CONTROL
ARTICLE 5.01 GENERAL PROVISIONS**

Sec. 5.01.001 Definitions

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Abandon. The dumping, deserting or leaving of any animal on public or private property with the intent of terminating any further responsibility for the animal; or failing to properly redeem any animal impounded or quarantined by the City.

Adoption. The purchase of a dog or cat from the City of Seagoville for pet purposes.

Animal Adoption Agency. A governmental Animal Control or Animal Services Department, or any organization approved by the animal control authority and registered with the City that

shelters animals for the purpose of protection, rescue and eventual placement in a home where proper care can be given to the animal.

Animal Services Department. A person or persons, or an establishment authorized by the chief of police for confinement, maintenance, safekeeping and control of dogs, cats or other animals which come into custody of the city in the performance of their official duties and to enforce the provisions of this chapter.

Assistance animal. An animal that is specially trained to do work or perform tasks for the benefit of an individual with a disability or by the virtue of a natural aptitude or acquired ability is able to provide therapeutic treatment, mitigation, safety or rescue.

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Domestic Animal.

- (A) Livestock;
- (B) A dog;
- (C) A cat;
- (D) A ferret;
- (E) Any bird, other than one in the Falconiforms or Strigiforms Order, that is commonly kept as a human's companion;
- (F) Any "pocket pet", such as a mouse, hamster, gerbil, guinea pig, or rabbit, that is commonly kept as a human's companion;
- (G) Any fish, such as a goldfish or tropical fish, that is commonly kept as a human's companion; and
- (H) Any non-venomous and non-constrictor reptile or amphibian that is commonly kept as a human's companion.

Euthanasia. A humane painless method to end life for animals including those suffering, injured, contagious, or sick or as required by any state or federal law, as it currently exists or may be amended.

Feral Cat.: any homeless, wild, or untamed cat.

Hobby Breeder. any person who intentionally or unintentionally causes or allows the breeding or studing of a dog or a cat or engages in the breeding of more than 1 (one) litter of dogs and/or cats per household or premises per calendar year, whether or not such animal(s) are made available for sale, adoption, or other placement.

Hen. A female chicken.

Hybrid. A product of the mating of two (2) different species of animals regardless of the number of generations born since the original mating.

Inhumane treatment. Any treatment to any animal which deprives the animal of necessary substance including food, water or protection from weather, or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating or teasing, or other abnormal treatment as may be determined by the animal services department or a law enforcement officer.

Keep within the city. The harboring or owning of dogs or cats permanently located or living at any location within the city.

Kennel. House of shelter; place where animals are bred or lodged.

Litter. A litter consists of one (1) or more puppies or kittens.

Livestock. Any horses, mules, Donkeys, ponies, cattle, bulls, sheep, goats, hogs, pigs, of any and all kinds regardless of sex.

Local rabies control authority. The person designated by the city council in accordance with Texas Health and Safety Code § 826.017.

Microchip implant. Is a passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owners.

Owner. Any person who owns, keeps, shelters, maintains, feeds, harbors or has temporary or permanent custody of a domestic or prohibited animal, or who knowingly permits a domestic or prohibited animal to remain on or about any premises occupied by that person over which that person has control. An animal shall be deemed to be owned by a person who harbored it, fed it, or sheltered it for five (5) consecutive days or more. If a person under the age of seventeen (17) years owns an animal subject to the provisions of this chapter, the head of the household of which such person under the age of seventeen (17) years is a member shall be the person responsible for the animal under this chapter. Such household head may himself be under the age of seventeen (17) years and therefore subject to prosecution under this chapter. There may be more than one (1) person responsible for an animal.

Pen. . . .

Person. Any individual, firm, partnership, association, corporation or other legal entity.

Prohibited animal. Any animal, except birds kept in a cage or aviary that is not regulated by international, federal or state law, or common domestic species which include gerbils, hamsters, guinea pigs or laboratory mice or rats, and regardless of state or duration of captivity, that poses a potential physical or disease threat to the public or that is protected by international, federal or state regulations, including but not limited to the following:

(1) 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 Crocodylia (crocodiles, alligators, caimans, and gavials):

(2) Class Aves: Order Falconiforms (such as hawks, eagles, and vultures); Subdivision Ratitae (such as ostriches, rheas, cassowaries, and emus); and Order Strigiforms (such as owls):

(3) Class Mammalia: Order Carnivora, Family Felidae (such as ocelots, margays, tigers, Jaguars, leopards, and cougars), except commonly accepted domesticated cats: Family Canidae (such as wolves, wolf-dog hybrids, dingos, coyotes, and jackals), except domesticated dogs: Family Mustelidae (such as weasels, skunks, martens, mink, and badgers), except ferrets: 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): and

(4) Animals not listed: The animal services director may declare any species of animal not listed in this subsection as "prohibited " if the confinement of the animal within the city can be shown to constitute a threat to public health and safety.

Puppies. . . .

Rescue group. A nonprofit organization with a 501(c)3 approved by the animal services department and registered with the city that shelters animals for the purpose of protection, rescue, and eventual placement in a home where proper care can be given to the animal.

Retail Pet Store, a business that regularly sells animals for pet purposes to an ultimate owner. The term includes any owner, operator, agent, or employee of the business.

Roam. . . .

Rooster. An adult male chicken.

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 a dog:
- (4) Clearly marked as containing a dangerous dog: and
- (5) In conformance with the requirements for enclosures established by the animal services department.

Serious bodily injury. Any physical injury that involves a substantial risk of death, disfigurement, or impairment of any part of the body, including but not limited to a broken bone or a laceration requiring either multiple stitches or cosmetic surgery.

Service Animal. has the same meaning as Assistance Animal.

Shelter: Shelter for a dog that shall effectively protect the animal from any form of cold, overheating, inclement weather and direct effects of wind, rain, snow, ice or the sun. By way of example, and not limitation, a shelter may consist of a three-sided structure with a roof that is nailed together to prevent any wind from coming through. The shelter should be on a low platform to keep it off the ground. The shelter shall provide shade during hot weather months with provisions for cooling the animal when temperatures exceed ninety (90) degrees Fahrenheit. During temperatures fifty (50) degrees Fahrenheit or lower auxiliary

heat or clean, dry bedding material shall be provided for insulation against the cold and replaced as needed.

Sterilized: an animal rendered incapable of reproduction.

Stray: an unrestrained domestic animal outside the boundaries of the premises owned, leased, or legally occupied by the animal's own.

Vaccination: An injection of the United States Department of Agriculture approved rabies vaccine administered by a licensed veterinarian.

Veterinarian: A veterinarian licensed to practice veterinary medicine in one (1) or one of the fifty (50) states or a person who practices veterinary medicine on an installation of the armed forces or National Guard.

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

- (1) Reptiles: Venomous reptiles, crocodiles, alligators, any reptile that typically reaches a total length greater than eight (8) feet, and iguanas;
- (2) Birds: Emus, ostriches, or rheas;
- (3) Mammals: Ocelots, lions, tigers, jaguars, leopards, cougars, bobcats, wolves, dingoes, coyotes, jackals, elephants, armadillos, kangaroos, wallabies, wallaroos, opossums, beavers, porcupines, weasels, martins, minks, badgers, pandas, bears, racoons, bats, foxes, skunks, cheetahs, servals, caracals, hyenas, squirrels, wild rabbits, or non-human primates;
- (4) Any species illegal to own under federal or state law, or any animal which is, or may be hereafter, listed as a "high risk" animal in the Texas Rabies Control Act;
- (5) Any hybrid of any animal classified as a wild animal.

Wild Animal Class I: non-native wildlife that present a serious threat to public health or safety including, but not limited to, chimpanzees, gorillas, gibbons, drills, mandrills, orangutans, baboons, siamangs, cheetahs, leopards, jaguars, tigers, lions, cougars, panthers, bears, rhinoceros, elephants, hippopotamuses, alligators, crocodiles (except dwarf), gavials, black caimans, Komodo dragons, venomous reptiles, Africa golden cats, African hunting dogs, and any hybrid of any animal classified as a wild animal Class. For the purposes of this chapter, all wild animals Class I are wild animals by definition and subject to regulation as either or both.

Wild Animal Class II: native wildlife that present as serious threat to public health or safety, including, but not limited to, bobcats, coyotes, wolves, cougars, bears, alligators, wild hogs (also known as "feral hogs"), rattlesnakes (any species), copperhead snakes, cottonmouth snakes, coral snakes, Massasaugas, other venomous reptiles, badgers, coatis, fox (any species),

javelina, racoons, skunks (any species), and any hybrid of any animal classified as a wild animal Class II.

Wildlife educational center: an organization that has met all of the state and federal requirements to possess and display wild or domestic animals for educational purposes.

Wildlife rehabilitator: a person holding all current state and/or federal permits needed to temporarily house allowed native wild animal species in his or her possession with the goal of rehabilitating the animal(s) and releasing it back into its natural habitat in accordance with all state and federal laws.

Zoological educational outreach display: any temporary spectacle, display, event exhibition, or act where the operator has met all state and federal requirements to possess and display domestic, wild, or wild Class I animals for educational purposes and is accredited through the American Zoological Association or Zoological Association of America. For this definition, temporary shall mean lasting seven (7) days or less.

Zoological park: a government-operated facility displaying or exhibiting one or more species of non-domesticated animals.

Sec. 5.01.002 Methods of enforcement

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) Issue an injunction to enforce the provisions of this chapter, and may award expenses to the prevailing party.
- (2) Require the person, at the person's expense, to attend a responsible pet ownership program approved by the director.
- (3) Revoke any permit issued to the person under this chapter.
- (4) 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.
- (5) Suspend the person's right to own an animal in the city for a period of time as specified by the court.
- (6) Require the person to have any animal owned by the person spayed or neutered within a time period specified by the court.
- (7) Impose any other conditions or restrictions that would reasonably abate the violation for which the person was convicted.

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Sec. 5.01.008 Area and distance requirements for keeping livestock and fowl

(a) It shall be unlawful for any person within the corporate limits of the city with less than one (1) fenced acre of accessible roaming space to keep or have, on his own or rented premises, any livestock, including cows, horses, mules, jacks, jennies, goat, or sheep; provided, however, that for each acre of property, an owner shall be permitted to keep a unit of livestock, consisting of a mother and offspring under the age of six (6) months; and provided further that, in all cases, such livestock shall be kept at a distance of further than one hundred (100) feet from the nearest private residence building or public building.

(b) It shall be unlawful for any person within the corporate limits of the city to keep or have a rooster or to have more than six (6) hens on land of less than one (1) acre. However, it shall be lawful to keep or have six (6) or less hens on land of less than one fenced (1) acre. In all cases, said hens shall be housed or kept in a structure or enclosure at a distance of a minimum twenty-five (25) feet from the nearest private residence building or public building.

(c) It shall be unlawful for any person within the corporate limits of the city with less than one (1) fenced acre to keep or have a rooster. An owner may have a rooster on land that is greater than one acre, provided there are at least six (6) hens also on the property. For each property that is at least one fenced (1) acre in size, an owner shall be permitted to keep up to one (1) rooster for every six (6) hens, not to exceed twenty (20) chickens total per acre. In all cases, said chickens shall be kept at a distance of further than one hundred (100) feet from the nearest private residence building or public building.

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Sec. 5.01.010 Keeping wild animals

It shall be unlawful for any person to keep or harbor any wild animal within the city limits; provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as may be established by the city manager or his designated representative

(a) A person commits an offense if he possesses any wild animal within the city, with the following exceptions:

(1) A governmental agency or entity performing a governmental function;

(2) A zoological park;

(3) A permitted wildlife educational center that is also in possession of all necessary state and federal permits to possess the animal and is in compliance with all restrictions of the state and/or federal permits;

(4) A registered wildlife rehabilitator in possession of an allowed indigenous wild animal who holds all necessary state and federal permits to possess the animal and is in compliance with all restrictions of this section and their state and/or federal permits;
or

(5) A permitted zoological educational outreach display that is also in possession of all necessary state and federal permits to possess the animal and is in compliance with all restrictions of this section and their state and/or federal permits.

(b) For the purposes of this chapter, the animal services director shall make the determination of whether any animal in question is a domestic animal or a wild animal and whether any wild animal is indigenous or allowed pursuant to the definitions in section 5.01.001 of this chapter.

(c) A person commits an offense if he is aware of a wild animal being possessed in the city and fails to notify Animal Services.

- d) Each violation of this provision shall be a separate violation on a per diem basis. Each day that a wild animal is found in the city shall constitute a separate violation.

Sec. 5.01.011 Maintenance of pens and enclosures

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- (c) All pens and enclosures wherein hens are kept on land of less than one (1) acre shall be designed, erected, and maintained in accordance with applicable codes of the City of Seagoville. Pens and enclosures shall be a 3 or more sided structure with a minimum of one (1) square foot of roosting area per hen with a roof or cover to allow the hens to remain dry and protected from the elements and have direct access from the roofing area to an outdoor enclosure that is a minimum of ten (10) square feet of ground per hen. Pens and enclosures shall be easily accessed, constructed and maintained to reasonably prevent the collection of standing water, predator proof, thoroughly ventilated, and shall be cleaned of droppings, uneaten food, feathers, and other waste weekly or more often if needed to prevent foul odor. All pens and enclosures shall contain fresh water at all times and food in sufficient quantity and with nutritive value to maintain the health of the animal.

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Sec. 5.01.013 Animal Microchipping and Permits

- (a) The owner or keeper of any dog or cat must have the animal implanted with a registered microchip before the animal attains six (6) months of age. A dog or cat is exempt from this requirement if the dog or cat is determined to be medically unsuitable for microchipping by a licensed veterinarian in writing. If a dog or cat is determined to be medically unsuitable for microchipping, the owner shall have the dog or cat permanently marked with an identifying tattoo by a licensed veterinarian. Proof of medical unsuitability for microchipping along with the identifying tattoo number and owner's or keeper's name, address and telephone number must be provided to Animal Services within thirty (30) days of tattooing. If there is a change in contact information, the owner or keeper of a tattooed dog or cat shall update contact information with Animal Services within thirty (30) days of the date of the change in contact information. If there is a change in ownership of a tattooed dog or cat, the initial owner or keeper shall be responsible for notifying Animal Services of the change within thirty (30) days of the date of the change in ownership. The new owner or keeper shall be responsible for providing Animal Services with the new owner's or keeper's name, address and telephone number within thirty (30) days after the change in ownership, and

- (b) the owner or keeper of any dog or cat must present a vaccination certificate issued pursuant to section 5.01.014

- (c) it is a defense to prosecution under this section that:

- (1) The dog or cat owner is a nonresident of this city and is keeping the subject pet animal in the city for fewer than sixty (60) days:
- (2) The dog or cat owner has been a resident of this city for fewer than thirty (30) days; or
- (3) The dog or cat had been abandoned or lost and the temporary owner has had the dog or cat for fewer than thirty (30) days

(d) Validity of previously issued license

A currently valid dog or cat license shall continue to be valid until its expiration. On or before its expiration, the owner shall have the animal implanted with a registered microchip in accordance with the provisions of this chapter.

(e) Maintaining current microchip registration.

(1) The owner or keeper of a dog or cat shall maintain current registration with a microchip registration company and Animal Services.

(2) If there is a change in contact information of an owner or keeper of a registered microchipped dog or cat, the owner or keeper shall update contact information, including new address or telephone number, with the microchip registration company and Animal Services within thirty (30) days of the date of the change in contact information.

(3) If there is a change in ownership of a registered dog or cat, the initial owner or keeper shall be responsible for ensuring that the microchip is no longer registered in the initial owner's or keeper's name within thirty (30) days of the date of change in ownership. The new owner or keeper shall be responsible for re-registering the microchip to include any new address and telephone number and have the registration information transferred to the new owner's or keeper's name within thirty (30) days after the change in ownership.

(f) A one-time registration fee of \$25 will be charged to the owner or keeper of a dog or cat to register the microchip with Animal Services.

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Sec. 5.01.015 Confinement or quarantine of animals for rabies control

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(e) If the animal in question has a valid and current rabies vaccination, is the only animal in the household, and wasn't in violation of any provisional section of this chapter of city ordinance at the time of the exposure, the owner may be given the authority to quarantine the animal within his own home subject to inspection by the animal services department at any time during the quarantine period. If the animal services director or designee determines noncompliance has occurred approval for in home quarantine shall be revoked and the animal shall be removed from the home and isolated at the animal shelter immediately.

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Sec. 5.01.019 Permit required for pet grooming facilities.

(a) Persons wishing to operate a pet grooming facility within the city must apply for a pet grooming facility permit. A permit shall be issued if the requisite fee is paid, and the applicant complies with the following requirements:

- (1) Cold and hot water and appropriate chemicals for disinfection/sanitizing of cages, grooming tables, and grooming utensils is easily accessible to all parts of the animal housing areas;
- (2) The temperature in the animal housing areas is maintained between 60-79 degrees Fahrenheit at all times. The temperature in individual cages is maintained at a level that is healthful for the species and breed of animals being housed and adequate ventilation is maintained in all animal housing areas;
- (3) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected after each use;
- (4) When necessary, there is sufficient clean, dry bedding to meet needs of each individual animal;
- (5) All animals held overnight must be fed and watered, and all cages housing animals cleaned every day including Sundays and holidays;
- (6) Written procedures are in place to notify Animal Services of any local rabies control incident as required by section 5.01.016 of this chapter.

(b) A person commits an offense if he owns, manages, or represents a pet grooming facility that requires a permit and refuses, upon request by Animal Services during business hours, to make his animals, that portion of the premises used to house or service the animals, facilities, equipment, and any necessary registrations, veterinary records, feeding logs or permits available for inspection for the purpose of ascertaining compliance with the provisions of this chapter.

(c) A person commits an offense if he owns, operates, manages, or represents a pet grooming facility and fails to comply with any requirement set forth in section 5.01.019(a). Each animal or condition in violation of this chapter shall constitute a separate offense.

(d) A person commits an offense if he owns, manages or operates a pet grooming facility without a valid permit.

Sec. 5.01.020 Animals as Prizes, Promotions, And Novelties.

A person commits an offense if he sells, exchanges, raffles, auctions, or gives away or offers to sell, exchange, raffle, auction, or give away any live animal as:

- (1) a prize;
- (2) an inducement to enter a place of amusement or a business establishment; or
- (3) an inducement to participate in a charitable fund- raising event.

Sec. 5.01.021 Intact Animal Permit

(a) A person commits an offense if he breeds a dog or cat without a valid intact animal permit for the dog or cat. A separate permit is required for each dog or cat that the person keeps unsterilized for breeding purposes.

- (b) An intact animal permit may only be issued for a dog or cat:
 - (1) that is currently in compliance with the vaccination requirements of Section 5.01.014 of this chapter;
 - (2) that is injected with a microchip implant and registered with a national registry and Animal Services for purposes of identification and/or recovery of the animal by its owner, unless a licensed veterinarian certifies that the dog or cat should not be injected with a microchip implant for health reasons;
 - (3) whose owner:
 - (A) is a member of a purebred dog or cat club, approved by the director, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life-threatening health problems common to the breed; or
 - (B) has, at the owner's expense, satisfactorily completed a course on responsible pet ownership offered by the city or otherwise approved by the director.
- (c) To obtain an intact animal permit, a person must submit an application to the director (on a form provided by the director for that purpose) and pay an annual intact animal permit fee of \$250. The intact animal permit application must include:
 - (1) the name, address, and telephone number of the applicant;
 - (2) the location where the dog or cat is harbored;
 - (3) a description of the dog or cat;
 - (4) proof that the animal is qualified for an intact animal permit under Subsection (b) of this section; and
 - (5) any other information determined necessary by the director for the enforcement and administration of this section.
- (d) An intact animal permit expires one year after the date of issuance and may be renewed by applying in accordance with Subsection (c) of this section. If the director does not receive an application for a permit renewal within 45 days after the expiration of the permit, a \$25 late fee will be added to the permit fee.
- (e) An intact animal permit is not transferable.
- (f) A permittee commits an offense if he allows a permitted female dog or cat to have more than one litter during the permit term.
- (g) In order to prevent the overbreeding of animals, each permit authorizes the whelping of no more than one (1) litter per female dog or cat in any twelve-month period and no more than one (1) litter per domestic household in any twelve-month period.

Exception: The fee may be waived if the owner provides as proof a certificate of surgical sterilization or spaying of the female dog or cat within two (2) weeks of the breeding date or prior to whelping.

(h) A permittee commits an offense if the permittee:

(1) allows the offspring of a female dog or cat for which he holds an intact animal permit to be sold, adopted, or otherwise transferred, regardless of compensation, before the offspring have reached at least eight weeks of age and have been vaccinated against common diseases;

(2) fails to prominently display the intact animal permit number on any advertisement by the permittee for the sale, adoption, or other transfer of any dog or cat, regardless of compensation; or

(3) sells, adopts, or otherwise transfers any dog or cat, regardless of compensation and fails to:

(A) include a statement signed by the permittee attesting to knowledge of the animal's health and immunization history;

(B) prominently display the intact animal permit number on any sales receipt or transfer document;

(C) provide the intact animal permit number to any person who purchases, adopts, or receives any dog or cat from the permittee;

(D) provide written information regarding the vaccination, registration, and sterilization requirements of this chapter applicable to the dog or cat; or

(E) provide to the director (on a form provided by the director for that purpose) the name, address, and telephone number of the dog's or cat's new owner within five days after the date of the sale, adoption, or other transfer of the animal.

(i) The director shall deny or revoke an intact animal permit if the director determines that the applicant or permittee:

(1) failed to comply with any provision of this chapter; or

(2) intentionally made a false statement as to a material matter on the intact animal permit application.

(j) If the director denies or revokes an intact animal permit, the director shall notify the applicant or permittee in writing of the action and a statement of the right to an appeal. The applicant or permittee may appeal the decision of the director to the City Manager. The filing of an appeal stays an action of the director in revoking the permit until the City Manager makes a final decision.

Sec. 5.01.022 Restrictions on Unsterilized dogs and cats

(a) An owner of a dog or cat commits an offense if the animal is not spayed or neutered.

- (b) It is a defense to prosecution under Subsection (a) that:
- (1) the animal is under six months of age;
 - (2) a licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;
 - (3) the animal is being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization;
 - (4) the animal is a competition cat or competition dog;
 - (5) the animal is a service animal; or
 - (6) the owner holds a valid intact animal permit issued under Section 5.01.021 of this chapter for the animal.

Sec. 5.01.023 Permit required for zoological educational outreach display

(a) The presenter or owner of a zoological educational outreach display must apply for an annual permit from the Animal Services Department. The presenter or owner of the zoological educational outreach display or the property owner where the display is to take place must provide written notice to the Animal Services Department at least fourteen (14) days prior to the display. The written notice must include the exact dates, times, locations, transportation and housing arrangements, and animals involved in each performance or display. The display may not last longer than seven (7) days and must comply with the following conditions:

- (1) All cages or other animal housing areas are kept clean and free of wastes;
- (2) Fresh, potable water is available to all animals. Containers for food and water are cleaned and disinfected each day. All water containers shall be removable for cleaning and mounted, placed, or weighted so the animal cannot turn them over;
- (3) If indoors, the ambient temperature in the animal housing areas is maintained between 60-79 degrees Fahrenheit at all times. The temperature in individual cages is maintained at a level that is healthful for the species of animals being housed and adequate ventilation is maintained in all animal housing areas. If outdoors, the display must immediately be halted if at any time the heat index exceeds 95 degrees Fahrenheit;
- (4) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected each day. Each cage and enclosure is of sufficient strength to contain the animal being housed within it. Each cage and enclosure is locked or otherwise secured to prevent the escape of any animal being kept;
- (5) Daily feeding records are maintained to ensure that all animals are fed a proper and nutritious diet specific to the species' needs. The daily feeding records shall be maintained or posted in a readily accessible location. All veterinarians' orders must be in writing and kept on record and available for inspection during the animal display's regular business hours. In general, all animals under six (6) months of age are to be fed at least two (2) times per 24-hour

period, or as advised by a veterinarian, and all other animals must be fed at least one (1) time per 24-hour period, or as advised by a veterinarian. Food for each animal shall be served in a clean dish so constructed or mounted that the animal cannot readily tip it over and be of the type that are removable for cleaning. Disposable feeding dishes are acceptable for one-time use only. Animals that do not require daily feedings are exempt from the daily feeding requirement; however, feeding records shall be maintained and the animal shall be kept in a healthful body condition;

- (6) Animals exhibiting any sign or symptom of illness or disease, such as diarrhea, vomiting, nasal discharge, or malaise, shall immediately be removed from the animal display;
- (7) All animals being displayed must have a health certificate that was issued by a licensed veterinarian within the twelve (12) months preceding the first day of the animal display;
- (8) Each bird must have sufficient room to stand upright without touching the top of their housing area and to spread their wings fully without touching a side of their housing area. Each bird shall have access to a perch that is placed horizontal to other perches in the same cage and is of adequate size for the species being housed. The housing area must be sufficiently ventilated. The housing area must be cleaned every day and disinfected when birds are sold or otherwise transferred. Large birds shall have separate cages from smaller birds. There shall be clean water and suitable food available to the birds at all times and all troughs or other receptacles must be easily accessible to the birds and placed so that the birds cannot turn them over or defile their contents. Injured, diseased, or dead birds shall be immediately removed from housing areas holding healthy birds;
- (9) There is sufficient clean, dry bedding to meet needs of each individual animal;
- (10) All animals are fed and watered, and all cages are cleaned and disinfected every day during the animal display, including Sundays and holidays;
- (11) All animals required by the Texas State Rabies Control Act to have a rabies vaccination must have proof of being currently vaccinated against rabies;
- (12) All areas used by the presenter are thoroughly cleaned and all wastes are properly disposed of at the conclusion of the display. All manure and soiled bedding shall be removed immediately and all animal waste and specific tools for its removal must be stored in designated areas restricted from public access;
- (13) Written procedures are in place to notify the Animal Services Department of any local rabies control incident as required by section 5.01.016 of this chapter;
- (14) The zoological educational outreach display shall be divided into two (2) distinct areas that are separated by a space of no less than six (6) feet to prevent accidental contact between an animal and a spectator. The permit holder and presenter shall be responsible for controlling visitor traffic to prevent overcrowding in either of these areas;

- (15) The permit holder shall post signs and verbally notify visitors that that they are not allowed to touch, approach, or otherwise make direct contact with an animal being displayed unless specifically allowed by the permit holder or his representative;
- (16) All areas must provide adequate ventilation for both animals and people;
- (17) All displayed animals must be controlled with the restraint requirements of this section and any wild or wild Class I animals must be under direct physical control of the permit holder or his representative at all times unless the animal is confined by a transport or holding cage designed to prevent its escape. If the direct physical control is by means of a tether, it must be of proper strength to control the animal, attached via an appropriately sized and fitted collar or harness, and of a length of not more than three 3) feet. Birds may give free-flight demonstrations provided that the display is indoors and the birds are under the direct physical control of the permit holder or his representative when not in flight;
- (18) Contact with domestic and properly restrained wild animals may occur provided that the permit holder complies with all of the following:
 - a. Allows human contact with wild animals only if the wild animal is under direct supervision of the permit holder or his representative to prevent injuries to the audience and the wild animal;
 - b. Posts signs at all entry areas notifying visitors that they are entering an animal area and that they are not to eat, drink, smoke, place their hands in their mouths, or use bottles or pacifiers while in the animal area and warning visitors that senior citizens, pregnant women, young children, and persons who are immunocompromised or mentally impaired are at an increased risk of disease, illness, or injury and should take extra precautions to protect themselves;
 - c. Prohibits strollers, food, and beverages from being possessed, prepared, served, or consumed in the display area and provides storage or holding areas for these items for visitors; and
 - d. Provides hand washing stations and/or hand sanitizer for all audience members that come into direct contact with an animal. These facilities must be accessible for all visitors, including children and persons with disabilities. Hand washing stations shall comply with all local, state, and federal waste water restrictions and requirements;
- (19) Any wild animal Class I or Class II, as defined in this chapter, may not be displayed or otherwise possessed within the city, unless the possession is specifically allowed by and complies with another section of this chapter. For the purposes of this chapter, the animal services director shall make the determination of whether any animal in question is a Class I wild animal pursuant to the definitions in section 5.01.001 of this chapter;
 - a. The animal services director may allow a wild animal Class I or Class II to be displayed provided that permission to do so is requested in

writing by the permit holder at least fourteen (14) days prior to the start of the event and:

1. The wild animal Class I or Class II to be displayed is of a species that is typically less than one hundred fifty (150) pounds when fully grown, regardless of the animal's size at the time of the display;
 2. The wild animal Class I or Class II was born and raised in captivity;
 3. The wild animal Class I or Class II is not a venomous reptile unless the reptile is going to be continually contained within a locked, escape-proof cage or enclosure with solid walls to prevent contact with a person;
 4. The permit holder provides a written plan of containment, restraint, and course of action should the wild animal Class I or Class II escape;
 5. A physical barrier is in place between the wild animal Class I or Class II and the audience and no direct contact with the animal is allowed by anyone other than the permit holder or his representative;
 6. The permit holder possesses all of the necessary state and/or federal permits to possess and display all animals in the display;
 7. The animal services director is able to be at the display the entire time the wild animal Class I or Class II is on-site; and
 8. The permit holder agrees to comply with the animal services director's order to immediately stop the display and/or remove the wild animal Class I or Class II if there is any reason to believe such action is necessary;
- (20) The permit holder must make available the state and federal permits granting him the authority to possess and display domestic or wild animals, as defined in this chapter, for educational purposes;
- (21) The permit holder must provide proof of accreditation from the American Zoological Association or Zoological Association of America; and
- (22) The animal services director shall waive the permit fee if the permit holder is recognized by the Internal Revenue Service as a non-profit organization.

(b) A person commits an offense if he owns, manages, or represents a zoological educational outreach display that requires a permit and denies or refuses to make available for inspection, upon request by the Animal Services during the hour before and entire duration of the zoological educational outreach display, his animals, that portion of the premises used to

house or service the animals, the facilities for the animal display, equipment for the animal display, or any necessary registrations, records, feeding logs or permits.

(c) A person commits an offense if he owns, manages, operates, represents, or hires a zoological educational outreach display without a valid permit.

(d) A person commits an offense if he owns, operate, manages, represents, or hires a zoological educational outreach display and fails to maintain any condition in subsection (a). Each animal or condition in violation of this chapter shall constitute a separate offense.

Sec. 5.01.024 Wildlife educational centers

(a) A wildlife educational center, as defined herein, shall obtain a wildlife educational center permit from the animal services director and shall comply with any and all applicable local, federal and state regulations. The animal services director shall require the owner or operator of the center to present proof that the center has all the required federal and state permits prior to issuing the permit.

(b) Permitted wildlife educational centers shall obtain written permission from the animal services director to keep any non-indigenous wild animal or any Class I wild animal, or indigenous wild animals or any Class II wild animal, and shall meet all housing requirements set forth by the animal services director for the purposes of safely housing the animal.

(c) The animal services director shall waive the permit fee if the center is a non-profit center.

(d) A person commits an offense if he owns, operates or manages a wildlife educational center which has a permit issued by the city and he refuses, upon request by the Animal Services, to make his animals, the portion of his premises used to house or service the animals, facilities, equipment, and any necessary registrations or permits available for inspection during the establishment's regular business hours or at any other reasonable hour.

(e) A person commits an offense if he owns, operates or manages a wildlife educational center without a permit or if he owns, operates or manages a wildlife education center and fails to maintain any condition in this section. Each animal or condition in violation of this chapter shall constitute a separate offense.

Sec. 5.01.025 Wildlife rehabilitators

(a) All wildlife rehabilitators, as defined herein, shall obtain a wildlife rehabilitator permit from the animal services director and shall comply with any and all applicable federal state and local regulations regarding the handling and release of wildlife. The animal services director shall require wildlife rehabilitator to present proof that he has any required federal and state permits for wildlife rehabilitation prior to issuing the permit.

(b) A person commits an offense if he is a permitted wildlife rehabilitator and he refuses, upon request by the Animal Services, to make his animals, the portion of his premises that is used to house or service animals, facilities, equipment, and any necessary registrations or permits available for inspection during business hours. If there are no regular business hours, then the inspection may occur during reasonable hours.

(c) A person commits an offense if he operates as a wildlife rehabilitator and fails to register with the Animal Services.

(d) A person commits an offense if he operates as a wildlife rehabilitator and is in possession of:

- (1) Non-native wildlife and Class I wildlife;
- (2) Venomous reptiles;
- (3) Native wild cats, including but not limited to, ocelots, jaguarundis, margays, bobcats, and cougars;
- (4) native wild canines including, but not limited to, wolves, coyotes, and foxes;
- (5) Native javelinas, feral hogs, or deer; or
- (6) Any hybrid of any animal whose possession is prohibited by this chapter;

(e) The prohibition in subsection (d) shall not apply to the possession of deer on property that is properly zoned for livestock.

Sec. 5.01.026 Permit required for animal exhibition

(a) The presenter or owner of the animal exhibition, or the property owner where the exhibit is to take place, must apply for an animal exhibition permit at least thirty (30) business days before the performance or display and provide exact dates, times, locations, transportation and housing arrangements, and animals involved in each performance or display. Permits shall only be issued to animal exhibitions that are in possession of all state and federal permits required to present such exhibitions. A permit shall be issued and remain valid for an exhibition period of not more than seven (7) days if the animal exhibition pays the required fee and complies with the following requirements:

- (1) All cages or other animal housing areas are kept clean and free of wastes;
- (2) Fresh, potable water is available to all animals at all times. Containers for food and water are cleaned and disinfected each day. All water containers shall be removable for cleaning and mounted, placed, or weighted so the animal cannot turn them over;
- (3) If indoors, the ambient temperature in the animal housing areas is maintained between 60-79 degrees Fahrenheit at all times. The temperature in individual cages is maintained at a level that is healthful for the species of animals being housed and adequate ventilation is maintained in all animal housing areas. If outdoors, the exhibition must immediately be halted if at any time the heat index exceeds 95 degrees Fahrenheit;
- (4) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected each

day. Each cage and enclosure is of sufficient strength to contain the animal being housed within it. Each cage and enclosure is locked or otherwise secured to prevent the escape of any animal being kept;

- (5) Daily feeding records are maintained to ensure that all animals are fed a proper and nutritious diet specific to the species' needs. The daily feeding records shall be maintained or posted in a readily accessible location. All veterinarians' orders must be in writing and kept on record and available for inspection during the animal exhibition's regular business hours. In general, all animals under six (6) months of age are to be fed at least two (2) times per twenty-four (24) hour period, or as advised by a veterinarian, and all other animals must be fed at least one (1) time per 24-hour period, or as advised by a veterinarian. Food for each animal shall be served in a clean dish so constructed or mounted that the animal cannot readily tip it over and be of the type that is removable for cleaning. Disposable feeding dishes are acceptable for one-time use only. Animals that do not require daily feedings are exempt from the daily feeding requirement; however, feeding records shall be maintained and the animal shall be kept in a healthful body condition;
- (6) Animals exhibiting any sign or symptom of illness or disease, such as diarrhea, vomiting, nasal discharge, or malaise, shall immediately be removed from the animal exhibition;
- (7) All animals being exhibited must have a health certificate that was issued by a licensed veterinarian within the twelve (12) months preceding the first day of the animal exhibition;
- (8) Each bird must have sufficient room to stand upright without touching the top of its housing area and to spread its wings fully without touching a side of its housing area. Each bird shall have access to a perch that is placed horizontal to other perches in the same cage and is of adequate size for the species being housed. The housing area must be sufficiently ventilated. The housing area must be cleaned every day and disinfected when birds are sold or otherwise transferred. Large birds shall have separate cages from smaller birds. There shall be clean water and suitable food available to the birds at all times and all troughs or other receptacles must be easily accessible to the birds and placed so that the birds cannot turn them over or defile their contents. Injured, diseased, or dead birds shall be immediately removed from housing areas holding healthy birds;
- (9) There is sufficient clean, dry bedding to meet needs of each individual animal;
- (10) All animals are fed and watered, and all cages are cleaned and disinfected every day during the exhibition, including Sundays and holidays;
- (11) All animals required by the Texas State Rabies Control Act to have a rabies vaccination must have proof of being currently vaccinated against rabies;
- (12) Animals being used to give rides or doing other work are in good physical condition, including their hooves or feet, and given not less than a 30-minute break for each three (3) hours worked;

- (13) All areas used by the exhibitor are thoroughly cleaned and all wastes are properly disposed of at the conclusion of the exhibition. All manure and soiled bedding shall be removed immediately and all animal waste and specific tools for its removal must be stored in designated areas restricted from public access;
- (14) Written procedures are in place to notify the Animal Services Department of any local rabies control incident as required by section;
- (15) The animal exhibition is divided into three (3) distinct areas that are separated by barriers:
 - a. Non-animal areas: Where animals, with the exception of service animals, are not permitted;
 - b. Transition areas: Located at both entrances and exits to animal areas; and
 - c. Animal areas: Where animal contact with human beings is possible.
- (16) The animal exhibition shall be designed so that there is a single entrance transition area leading to the animal area and a separate exit transition area leading out of the animal area. The permit holder shall be responsible for controlling visitor traffic to prevent overcrowding in any of these areas;
- (17) Entrance transition areas must be designed to facilitate education. Signs shall be posted at all entry transition areas notifying visitors that they are entering an animal area and that they are not to eat, drink, smoke, place their hands in their mouths, or use bottles or pacifiers while in the animal area. Signs warning that senior citizens, pregnant women, young children, and persons who are immunocompromised or mentally impaired are at an increased risk of disease, illness, or injury and should take extra precautions to protect themselves shall also be posted in the entrance transition area;
- (18) Strollers, food, and beverages are allowed to be possessed, prepared, served, or consumed only in non-animal areas. The animal exhibition permit applicant must provide storage or holding areas for these items for visitors;
- (19) Exit transition areas must be designed to facilitate hand washing. Signs shall be posted instructing visitors to wash their hands and illustrating proper hand-washing techniques. An appropriate number of hand washing stations shall be present in the exit transitional area. Hand washing stations must be accessible for all visitors, including children and persons with disabilities. Hand washing stations shall comply with all local, state, and federal waste water restrictions and requirements. A staff member must be positioned in the exit transition area at all times to encourage hand washing;
- (20) Animal areas must provide adequate ventilation for both animals and people. Visitors may not be allowed to access animal food or water sources. Toys, pacifiers, baby bottles, strollers, food, beverages, or tobacco products may not be present in the animal area at any time. All manure and soiled bedding shall be removed immediately and all animal waste and specific tools for its removal must be stored in designated areas restricted from public access. Animals

exhibiting any sign of illness or disease, such as diarrhea, vomiting, nasal discharge, or malaise, shall immediately be removed from the animal area. No pregnant animal may be exhibited at any time. Every animal that is required by state law to have rabies vaccinations must have the appropriate documentation stating that this requirement has been met. Every animal being exhibited must have a health certificate that was issued by a licensed veterinarian within the twelve (12) months preceding the last date of the animal exhibition;

(21) Any wild animal, as defined in this chapter, may not be exhibited in any animal exhibition or otherwise possessed within the city, unless the possession is specifically allowed by and complies with another section of this chapter.

(b) A person commits an offense if he owns, manages, or represents an animal exhibition that requires a permit and denies or refuses to make available for inspection, upon request by the Animal Services Department during business hours of the animal exhibition, the animals, that portion of the premises used to house or service the animals, the facilities for the animal exhibition, equipment for the animal exhibition, including any equipment used to transport the animals, or any necessary registrations, records, feeding logs, or permits.

(c) A person commits an offense if he owns, manages, operates, represents, or hires an animal exhibition without a valid permit. Each animal or condition found in violation of this chapter during an animal exhibition that does not possess a valid permit shall constitute a separate offense.

(d) A person commits an offense if he owns, operates, manages, represents, or hires an animal exhibition under this section and fails to maintain any condition in subsection (a). Each animal or condition in violation of this chapter shall constitute a separate offense.

Sec. 5.01.027 Display of permits required

A person commits an offense if he holds a permit for an animal establishment, commercial breeder, animal exhibition, pet grooming facility, zoological educational outreach display, or wildlife educational center and fails to prominently display a copy of the current permit in a public area at all times. A person commits an offense if he holds a permit as a wildlife rehabilitator and fails to provide proof of such permit at the request of any city enforcement agent.

Sec. 5.01.028 Imminent health hazard

(a) Ceasing operations and reporting.

(1) All permit holders shall immediately discontinue operations and notify the Animal Services Department if an imminent health hazard may exist because of an emergency, such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent contagious illness outbreak, or other circumstance that may endanger public health or the health of the animals possessed in that location.

(2) A permit holder need not discontinue operations in an area that is unaffected by the imminent health hazard, provided that the unaffected area is able to be

completely separated from the affected area and no animals or the public are allowed or kept in the affected area.

- (3) If the permit holder fails to immediately cease operations, the animal services director may issue a written order to the permit holder to cease operations. Any animals found to be in the affected area shall be immediately impounded by a city enforcement agent until such time as the animal(s) can be returned to their rightful owner(s) or until the permit holder gains permission to resume operations in accordance with this chapter.
- (b) If operations are discontinued as specified under subsection (a), the permit holder shall obtain written approval from the animal services director prior to resuming operations.
- (c) A person commits an offense if they fail to comply with the requirements of subsection (a).
- (d) A person commits an offense if he resumes operations after they are discontinued without obtaining written approval as required in subsection (b).

Sec. 5.01.029 Permit revocation, denial, and appeal.

- (a) An animal services authority may issue a notice of revocation of any permit or deny an application for a permit under this chapter without prior warning, notice, or hearing if the permittee or applicant fails to meet the standards required in this chapter, refuses to make the premises or animals in his possession available for an inspection, seriously or repeatedly violates this chapter in ways that threaten the health or well-being of the permit holder's or applicant's customers, employees, neighbors, or animals in their care, or otherwise violates this chapter in any other way, if the notice:
 - (1) States the reason(s) for the revocation or denial;
 - (2) States that the permit holder may request an appeal hearing by submitting a timely request to animal services director; and
 - (3) Provides the name and the address of the animal services director to whom a request for appeal hearing may be made.
- (b) An appeal of a revocation or denial must be made in writing within fifteen (15) days of the issuance of the notice of revocation or denial of a permit. If no appeal request is received within the ten-day period, the revocation or denial of the permit becomes final.
- (c) Upon receiving an appeal, the animal services director shall hold a hearing at a time and place of his designation within fifteen (15) days of the notice of appeal being received. Based upon the recorded evidence of the hearing, the animal services director shall make a final ruling.
- (d) The decision of the animal services director shall be final.
- (e) The permittee or applicant may reapply for a new permit under this chapter at any time.
- (f) The issuance of a suspension shall be a remedy in addition to, and not in lieu of, any penalty authorized by this chapter, and shall not limit any other rights of the Animal Services

Director to pursue other enforcement actions or remedies, to address any violation of the provisions of this chapter.

Sec. 5.01.030 Retail sale of dogs and cats

(a) It is unlawful for any retail pet store or its operator to display, offer for sale, deliver, barter, auction, give away, transfer, lease, or sell any dog or cat in the City of Seagoville that is purchased, supplied or otherwise obtained from any source other than those permitted by Section 5.01.030(c) of this Chapter, including, but not limited to, from any dealer and/or breeder and/or hobby breeder.

(b) No permit or other applicable license or entitlement for use, including but not limited to the issuance of a business license, building permit, conditional use permit, or other land use approval, shall be approved and/or issued for the establishment of any retail pet store within the jurisdiction of the City of Seagoville that would engage in the retail sale of dogs and/or cats purchased, supplied or otherwise obtained from any dealer and/or breeder and/or hobby breeder.

(c) Exceptions - Permitted Sources. Nothing in this Chapter shall prevent a retail pet store or its operator from providing space and appropriate care for animals owned by or purchased directly from a publicly operated animal shelter or animal control enforcement agency, or a nonprofit humane society or animal rescue organization, and maintained at the retail pet store for the purpose of adopting and/or selling those animals to the public.

Sec. 5.01.031 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:

- (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.

Sec. 5.01 .032 Sale of dogs and cats

(a) A person commits an offense if he sells, exchanges, 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:

- (1) the dog or cat is currently vaccinated or cannot be vaccinated due to health reasons as verified by a licensed veterinarian; and
- (2) the person has a current registration receipt and registration tag for the dog or cat.

(b) It is an affirmative defense to prosecution under Subsection (a) if the person is:

- (1) animal services;
- (2) an animal welfare organization; or
- (3) an animal adoption agency.

ARTICLE 5.02 DANGEROUS DOGS

Sec. 5.02.001 Definitions

Animal control authority means Director of Animal Services or his/her designee.

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Serious Bodily Injury: an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Unprovoked: an action by a dog that is not:

- (A) in response to being tormented, abused, or assaulted by any person;
- (B) in response to pain or injury;
- (C) in protection of itself or its food, kennel, immediate territory, or nursing offspring; or
- (D) in response to an assault or attempted assault on a person.

Sec. 5.02.002 Requirements for owner

(a) Not later than the thirtieth day after a person learns that the person is the owner of a dangerous dog, the person shall:

(1)

.....

- (5) have an unsterilized dangerous dog spayed or neutered
- (6) have the dangerous dog injected with a microchip implant and registered with a national registry for dogs and Animal Services.
- (7) post a sign at each entrance to the enclosure in which the dangerous dog is confined stating "BEWARE OF DANGEROUS DOG"

(b)

Sec. 5.02.008 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.

Sec. 5.02 .009 Dangerous dog owned or harbored by minor

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.

Sec. 5.02.010 Prohibition of owning a dog determined dangerous by another jurisdiction.

- (a) A person commits an offense if he owns a dog in the city that has been determined to be a dangerous dog by any other jurisdiction.
- (b) It is a defense to prosecution under section (a) that the person owned the dog in the city prior to the date of adoption of this section.

Sec. 5.02 .011 Surrender of a dangerous dog

A person who owns a dog that has been ordered to be seized or impounded under this article commits an offense if the person does not surrender the dog to the director within the time period ordered by the director or the municipal court, whichever applies.

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ARTICLE 5.03 IMPOUNDMENT

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Sec. 5.03.004 Redemption generally

The owner of any animal which is impounded under this article may redeem the animal by paying all expenses of impoundment and keeping, together with the cost of advertising, microchipping and fines, at any time prior to the disposition of such animal in accordance with Section 5.03.006.

Sec. 5.03.005 Redemption of dogs and cats

(a) The owner of any dog or cat impounded under the terms of this article may redeem such dog or cat within seventy-two (72) hours after impoundment by paying the fees described in Section 5.03.003 and, if the dog or cat is not currently microchipped, by microchipping the animal and paying the registration fee prescribed by Section 5.01.013; provided, however, in order for the owner of a dog or cat not vaccinated and microchipped under the provisions of this chapter to obtain its release, such owner must sign a statement giving the name of the owner and the address where such dog or cat shall be immediately confined, and stating that he will have the dog or cat vaccinated and microchipped immediately in accordance with the provisions of Section 5.01.014. Failure to have such dog or cat immediately vaccinated and confined shall be grounds for the immediate return of the dog or cat to the city pound and such dog or cat may be destroyed or otherwise disposed of in accordance with this article.

(b) After the owner has failed to redeem the dog or cat within seventy-two (72) hours after impoundment, the dog or cat shall become the property of the City of Seagoville. The City Manager or

his designated representative shall retain sole authority to determine the final disposition of each animal in its custody once that animal becomes the property of the City of Seagoville.

Sec. 5.03.006 Disposition of unredeemed animals generally

(a) After the owner has failed to redeem the animal within seventy-two (72) hours after impoundment, the animal shall become the property of the City of Seagoville. The City Manager or his designated representative shall retain sole authority to determine the final disposition of each animal in its custody once that animal becomes the property of the City of Seagoville.

(b) If any animal impounded under this article is not redeemed by the owner and cannot be sold it may be given away; if an animal cannot be sold and has not been given away or redeemed, it shall be forthwith humanely destroyed.

(c) This section shall not apply to unredeemed dogs [and cats], which shall be disposed of in accord with section 5.03.007.

(d) The redemption of wild animals or animals of known vicious propensity shall not be required nor shall it be permitted. If the animal cannot be sold to a party who will keep it outside the city limits or given away to an institution suitable for the keeping and care of wild animals, it shall forthwith be humanely destroyed.

Sec. 5.03.007 Disposition of unredeemed dogs and cats

(1) Adoption

(a) The Animal Services Department shall be authorized to place for adoption dogs or cats impounded by city under the following conditions:

1. The Animal Services Director or his designee shall evaluate all animals to determine if it is an adoption candidate, based on its health, temperament, and appropriateness for vaccination. However, authorization to place a dog or cat for adoption shall not constitute a warranty of the health, temperament, or age of the animal.

2. There will be an adoption fee for all dogs and cats at an amount set by the Director of the Animal Services Department or his designee. The fee will include the cost of sterilization, vaccination, and implantation of a microchip.

3. All animals adopted from the animal services facility shall be implanted with a microchip, vaccinated against rabies according to state guidelines, and sterilized.

4. If, in the opinion of a licensed veterinarian, there is a legitimate health risk justifying the delay of sterilization, the person adopting the animal must provide a signed statement from the veterinarian stating why the sterilization should be delayed and when the procedure may be performed. A legitimate health risk cannot be based solely on the age of the animal if the animal is at least eight (8) weeks old. The owner shall provide written proof to the Animal Services of the completed sterilization within forty-eight (48) hours of the procedure.

(b) If an adopted animal dies on or before the sterilization completion date, the adopting person must provide written documentation to the Animal Services that the animal has died.

(c) If an adopted animal is lost or stolen before the sterilization date, the adopting person must provide written documentation to the Animal Services Department stating that the animal is lost or stolen and a copy of the police report, if any, of the theft. In order to be sufficient, the letter shall be

delivered to the Animal Services Department not later than the seventh (7th) business day after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the date of disappearance.

(2) Transfer to releasing agency or foster care.

(a) The Animal Services Director or his designee may transfer ownership of the animal to a releasing agency that has a signed transfer agreement for dogs and cats on file with the Animal Services Department provided that the group sterilizes and microchips the animal prior to placing it into an adoptive home.

(b) The Animal Services Director or designee may temporarily place the animal in a foster home that has a signed foster agreement for dogs and cats on file with the Animal Services.

(3) *Euthanasia*. The Animal Services Department may euthanize the animal due to the animal's health or temperament, space limitations, or as otherwise deemed necessary by the animal services director or designee.

...

ARTICLE 5.04 ANIMAL CARE

....

5.04.002 Prohibited Acts

(A) A person commits an offense if:

....

(11) Abandons any animal that he or she has possession or ownership of at the animal services facility, at any other place of business, on public property, or with any person that has not consented or has revoked consent to be responsible for the care of the animal

....

(16) Fails to reclaim any animal that he owns from the animal services facility or any person who had temporary possession of the animal

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

(a) keep any cage, pen, enclosure, or other area in which the animal is kept in a sanitary condition;
or

b) 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.

(18) 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 residents or persons due to the accumulation of animal excreta.

(B) Animals seized pursuant to this section may be impounded and the animal services authority may petition the municipal court for a hearing to determine whether the animal was inhumanely treated

and to determine the disposition of the animal. The petition shall be filed within forty-eight (48) hours of the seizure. If the court is not open during this 48-hour period, the petition shall be filed the next day the court is open for business. If a hearing is not requested, then the animal shall be returned to the owner upon request of the owner.

5.04.003 Minimum length of chains, ropes and other fixed restraints

(a) 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;
- (3) does not allow the dog access to food, water, and appropriate shelter if outside; or
- (4) does not meet the requirements for tethering a dog under Subsection (b) of this section.

(b) The following requirements apply to a dog tethered within the city:

- (1) The dog must be properly fitted with and wearing a harness or collar made of leather or nylon.
- (2) The tether must be attached to the dog's harness or collar and not directly to the dog's neck.
- (3) The tether must be at least five (5) times the length of the dog from nose to tail.
- (4) The tether may not, due to its weight, cause injury or visible discomfort to the dog.
- (5) May only be tethered for a reasonable amount of time not to exceed three (3) hours in a twenty-four (24) hour period, or no longer than necessary to complete a temporary task that required the dog to be restrained.

....”

SECTION 2. That if any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 3. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That any person adjudged guilty of an offense under this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$2,000.00. Each day that a violation continues shall constitute a separate offense.

SECTION 5. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THIS 5th day of March 2018.

APPROVED:



Dennis K. Childress, Mayor

ATTEST:



Kandi Jackson, City Secretary

APPROVED AS TO FORM:



Alexis G. Allen, City Attorney