

## Chapter 6 ANIMALS<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 6-1. Short title.

This chapter may be cited as the Denton ~~Animal Control~~Animal Services Ordinance.  
(Ord. No. 2000-460, § 1, 12-19-00)

#### Sec. 6-2. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Abandon* means to leave without human supervision, unattended, and without adequate provisions, for an unspecified amount of time.

*Animal* means all living creatures, excluding human beings, and where applicable includes birds, fish, mammals, and reptiles.

~~Animal control~~Animal Services ~~Officer~~ means the person employed by the city to represent and act for the city in the impounding of animals, controlling of stray animals, enforcement of this chapter and applicable state regulations, and as otherwise authorized herein.

~~Animal control~~Animal Services ~~Center~~ or Animal s~~helter~~ means a city-operated or designated facility for the impounding and caring of animals held under the authority of this chapter.

*Animal waste* means feces, urine, litter, bedding, spoiled food, or other animal matter that causes foul odors, attracts vermin or encourages their reproduction.

**Commented [MS1]:** Updated definitions to industry standard, removed definitions that were redundant or not used in the ordinance, and added definitions that were needed for new portions of ordinance.

<sup>1</sup>Editor's note(s)—Ord. No. 2000-460, § 1, adopted Dec. 19, 2000, repealed ch. 6, arts. I—IV, §§ 6-1—6-38, 6-51—6-60, 6-76—6-78, 6-86—6-89, in its entirety and enacted new provisions as herein set out. Former ch. 6 pertained to similar subject matter and derived from the 1966 Code, §§ 4-1—4-7.1, 4.8—4-19.2, 4-20—4-22.2, 4-23, 4-31—4-34, 4-41—4-53, 12-17(e), 12-31—12-33; Ord. No. 85-73, § I, adopted April 2, 1985; Ord. No. 89-115, §§ I(4-5, 4-6), II, adopted Sept. 5, 1989; Ord. No. 90-188, § II(12-36—12-40), adopted Nov. 20, 1990; Ord. No. 91-174, § II(20-81), adopted Nov. 5, 1991; Ord. No. 93-012, §§ I—III, adopted Jan. 19, 1993; Ord. No. 94-069, §§ I—III, adopted April 19, 1994; Ord. No. 94-146, §§ I—III, adopted Oct. 2, 1990; Ord. No. 96-166, § I, adopted July, 16, 1996; Ord. No. 99-216, § 1, adopted June 15, 1999; and Ord. No. 99-290, § 1, adopted Sept. 7, 1999.

Cross reference(s)—Health and human services generally, Ch. 14; parks and recreation generally, Ch. 22; animals in parks, § 22-30.

State law reference(s)—Animals, ~~V.T.C.A.Texas, Texas~~ Health and Safety Code § 821.001 et seq.; rabies control, ~~V.T.C.A.Texas, Texas~~ Health and Safety Code § 826.001 et seq.

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

At large or running at large means an animal ~~that is not legally restrained, not kept within an enclosure or fenced area or restrained by a leash of sufficient strength and length to control the actions of said animal.~~

The term "at large" does not apply to an animal that is lawfully in any off-leash site or dog park authorized by the City of Denton or the City of Denton Code of Ordinances, so long as the person with care, custody, or control of the animal is in compliance with all other requirements of the Denton Code of Ordinances. This definition does not apply to an indigenous wild or feral animal.

Bodily injury means physical pain, illness, or any impairment of physical condition.

Building means any structure or enclosure intended for use or occupation as a habitation or for some purpose of trade, manufacture, ornament, or use.

Cat means ~~an animal~~ a domesticated member of the feline species, both male and female, other than a lion, tiger, bobcat, jaguar, panther, leopard, cougar or other prohibited feline, or any hybrid thereof.

Circus or carnival means a commercial variety show featuring animal acts for public entertainment.

City means the City of Denton, ~~Texas~~TexasTexas.

Commercial kennel means any premise wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs and cats.

Dangerous dog means a dog that:

(a) makes an unprovoked attack on a person or legally restrained domestic animal or livestock that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own.

(b) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

For the purposes of the definition of a dangerous dog, an attack by a dog that is in response to being tormented, abused, or assaulted by any person or is in response to the dog's owner being assaulted, shall not be considered an unprovoked attack.

Dog means ~~an animal~~ a domestic member of the canine species, both male and female, other than a wolf, jackal, fox, dingo, coyote, or other prohibited canine, or any hybrid thereof.

Domestic animal means all species of animals commonly and universally accepted as being domesticated.

E/AID means ~~electronic animal identification device commonly referred to as a microchip.~~

Enclosure means a fenced area or structure that physically blocks the escape of an animal contained therein. Additionally, in non-rural zoning districts, an enclosure must serve as a physical barrier to the entry of adults, children, and dogs.

Equestrian developments means ~~residential developments which are designed to accommodate equestrian activities and which provide such facilities as community stables, riding rings, pastures, and riding trails. In addition, private stables may be located on individual residential lots.~~

Estray means any stray livestock.

Commented [MS2]: Not used in the ordinance.

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*Feral cat* means a cat that is not socialized or has reverted back to a wild state, (1) born in the wild or is the offspring of an owned or feral cat and is not socialized, (2) is a formerly owned cat that has been abandoned and is no longer socialized, or (3) lives on a farm.

*Feral cat caretaker* means a person other than the owner, who provides food, water or shelter to, or otherwise cares for, a feral cat.

*Feral cat colony* means a group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

*Ferret* means a domesticated animal of the Mustela putorius family, both male and female.

*Fowl* means any species of feathered animals which are normally suited for, or kept or used on, a farm, a ranch, or similar setting for agricultural purposes such as food or food production, animal husbandry, and production of clothing material, commerce, or other similar purpose, regardless of age, breed, or sex, unless stated herein, or determined by the ~~animal control~~Animal Services eOfficer. The following and similar species shall be considered to be fowl regardless of age, breed, or sex, unless otherwise stated herein or determined by the ~~animal control~~Animal Services eOfficer: chickens, ducks, game hens, geese, guineas, peafowl, pheasant, quail, swans, and turkey.

*Habitation* means a structure that is adapted for the overnight accommodation of persons.

*Harbor* means the act of keeping and or caring for an animal or of providing premises to which the animal returns for food, shelter, or care, for a period of at least three (3) days, or protection from impoundment.

*Hybrid* means the offspring of two (2) animals of different species.

Humane trap means any trap designed to capture an animal without injury.

*Legally restrained* means kept within a secure enclosure or fenced area of sufficient height, strength, and/or manner of construction to preclude the animal from leaving the premises or restrained by a leash of sufficient strength and length not to exceed six (6) feet to control the actions of an animal.

*Livestock* means any species of animals which are normally suited for, or are kept or used on, a farm, ranch or similar setting for agricultural purposes such as animal husbandry, food or food production, production of fiber or clothing material, riding, driving, pulling, hauling, commerce, or similar purpose. For purposes of this chapter, the following or similar species of animals shall be considered to be livestock, regardless of age, breed, or sex, unless otherwise stated herein or determined by the ~~animal control~~Animal Services eOfficer: bovine, equine, goats, sheep, swine.

*Owner/caretaker* means any person owning, keeping or having custody or control of, or who has primary responsibility for the care of, or right of property in, an animal.

*Police canine* means any dog trained or being trained for law enforcement purposes, which is under the care, custody, and control of a law enforcement officer.

*Possession* means actual care, custody, control or management of an animal regardless of duration of time.

*Premises* means any parcel of land that is owned, leased, or otherwise controlled by a person.

*Prohibited animal* means any species of animals whose sale, display, or possession within the city limits is unlawful. The following or similar species of animals, including their hybrids, shall be considered prohibited:

- (1) *Class Reptilia*. Family Helodermatidae~~s~~ (the venomous lizards); family Viperidae (rattlesnakes, pit vipers and true vipers); family Elapidae (coral snakes, cobras and mambas); family Colubridae—*Dispholidus typus* (boomslang~~s~~), *Cyclagras gigas* (water cobra) and *Bioga dendrophila* (mangrove snake) only; order ~~Phidia~~-*Pythonidae* (racers, boas, water snakes and pythons) except ball pythons; order Crocodylia (crocodiles, alligators, caimans and gavials);

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- (2) *Class Aves*. Subdivision Ratitae (such as ostriches, rheas, cassowaries and emus);
- (3) *Class Mammalia*. Order Chiroptera, including bats; Order Carnivora, family Felidae (such as ocelots, margays, tigers, jaguars, leopards and cougars), except commonly accepted domesticated cats; family Canidae (such as wolves, dingos, ~~foxes~~, coyotes and jackals), except domesticated dogs; family Mustelidae (such as weasels, martens, minks, badgers), except domesticated ferrets; family Procyonidae (raccoons); 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).

*Prohibited animal* does not mean a psittacine bird, canary, finch, hamster, guinea pig, rat, mouse, gerbil, ~~sugar glider, hedgehog, ball python~~ or reptile families Leptotyphlopidae and Colubridae.

*Protective custody impound* means the impoundment of an animal as the result of a fire, medical emergency, hospitalization, custody arrest, or other natural or manmade situation that leaves the owner, ~~harborer~~ ~~caretaker~~ ~~caretaker~~ or person otherwise in possession of animal incapable of maintaining control of, or caring for, the animal.

*Public place* means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, sidewalks, highways, alleyways, parks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

*Quarantine* means the strict isolation of a biting animal or ~~an animal that has potentially exposed a person to rabies suspected of being rabid~~ in a closed cage or pen in a manner that prevents physical contact between the animal and all other animals and humans ~~for a full two hundred and forty (240) hours from the time of bite or exposure~~.

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

*Sterilization* means the surgical removal of the reproductive organs of an animal to render it unable to reproduce.

*Stray animal* means any animal for which there is no identifiable owner or ~~harborer~~ ~~caretaker~~ ~~caretaker~~ which is found to be at large within the corporate limits of the city.

~~*Strict isolation* means to confine an animal in a closed cage or pen in a manner which prevents physical contact with other animals or people for a period of time specified by the animal control officer.~~

*Tethered* means an animal attached to a stationary object by a chain, cable or similar device commonly used for the size and type of animal involved. An animal is not considered tethered when the animal is attached to a stationary object, as long as the owner or custodian is physically within reach of the animal. ~~Any tethering device used to tether an animal must be at least ten (10) feet in length.~~

*Vaccinated* means an animal properly injected by a licensed veterinarian with a rabies vaccine licensed for use in that species of animal by the United States Department of Agriculture (USDA).

*Vermin* means flies, ticks, fleas, lice, rats, mosquitoes or other small animal or insect which may be annoying, destructive, or injurious to health.

(Ord. No. 2000-460, § 1, 12-19-00; Ord. No. 2003-309, § 2, 9-16-03; Ord. No. 2006-330, § 1, 12-12-06; Ord. No. 2008-059, § 1, 3-4-08; Ord. No. 2016-217, § 1, 8-2-16; Ord. No. 21-2634, § 1, 12-14-21)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

### Sec. 6-3. Exemption of city officials from liability.

All of the regulations provided in this chapter and the functions and duties of all officers, agents, servants or employees of the city in the enforcement of this chapter are declared to be governmental and for the benefit, health and welfare of the general public. Any city official or employee charged with the enforcement of this article, acting for the city in the discharge of ~~his~~~~their or her~~~~their~~ duties, shall not thereby render ~~himself or herself~~~~themselves~~ personally liable by the performance of any act required or permitted in the discharge of ~~his~~~~their or her~~~~their~~ duties.

### Sec. 6-4. Enforcement.

- (a) The city authorizes ~~animal control~~Animal Services eOfficers to enforce the provisions of this article and to act as the local ~~health-rabies control~~ authority and ~~animal control~~animal services authority in enforcing the provisions of applicable sections of the ~~V.T.C.A.Texas;Texas~~ Health and Safety Code.
- (b) The authority of an ~~animal control~~Animal Services eOfficer includes, but is not limited to:
  - (1) The authority to issue citations and swear out summonses for any violation of this article and any other power or duty stated within the terms of this article;
  - (2) The humane ~~destruction~~euthanasia of an animal which is diseased or has been seriously injured to the degree that ~~destruction-euthanasia~~ is the most humane course of action or when an animal poses an imminent danger to a person or property;
  - (3) The impoundment of an animal under provisions of this article or when the animal is diseased and endangers the health of a person or another animal; and
  - (4) The pursuit of animals running at large onto private property, excluding entrance into a habitation without the effective consent of the owner, while enforcing the provisions of this article and to enter onto private property and commercial animal establishments to enforce regulations covered in this article.
- (c) It shall be unlawful for any person to intentionally and knowingly interfere with an ~~animal control~~Animal Services eOfficer in the performance of ~~his~~~~their or her~~~~their~~ duties.
- (d) It shall be unlawful for any person to fail to comply with any lawful order of an ~~animal control~~Animal Services eOfficer of the city.
- (e) It shall be unlawful for any person, upon being issued a citation, to give an ~~animal control~~Animal Services eOfficer a false name or a false address.
- (f) It shall be unlawful for any person to remove, altar, damage or otherwise tamper with a trap or other equipment that is placed on any property by an ~~animal control~~Animal Services officer for the purpose of exercising the authority, or performing any duty, prescribed by this article.
- (g) It shall be unlawful for any person to intentionally and knowingly misrepresent, to Animal Services Staff, any and all information on any animal(s) being brought into the shelter or misrepresentations made to any Animal Services Officer in the field.

(Ord. No. 2000-460, § 1, 12-19-00)

### Sec. 6-5. ~~Animal control~~Animal Services eCenter or Animal sShelter.

The city council shall select and establish facilities in the city for impoundment, placement, adoption, maintenance and humane ~~destruction~~euthanasia of stray, at large, diseased, and dangerous animals.

**Commented [MS3]:** This provision reduces the chance that people will hide potentially dangerous history of pets they are releasing to the shelter. It will also reduce the number of people claiming an owned animal is a stray they have found.

(Ord. No. 2000-460, § 1, 12-19-00)

**Sec. 6-6. Animal shelter advisory committee—Creation.**

- (a) There is hereby established and created the animal shelter advisory committee to be composed of seven (7) members who shall meet the following qualifications:
  - (1) One (1) licensed veterinarian who has a principal place of business or a residence in the City of Denton;
  - (2) One (1) city official;
  - (3) One (1) person who is employed by the City of Denton Animal Shelter;
  - (4) One (1) representative of an animal welfare organization; and
  - (5) Three (3) people who meet the minimum qualifications to serve on a board or commission of the city.
- (b) Each member shall serve a term of office of two (2) years from the date of ~~his~~~~their~~~~or~~~~her~~~~their~~ appointment, and terms shall be staggered. The veterinarian and City of Denton Animal Shelter employee appointed to the animal shelter advisory committee are not required to be qualified voters in the City of Denton, ~~Texas~~~~Texas~~~~Texas~~. This section shall supersede section 2-61 as it relates to the appointment of the licensed veterinarian and the City of Denton Animal Shelter employee. ~~and their qualification to vote in the City of Denton.~~

(Ord. No. 2000-460, § 1, 12-19-00; Ord. No. 2006-330, § 2, 12-12-06; Ord. No. 22-055 , § 1, 1-25-22)

Charter reference(s)—Boards and commissions, § 14.16.

Cross reference(s)—Boards, commissions and committees, §2-61 et seq.

**Sec. 6-7. Same—Purpose; meetings.**

- (a) It shall be the purpose of the animal shelter advisory committee to assist the city in complying with the requirements of the animal shelter act, ~~V.T.C.A~~~~Texas~~. Health and Safety Code § 823.005, and to make recommendations to the city council regarding methods and procedures necessary to ensure compliance with the Act.
- (b) The committee shall meet ~~no less~~~~at least~~~~than~~ three (3) times per year.

(Ord. No. 2000-460, § 1, 12-19-00)

**Sec. 6-8. Restraining animals and tethering animals.**

- (a) It shall be unlawful to stake or restrain any domestic animal outside on a leash, tether, chain or similar apparatus unless a person who is in control, custody, or caring for the animal remains with the animal throughout the period of restraint. This prohibition shall apply to public and private property.
- (b) It shall be unlawful for any person who is in control, custody, or caring for any animal to permit the animal to run at large in the city or to trespass upon the premises of any other person.
- (c) It shall be unlawful for any person who is in control, custody, or caring for any animal to leave the animal unattended in a public place.
- (d) It shall be unlawful for any person who is in control, custody, or caring for any animal to leave the animal restrained by a leash, attended or unattended, in any manner that allows the animal to enter the private property of another without the effective consent of the owner.

**Commented [MS4]:** Stricken as voter registration is no longer a requirement to serve.

- (e) Subsections (a) through (d) do not apply to police canines.
- (f) It shall be unlawful to attach a collar or harness to a domestic animal that chokes, pinches or harms the animal.
- (g) It shall be unlawful for any animal to be attached to a chain or tether that weighs ten percent or more of the animal's body weight.
- (h) It shall be unlawful to tether any animal in the open bed of a pickup style vehicle that is open to the elements, unless the vehicle is a livestock trailer designed for the purpose of transporting livestock.

(Ord. No. 2000-460, § 1, 12-19-00; Ord. No. 2006-330, § 3, 12-12-06; Ord. No. 2020-2235, § 1, 11-10-20; Ord. No. 2021-010, § 2(Exh. A), 1-5-21)

**Sec. 6-9. Animal nuisances.**

It shall be considered a public nuisance and unlawful for any person to:

- (1) ~~(1)~~ Harbor, keep, or control any animal on their premises which by frequent, long, or continued barking, howling, or crowing creates noise to the degree that the noise interferes with the reasonable right to the use and enjoyment of adjacent property by its occupants.
  - a. If a person resides on a property within 300 feet of an animal creating a nuisance, they may file a complaint with the Animal Services Department. If the nuisance persists, that person may fill out a witness complaint packet and provide any audio/visual evidence to an Animal Services Officer for the issuance of citations.
- (2) Keep any animal in such a manner as to endanger the public health in the following ways:
  - a. By the accumulation of organic animal wastes which cause foul and offensive odors;
  - b. By being a hazard to any other animal or human being; or
  - c. By keeping animal pens, stables or enclosures in an unsanitary condition.
- (3) Keep bees in such a manner as to deny the reasonable use of adjacent property or endanger personal health and welfare.
- (4) Be the owner of a dog or cat that has been impounded three (3) or more times or proven to be at large three (3) or more times.
  - a. Any dog or cat that is impounded three (3) or more times or proven to be at large three (3) or more times may be declared a nuisance.
  - b. If an Animal Services Officer declares a dog or cat to be a nuisance under Sec. 6-9 (4)a, the dog or cat must be permanently removed from the corporate city limits of Denton within thirty (30) days of notification. An owner may appeal the declaration of nuisance by filing a written request with the Denton Municipal Court within ten (10) days of notification. A hearing must be held within ten (10) days from the filing of the appeal. If the court finds the dog or cat is a nuisance, the dog or cat must be permanently removed from the corporate city limits of Denton within thirty (30) days of the Court's order. Every day the animal remains past the thirty (30) days constitutes a new violation.

(Ord. No. 2000-460, § 1, 12-19-00)

Cross reference(s)—Noise generally, § 20-1.

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**Commented [MS5]:** This is a tool to prevent repeat offenders that are doing nothing to mitigate the issue. This is a last tool in the toolbox to reach for to protect the community from a dog that habitually runs at large, as well as protecting that animal from the dangers of running at large such as being hit by a car.

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**Sec. 6-10. Defecation of dogs on public and private property.**

- (a) An owner, ~~harborer~~caretaker, or other person in possession of a dog commits an offense if he knowingly permits, or by insufficient control allows, the dog to defecate in the city on private or public property and fails to remove and dispose of any excreta the dog deposits.
- ~~(b) An owner, harborer~~caretaker, or other person in possession of a dog commits an offense if he:
  - ~~(1) Knowingly permits the dog to enter or be present on private property located in a public place; and~~
  - ~~(2) Fails to have in his~~their possession materials or implements that, either alone or in combination with each other, can be used to immediately and in a sanitary and lawful manner both remove and dispose of any excreta the dog may deposit on the property.
- (c) It is a defense to prosecution under subsection (a) or (b) that:
  - (1) The property was owned, leased, or controlled by the owner, ~~harborer~~caretaker, or person in possession of the dog;
  - (2) The dog ~~was is~~ specially trained, in accordance with state and federal laws, to assist a person with a disability that is physically unable to remove the excreta and was in the possession of that disabled person at the time it defecated or was otherwise present on the property;
  - (3) The owner or person in control of the property had given prior consent for the dog to defecate on the property; or
  - (4) The dog is a police canine being used in official law enforcement activities.

(Ord. No. 2000-460, § 1, 12-19-00)

**Sec. 6-11. Confinement of stray animals by individual.**

If a stray animal is found upon the premises of another or running at large, the occupant of the premises, or person discovering the animal running at large, may confine the animal only for so long as reasonably necessary to notify the ~~animal control~~Animal Services eCenter and have the animal impounded, or deliver said animal to the ~~animal control~~Animal Services eCenter. In attempting to confine the animal, the ~~occupant person~~ shall not use any force that is intended or known by the ~~occupant person~~ to cause or be capable of causing ~~or~~ in the manner of its use or intended use ~~is capable of causing~~ death or injury to the animal.

(Ord. No. 2000-460, § 1, 12-19-00)

**Sec. 6-12. Animal care generally.**

Animals shall be cared for, treated and transported in a humane manner and not in violation of ~~V.T.C.A.Texas~~ Penal Code § 42.11, ~~V.T.C.A.Texas~~ and the Texas Health and Safety Code, Tit. 10, or any other provision of law, including federal, state and local laws, ordinances and rules.

- (1) It shall be unlawful for any person to intentionally or knowingly abandon any animal within the corporate limits of the city. Any person violating this section shall bear the full costs and expenses incurred by the city in the care of the abandoned animal and the person shall reimburse the city all costs as determined by the ~~animal control~~Animal Services eOfficer.
- (2) It shall be unlawful for any person to intentionally or knowingly confine or allow to be confined any animal in a motor vehicle or trailer under such conditions or for such periods of time as may endanger the health or well-being of the animal due to heat, lack of food or water or any other circumstances



which might cause suffering, ~~injury,~~ disability, or death. An ~~animal-control~~Animal Services eOfficer who reasonably believes that an animal is in a motor vehicle or trailer under such circumstances is authorized to enter the vehicle to remove the animal and transport the animal to the ~~animal control~~Animal Services eCenter.

- (3) It shall be unlawful for any person to keep or harbor any animal which is inflicted with any dangerous or communicable disease, or which is in a painfully crippled or diseased condition, that to keep said animal alive would be considered inhumane. All such animals shall be humanely ~~destroyed~~euthanized by a licensed veterinarian or turned over to the ~~animal-control~~Animal Services eCenter to be humanely ~~destroyed~~euthanized.
- (4) It shall be unlawful for any person to knowingly color, dye, stain or otherwise change the natural color of any chicken, duckling, other fowl, rabbit, or aquatic turtle or to possess for the purpose of sale, exchange, or gift any of the above-mentioned animals which have been so colored.
- (5) It shall be unlawful for any person to knowingly sell, offer for sale, exchange or give away any chicken, duckling or other fowl, rabbit or aquatic turtle younger than eight (8) weeks of age as a toy, premium, novelty or pet unless the manner or method of display is first approved by the ~~animal-control~~Animal Services officer~~Manager or their designee~~.
- (6) It shall be unlawful for any person to produce or participate in the production of a circus, carnival, or other performing animal exhibition in which an animal is induced or encouraged to perform through the use of a chemical, mechanical, electrical, or manual device in a manner which causes or is likely to cause physical injury or suffering.
- (7) It shall be unlawful for any person, firm or corporation to raise or kill a cat, dog, ferret, or rabbit for the skin or fur.
- (8) It shall be unlawful for any person, firm or corporation to mutilate any live animal.
- (9) It shall be unlawful for any person other than a licensed veterinarian to dock the tail or crop the ears of any animal.
- (10) A person commits an offense if he:
  - a. Beats, cruelly treats, torments, mentally abuses, overloads, overworks, or otherwise abuses an animal;
  - b. Causes, instigates, or permits any dog fight, cock fight, bull fight, or other combat between animals or between animals and humans;
  - c. Fails to provide an animal in ~~his~~their possession with adequate wholesome food and water, ~~proper~~appropriate shelter and protection from inclement weather, and veterinary care ~~when~~ needed to prevent suffering;
  - d. While transporting an animal in a vehicle, fails to restrain the animal in a manner that prevents the animal from leaving the vehicle or being accidentally thrown from the vehicle; or
  - e. Treats an animal in an inhumane or cruel manner as defined by ~~V.T.C.A. the Texas~~ Penal Code § 42.09 or ~~V.T.C.A. Texas~~ Health and Safety Code, Ch. 821.

~~(11) It is an exception to the application of this section if, at the time of the conduct charged, the actor:~~

- ~~a. Was a licensed veterinarian engaged in the legitimate practice of veterinary medicine; or~~
- ~~b. Was engaged in bona fide experimentation for scientific research.~~

(Ord. No. 2000-460, § 1, 12-19-00)

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(Supp. No. 33, Update 5)

**Sec. 6-13. Vaccination of cats, dogs, and ferrets.**

- (a) Every owner of a dog, cat, or ferret, four months of age or older, shall have such animal vaccinated against rabies, with ~~an antirabies~~ rabies vaccine approved by the Texas Board of Health. Only a licensed veterinarian, or their designee under direct supervision, shall administer the vaccine, ~~whether the vaccine is of the modified live virus or the inactivated type.~~
- (b) Upon vaccination, the administering veterinarian shall execute and furnish to the owner of the cat, dog, or ferret as evidence thereof, a certificate of vaccination ~~and a tag~~ that contains a serial number and expiration date to correspond with the ~~vaccination certificate number~~ vaccine administered, as well as a tag containing the issuing clinic's name and phone number and a unique ID number. The owner shall place the rabies tag on the animal's collar or harness while the animal is outside the owners residence.
- (c) All such cats, dogs, or ferrets shall be revaccinated at intervals approved and accepted by the ~~veterinarian community~~ State of Texas. The owner shall provide sufficient proof to the Animal Services Unit of the City of Denton of valid rabies vaccination in compliance with all state laws. ~~Any person establishing residence within the City of Denton shall comply with this section within ten (10) days of establishing such residency.~~
- (d) If an unvaccinated cat, dog, or ferret inflicts a bite, scratch, or otherwise ~~attacks~~ potentially exposes any person to rabies within the city limits, a rabies vaccine shall not be administered to the cat, dog, or ferret until the conclusion of a ~~ten (10) day~~ two hundred and forty (240) hour quarantine period, beginning with the date and time of the bite, scratch, or ~~attack~~ exposure.
- (e) It shall be unlawful for a person to knowingly possess a dog, cat, or ferret that has not been vaccinated against rabies as prescribed by this section.
- (f) It shall be unlawful for a person to knowingly use a certificate of vaccination or tag of any dog, cat, or ferret other than the one for which it was issued.
- (g) It shall be unlawful for a person to alter or obliterate any information contained in a certificate of vaccination or on a vaccination tag.
- (h) It shall be unlawful for the owner of a dog, cat, or ferret to fail or refuse to present a valid vaccination certificate from a licensed veterinarian to an ~~animal control~~ Animal Services ~~officer~~ Officer, upon request, that such animal is currently vaccinated against rabies as required by this section.

(Ord. No. 2000-460, § 1, 12-19-00; Ord. No. 2006-330, § 4, 12-12-06)

**Sec. 6-14. ~~Registration~~ Microchipping of cats, and dogs, and ferrets required.**

- (a) Every owner of a cat, ~~or dog, or ferret~~, which is four (4) or more months of age and is kept in the city, ~~shall have their pet microchipped and registered with the corresponding microchip company~~ register the animal with the animal control center.
- (b) Every cat or dog impounded at the Animal Services Center, that is not microchipped upon intake, will be implanted with a microchip before release.
- (c) Animal Services Center will offer microchip implanting and registration of the implanted microchip to the public at a fee set by city council and maintained on record in the city secretary's office.

In order to register a cat, dog, or ferret, the owner, or his ~~their~~ designee, shall:

- (1) Provide a current rabies vaccination certificate issued by a licensed veterinarian that contains identifying information regarding the animal including, but not limited to, breed, sex, and sterilization information;

**Commented [MS6]:** There are now many more types of vaccines. Not needed to list them.

**Commented [MS7]:** Registration is an outdated concept that is more of a time consumer than a revenue generator. By changing the registration requirement to a microchip requirement, you take the data entry and tracking off of front line staff and put it with the microchip database registry. Microchips have become an industry standard method of animal identification and tracking. The City is able to offer microchipping (including registration of that microchip) to the public at a nominal fee.

- 
- ~~(2) Present a valid picture identification card issued to him by a state; and~~
  - ~~(3) Pay a registration fee as established by the city council and maintained on file in the office of the city secretary.~~
  - ~~(c) Upon registration, the animal control center shall execute and furnish to the owner of the cat, dog or ferret as evidence thereof, a certificate of registration and a tag that contains a serial number to correspond with the registration certificate number. The owner shall place the registration tag on the animal's collar or harness while the animal is outside the owner's residence. If the tag is lost or destroyed, the owner shall obtain a duplicate upon payment of a fee established by the city council and on file in the office of the city secretary.~~
  - ~~(d) It shall be unlawful for a person to knowingly possess a dog, cat, or ferret that has not been registered as prescribed by this section.~~
  - ~~(e) It shall be unlawful for a person to knowingly use a certificate of registration or tag of any dog, cat, or ferret other than the one for which it was issued.~~
  - ~~(f) It shall be unlawful for a person to alter or obliterate any information contained in a certificate of registration or on a registration tag.~~
  - ~~(g) It shall be unlawful for a person who owns or harbors a dog, cat, or ferret to fail or refuse to present proof to an animal control officer, upon request, that such animal is currently registered as required by this section.~~
  - ~~(h) The animal control center shall waive the prescribed registration fees for owners under the following conditions:
    - ~~(1) The registration of an animal trained to assist the hearing impaired, visually impaired, or physically impaired;~~
    - ~~(2) The registration of a dog employed as a police canine by a law enforcement agency;~~
    - ~~(3) The registration of a spayed or neutered animal by a resident sixty five (65) years of age or older; or~~
    - ~~(4) The registration of a spayed or neutered animal which has had a microchip implanted.~~~~
- ~~The eligibility for a waiver of the registration fee does not relieve the owner of his/her responsibility to register a dog, cat, or ferret as prescribed by this section.~~
- ~~(i) For purposes of this section, "temporarily" means a period of time not to exceed sixty (60) days. This section does not apply to:
    - ~~(1) Non residents of the city who stay within the city limits temporarily; or~~
    - ~~(2) Residents who may harbor an animal temporarily.~~~~

(Ord. No. 2006-330, § 5, 12-12-06)

### **Sec. 6-15. Impounding of cats, dogs, and ferrets.**

- (a) ~~An animal control officer shall have the authority to impound any animal found running at large. Animal Services Officers are authorized to enter property, other than a private dwelling, for the purpose of pursuing an animal running at large. is authorized to impound any animal which is running at large within the city or for which impoundment is otherwise authorized by this article or state law. Where an animal is running at large in a public place, the impounding officer may enter upon the public place for the purpose of impoundment or issuance of a citation or both, unless the officer has notice that entry is forbidden. In no case, however, shall an animal control officer enter a habitation on private property without the effective consent of the owner, or the order of a magistrate, or as otherwise allowed by state law.~~

- (b) Any impounded animal which has been seriously injured or is seriously ill may be euthanized immediately to prevent suffering, or given to a non-profit ~~humane animal welfare~~ organization for the purpose of veterinary medical care, as determined by the ~~animal control~~ Animal Services Manager or their designee/officee. The animal shelter shall not be responsible for providing veterinary care for any sick or injured animal.
- (c) Any ~~nursing baby/unweaned~~ animal impounded without the mother or where the mother cannot or refuses to provide nutritious meals may be immediately euthanized to prevent suffering or given to an individual to foster until able to be placed for adoption or given to a non-profit ~~humane animal welfare~~ organization for the purpose of caring for said animal.
- (d) The owner of any animal impounded under the terms of this article shall have the right to redeem same, unless otherwise prohibited by this article.
- (e) Animals impounded in accordance with this section shall be held at the ~~animal control~~ Animal Services eCenter for a minimum of ~~ninety-six (96)~~ seventy-two (72) hours. If the owner does not redeem the animal before the holding period expires, the animal shall become the property of the ~~animal control~~ Animal Services eCenter and the ~~animal control~~ Animal Services center shall ~~dispose of~~ disposition the animal through adoption, transfer to an animal ~~rights-welfare~~ organization, or euthanasia.

**Commented [MS8]:** Reducing the hold period for strays to industry standard of 72 hours. Most animals that are going to be reclaimed are done so within 24 hours. This will help reduce overall length of stay.

(Ord. No. 2000-460, § 1, 12-19-00)

State law reference(s)—Restraint and impoundment of dogs and cats, Vernon's Ann. Civ. St. art. 4477-6a, § 3.08)

#### Sec. 6-16. Protective custody impounds.

- (a) If an animal is impounded as the result of a fire, medical emergency, hospitalization, custody arrest, or other natural or manmade situation that leaves the owner, ~~harborer/caretaker~~ or person otherwise in possession of the animal temporarily incapable of maintaining control of, or caring for, the animal, an ~~animal control~~ Animal Services officer may impound the animal and house it at the ~~animal control~~ Animal Services center.
- (b) The owner, ~~harborer/caretaker~~ or the person that was in possession of the animal will be notified of the location of the animal, the conditions under which the animal may be released, and that the animal will be held for a period of ~~ninety-six (96)~~ seventy-two (72) hours. If the owner, or ~~his~~ their designee, has not claimed the animal within ~~ninety-six (96)~~ seventy-two (72) hours, the animal becomes the property of the city to be disposed of by the ~~animal control~~ Animal Services eCenter through adoption, transfer to an animal ~~welfare/rights~~ organization, or euthanasia.
- (c) Owners, or their designees, shall fulfill all the requirements for redemption as prescribed by this article.

(Ord. No. 2000-460, § 1, 12-19-00; Ord. No. 2006-330, § 6, 12-12-06)

#### Sec. 6-17. Requirements to redeem a dog, cat, or ferret.

- (a) To redeem a dog, cat, or ferret impounded under the provisions of this article, the owner, or ~~his~~ their ~~their~~ designee, shall:
  - (1) Provide a current rabies vaccination certificate issued by a licensed veterinarian that contains identifying information regarding the animal including, but not limited to, breed, sex, and sterilization information;
  - (2) Present a valid picture identification card issued to ~~him~~ them by a ~~state~~ governmental agency;
  - (3) Pay impound and holding fees as established by the city council and maintained on file in the office of the city secretary; and

- (4) If not the owner, present sufficient authorization to take possession of the animal.
- (b) If the owner, or ~~his~~their designee, cannot, or refuses to, provide proof that the animal is currently vaccinated against rabies, the owner, or ~~his~~their designee, shall have the animal vaccinated for rabies and provide proof of the vaccination to the Animal Services Department within seven (7) days following the release of the animal. pay a licensed veterinarian for the administration of the rabies vaccination and present a receipt of payment issued by the veterinary clinic prior to the release of the animal. The animal shall be vaccinated within seven (7) days following the release of the animal.
- (c) ~~If an animal is not registered as required by this article at the time of redemption, the owner, or his designee, shall register the animal prior to the release of the animal. If the animal is not currently vaccinated as required by this article, the owner shall present a pre-paid receipt from a licensed veterinarian for the vaccination and pay the registration fee prior to the release of the animal. The registration certificate and tag will be issued upon presentation of the required rabies vaccination certificate.~~
- (d) An owner, or ~~his~~their designee, who redeems an animal, six (6) months of age or older, for a second or subsequent impound shall provide proof that the animal has been ~~spayed or neutered~~sterilized prior to the release of the animal. If the owner cannot provide proof that the animal is ~~spayed or neutered~~sterilized, the owner shall pay the Animal Services Center a fee for the sterilization of the animal, as established by the city council and kept on file in the office of the City Secretary. The animal will be sterilized prior to release to the owner. ~~If circumstances prevent the sterilization of the animal prior to release, the animal shall be sterilized at the owner's expense by a veterinary clinic within fourteen (14) days. The owner must provide proof of sterilization to the Animal Services Center within fourteen (14) days from release of the animal. For the cost of spaying or neutering the animal and present a receipt of payment to the animal control center prior to release of the animal. The animal shall be spayed or neutered within fourteen (14) days after the release of the animal.~~
- (e) It shall be unlawful for a person redeeming an animal under this section to:
- (1) Fail to provide proof of rabies vaccination within ~~ten (10)~~seven (7) days of the release of the animal; or
  - (2) Fail to provide proof that the animal was ~~spayed or neutered~~sterilized within fourteen (14) days of the release of the animal.

(Ord. No. 2000-460, § 1, 12-19-00; Ord. No. 2006-330, § 7, 12-12-06)

### Sec. 6-18. Adoption of dogs, cats, and ferrets.

- (a) ~~The animal control center is authorized to offer for adoption. a~~Any impounded animal not redeemed by its owner within ~~ninety six (96)~~seventy-two (72) hours or any animal released by its owner for adoption, becomes the property of the City of Denton Animal Services Department and any previous claim of ownership will be divested. The animal may then be dispositioned by adoption, humane euthanasia, or transfer to another animal welfare agency, except where otherwise specified.
- (b) Animal ~~s~~Services officers ~~Staff~~ shall be the sole judge as to whether or not an animal is suitable to offer for adoption. A decision to offer a particular animal for adoption shall not constitute a warranty, expressed or implied, of the health, temperament, or age of the animal.
- (c) In order to adopt ~~a dog or cat~~an animal, a person shall:
- (1) Complete the necessary adoption paperwork and pay an adoption fee as established by the city council and kept on file in the office of the city secretary.
  - ~~(2) If required by this article, pay a registration fee as established by the city council and kept on file with the city secretary.~~

**Commented [MS9]:** Provides for Animal Services to perform the sterilization for greater compliance. Reduces future intakes due to unwanted litters.

~~(d) In order to adopt a ferret, a person shall:~~

- ~~(1) Complete the necessary adoption paperwork;~~
- ~~(2) Pay a veterinary clinic for the administration of vaccinations against rabies and other communicable diseases common to the animal species and present a receipt of payment from the veterinary clinic;~~
- ~~(3) If required by this article, pay a registration fee as established by the city council and kept on file with the city secretary; and~~
- ~~(4) Subsequently provide certification from the veterinary clinic that the animal was vaccinated as prescribed within seven (7) days of the animal's release from the animal shelter.~~

- (e) A person who adopts an animal from the ~~animal control~~Animal Services eCenter, that is determined ~~by the city's contracted veterinary provider~~ to be either of insufficient age or medical condition to receive vaccinations or be ~~spayed or neutered~~sterilized as prescribed by law, shall follow the instructions provided by the ~~contracted veterinary provider~~Animal Services Center and ensure that the adopted animal is subsequently vaccinated and ~~spayed or neutered~~sterilized by the ~~contracted veterinary provider~~Animal Services Center when it is medically capable or provide proof that vaccinations and sterilization have been completed by a licensed veterinarian at the adopter's expense.
- (f) If a person fails to meet the requirements of this section, the ~~a~~Animal Services eCenter is authorized to impound the animal. It shall be unlawful for any person, who is in violation of this section, to fail or refuse to surrender an animal adopted from the ~~animal control~~Animal Services eCenter.

(Ord. No. 2000-460, § 1, 12-19-00; Ord. No. 2005-342, § 1, 11-15-05)

#### Sec. 6-19. Transfer of animals to other releasing agencies.

The custody of ~~cats, dogs, and ferrets~~animals eligible to be placed for adoption under this article may be transferred without fee to animal shelters or ~~humane~~animal welfare organizations so that these organizations may act as releasing agencies and place the animals for adoption pursuant to ~~V.T.C.A.Texas~~ Health and Safety Code, Ch. 828. Before any animals will be transferred to other releasing agencies, these agencies must meet any administrative requirements established by the ~~animal control~~Animal Services eCenter. All responsibilities required of releasing agencies under [~~V.T.C.A.Texas~~ Health and Safety Code,] Ch. 828 for adoption, immunization and sterilization of impounded animals shall be solely the responsibility of the receiving animal shelters or ~~humane~~animal welfare organizations and the city shall retain none of these responsibilities upon transfer. The transfer of the animals eligible for adoption to alternate releasing agencies shall be made without any fee.

(Ord. No. 2000-460, § 1, 12-19-00)

#### Sec. 6-20. Injuring, capturing or killing animals ~~or birds.~~

- (a) Except as may be otherwise provided in this article, it shall be unlawful to intentionally or knowingly interfere with, injure, capture or kill any animal within any public park, driveway, street or other public property of the city except by permission of the city council.
- (b) It shall be unlawful for any person to intentionally kill, injure or administer poison to any bird whatsoever within the city limits without the permission of the city council.
- (c) This section does not apply to harmful rodents, reptiles or insects.

(Ord. No. 2000-460, § 1, 12-19-00)

Commented [MS10]: MPT Beck pointed out that birds are animals and this is redundant.

**Sec. 6-21. Disposal of dead animals.**

- (a) It shall be unlawful for any person to place, ~~put~~ or leave a ~~dead~~ deceased animal upon a public place, street, alley, right-of-way, or public way or in any solid waste container or upon the property of another person without the other person's consent.
- ~~(b) All veterinarians and residents shall be charged a fee established by the city council and on file in the office of the city secretary for each trip by city employees to pick up one (1) or more dead animals.~~
- ~~(c) All veterinarians and residents may bring a deceased pet to be disposed of by the Animal Services Center and shall be assessed and pay a disposal fee for each animal as established by city council and on file in the City Secretary's office. bringing dead animals to the city's animal control facility shall be assessed and pay a disposal fee per animal, as established by the city council and on file in the office of the city secretary.~~
- (d) It shall be unlawful for any person to place or leave an animal carcass at the city's ~~animal control~~ Animal Services eCenter, except at times when such center is open to the public and a city employee is available to receive such carcass.

(Ord. No. 2000-460, § 1, 12-19-00)

**Sec. 6-22. Humane Euthanasia and cremation of animals.**

- (a) An owner or resident may bring an animal or animals to the ~~animal control~~ Animal Services eCenter for humane euthanasia and shall be assessed and pay for each animal the fee established by city council and on file in the office of the city secretary.
- ~~(b) An owner or resident may bring an animal or animals to be cremated at the city's animal control center and shall be assessed and pay for each animal the fee established by city council and on file in the city secretary's office.~~

(Ord. No. 2000-460, § 1, 12-19-00)

**Sec. 6-23. Reporting animal bites, scratches, or suspected rabies.**

- (a) It is the duty of any person having knowledge of an animal ~~that has bite~~ bitten or ~~scratch to~~ otherwise potentially exposed to rabies, ~~a human~~ to provide a detailed report of the incident to the ~~animal control~~ Animal Services eCenter as soon as possible, but not later than twenty-four (24) hours from the time of the incident.
- (b) It is the duty of any person having knowledge of a domestic animal that ~~is~~ has been bitten or ~~scratched~~ otherwise potentially exposed to rabies by an animal known to ~~have rabies~~ be a high risk rabies carrier, or suspected of having rabies, to provide a detailed report of the incident to the ~~animal control~~ Animal Services eCenter as soon as possible, but not later than twenty-four (24) hours from the time of the incident.
- (c) Every veterinarian who clinically diagnoses rabies or any person who suspects rabies in a cat, dog, ferret, or other domestic animal shall immediately report such fact to the ~~animal control~~ Animal Services eCenter, stating precisely where such animal may be found.
- (d) Every veterinarian having an animal quarantined as the result of an incident involving a bite or a ~~scratch~~ potential exposure to rabies shall submit a written report to the ~~animal control~~ Animal Services eCenter describing the condition of the animal on the initial day of observation, the fifth day, and the tenth day of observation.

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- (e) The carcass of any dead animal ~~that has bitten or potentially~~ exposed a human or pet to rabies ~~or suspected of having been rabid~~ shall be surrendered to the ~~animal control~~ Animal Services ~~e~~Center for diagnostic purposes.

(Ord. No. 2000-460, § 1, 12-19-00)

#### Sec. 6-24. Rabies quarantine, confinement and disposition.

- (a) An ~~animal control~~ Animal Services ~~e~~Officer shall have the authority to order the quarantining of any animal responsible for a bite or ~~scratch~~ potential exposure of rabies to a human ~~or another domestic animal~~ or any animal suspected of having, or having been exposed to, any zoonotic disease considered to be a hazard to the human population or other animals.
- (b) When an animal ~~is diagnosed with rabies, is under suspicion of having rabies, or~~ has bitten or ~~scratched~~ potentially exposed a human to rabies, the owner must immediately place the animal in quarantine at the ~~animal control~~ Animal Services ~~e~~Center or at a licensed veterinary clinic within the incorporated limits of the city for a period of not less than ~~ten (10) days~~ two hundred and forty (240) hours from the time of the bite or ~~potential exposure~~ scratch. If the owner fails or refuses to surrender the animal for quarantine, an ~~animal control~~ Animal Services ~~e~~Officer may obtain a warrant from a magistrate to seize and impound the animal for a period of time ~~as provided in this section~~ not less than two hundred and forty (240) hours from the date and time of the bite or potential exposure to rabies.
- (c) The owner of a dog, cat or ferret subject to quarantine under this section may request permission for home quarantine. The ~~animal control~~ Animal Services ~~Officer~~ ~~center~~ may allow a home quarantine provided that:
- (1) The owner can provide valid proof that the animal subject to quarantine is currently vaccinated against rabies;
  - ~~(2) The victim of the bite or scratch is the owner or a member of the immediate family of the owner;~~
  - (3) The animal subject to the quarantine was not at large in violation of any provision of this ordinance at the time of the bite or ~~scratch~~ potential exposure to rabies;
  - (4) The animal subject to the quarantine has no prior bites or ~~scratches~~ potential exposures to rabies on file with the ~~animal control~~ Animal Services ~~e~~Center;
  - (5) The owner demonstrates sufficient accommodations to isolate the animal subject to quarantine from humans and other animals in the residence;
  - (6) The owner can provide sufficient assurance that the animal will remain inside an enclosed structure for the duration of the quarantine period and may be allowed outside only when restrained on a leash not to exceed six (6) feet by the owner or other capable adult in the household only for so long as reasonable for the animal to urinate and defecate;
  - (7) The owner agrees not to remove the animal subject to quarantine from the incorporated limits of the city during the prescribed quarantine period; and
  - (8) The ~~animal control~~ Animal Services ~~e~~Officer physically inspects the premises prior to allowing the home quarantine to ~~insure~~ insure that these conditions can be met, and the owner agrees to periodic inspections of the animal subject to quarantine including, but not limited to, the initial day of quarantine, the fifth day and the tenth day of quarantine.
- (d) The violation of the conditions of home quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by an ~~animal control~~ Animal Services ~~e~~Officer. If the owner refuses to allow the impoundment of the quarantined animal for the purpose of quarantine, an ~~animal control~~ Animal Services ~~e~~Officer may obtain a warrant from a magistrate to seize and impound the animal for



a period of time ~~as prescribed by this section or state law~~ not less than two hundred and forty (240 hours from the date and time of the bite or potential exposure to rabies.

- (e) ~~The owner of an~~Any animal that ~~is has been~~ bitten by or exposed to an animal known to have rabies or suspected of having rabies shall ~~be~~ immediately ~~confine~~confined by the ~~the animal and owner and the owner shall~~ notify the ~~animal control~~Animal Services eCenter. The ~~animal control~~Animal Services eCenter shall:
  - (1) If the animal is currently vaccinated ~~for rabies~~, order the owner to obtain immediate revaccination ~~for rabies~~ and confine the animal for observation for a period of not less than forty-five (45) days; or
  - (2) If the animal is not currently vaccinated ~~for rabies~~, order the owner to ~~immediately have the animal vaccinated for rabies~~, confine the animal for a period of not less than ninety (90) days, ~~and receive boosters rabies vaccinations during the third (3<sup>rd</sup>) and eighth (8<sup>th</sup>) week of confinement~~; and
  - (3) Perform an immediate inspection of the animal and the premises with subsequent inspections periodically during the confinement period.
- (f) Any person having possession of or responsibility for any quarantined animal shall immediately notify the ~~animal control~~Animal Services eCenter if such animal escapes or becomes or appears to become sick or dies. In case of death of the animal under quarantine, the person shall immediately surrender the carcass to the ~~animal control~~Animal Services eCenter for diagnostic purposes.
- (g) It shall be unlawful for any person to remove from any place of confinement any cat, dog, or ferret, which has been quarantined, without the prior approval of the ~~animal control~~Animal Services eCenter.
- (h) The owner of an animal quarantined in accordance with this section or state law shall bear the full cost of the quarantine. ~~If the animal is quarantined at the animal control center, the owner shall pay fees as established by the city council and on file in the office of the city secretary.~~
- (i) If, upon the expiration of the quarantine period, ~~no animal control~~the Animal Services eOfficer or veterinarian has observed ~~no~~ signs of rabies, a release from quarantine shall be issued to the owner. If the animal does not have current rabies vaccination, the animal shall be vaccinated prior to its release to the owner ~~or within seven (7) days from the date of release and the owner must provide proof of vaccination within those seven (7) days.~~
- (j) If the animal is impounded at the ~~animal control~~Animal Services eCenter for quarantine, the owner may redeem the animal in accordance with the provisions of this article. ~~The owner must remit payment of full quarantine fees as established by the city council and on file in the office of the city secretary within seventy-two (72) hours of impoundment unless approved by the Animal Services Manager, in writing, for an extension. If the owner fails to remit payment for the redeem quarantine of the animal on or before the third day following release from quarantine seventy-two (72) hours from impoundment, the animal shall become the property of the city and the animal control~~Animal Services eCenter is authorized to ~~dispose disposition of~~ the animal through adoption, transfer to another animal ~~rights welfare~~ organization or euthanasia. ~~If the owner fails to redeem the animal on the day of release from quarantine, the animal shall become the property of the City and fees paid shall be forfeit and the Animal Services Center is authorized to disposition the animal through adoption, transfer to another animal welfare organization, or euthanasia, unless approved by the Animal Services Manager, in writing, for an extension.~~
- (k) Unauthorized or prohibited animals that bite or ~~scratch potentially expose~~ a human ~~to rabies or another animal~~ or are suspected of having rabies shall be humanely ~~destroyed euthanaised~~ and submitted for diagnostic testing.

(Ord. No. 2000-460, § 1, 12-19-00)

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Commented [MS12]: New language prevents owners that do not have any intentions of reclamation form waiting until 3 days after completion of 10 day quarantine to notify DAS. Reduces length of stay for animals with no positive outcome.

**Sec. 6-25. PigeonsFeral cats.**

- (a) ~~Feral cat colonies shall be permitted, and feral cat colony caretakers shall be entitled to maintain and care for feral cats by providing food, water, appropriate shelter, and other forms of sustenance providing the in doing so does not create a nuisance nor provide sustenance for wildlife. It shall be unlawful for any person who owns a pigeon to intentionally allow the pigeon to stray in the city.~~
- (b) ~~Feral cats that are trapped and brought to the Animal Services Center shall be sterilized, microchipped, vaccinated for rabies, and returned to the area they were trapped. Providing they are not creating a nuisance. Any feral cat trapped a second (2<sup>nd</sup>) time as a nuisance animal and brought to the Animal Services Center shall be relocated or dispositioned by Animal Services. euthanized. It shall be unlawful for any person to knowingly be in possession of more than twenty-five (25) pigeons on any premises within the city.~~
- (c) ~~It shall be unlawful for any person to knowingly keep the enclosure in which such pigeons are confined in such a manner so as to give off odors offensive to persons of ordinary sensibilities residing in the vicinity or to breed or attract vermin, or to allow such pigeons to cause considerable noise to the annoyance and discomfort of surrounding neighbors so that the reasonable use and enjoyment of their property is disturbed or, in any manner, to endanger the public health or safety or otherwise create a public nuisance.~~

(Ord. No. 2000-460, § 1, 12-19-00)

**Commented [MS13]:** Moved pigeon keeping to include them with regulations on keeping fowl for consistency and ease of understanding.

**Commented [MS14]:** I added "nor provide sustenance for wildlife" to help stay in line with the new prohibition on feeding wildlife.

**Commented [MS15]:** Reduced requirements that were prohibitive of feral cat colonies and TNR. Provided a method for resolving nuisance feral cat concerns.

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**Sec. 6-26. Keeping of fowl or pigeons.**

- (a) ~~(a) It shall be unlawful for any owner of any chicken-fowl to maintain more than eight (8) hens-fowl on any single parcel of property in a residential neighborhood.~~
- (b) ~~Roosters shall be prohibited on any parcel of property less than one acre in size in a residential neighborhood.~~
- (c) ~~It shall be unlawful for any owner of any pigeons to maintain more than twenty-five (25) pigeons on any premise within the city.~~
- (d) ~~It shall be unlawful for any person to keep or harbor any fowl or pigeons within the corporate limits of the city in any pen, shed, coop, enclosed structure, or fenced yard, if any part of such enclosure, structure or yard is within one hundred and fifty (150) feet of any residence, business or commercial establishment or office, school, hospital, or nursing home. This section does not apply to pet birds kept within residential or commercial structures, nor shall it apply to birdhouses for the housing of migrating or wild birds. Any property owner that has a current permit with a fifty (50) foot restriction at the time this ordinance goes into effect shall be allowed to continue housing within that restriction if the permit is renewed and may not exceed number of fowl for which the permit was issued.~~
- (b) ~~It shall be unlawful for any person to keep or harbor any chicken within the corporate limits of the city in any pen, shed, coop, enclosed structure, or fenced yard, if any part of such enclosure, structure, or yard is within fifty (50) feet of any residence, business or commercial establishment or office, school, hospital or nursing home.~~
- (c) ~~It shall be unlawful for any person to keep or harbor a rooster within the corporate limits of the city in any pen, shed, coop, enclosed structure, or fenced yard, if any part of such enclosure, structure, or yard is within one hundred fifty (150) feet of any residence, business or commercial establishment or office, school, hospital or nursing home.~~

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(ed) It shall be unlawful for any person to keep or harbor any chicken-fowl or pigeon that is not maintained within an enclosed structure or fenced yard that prevents the animal from straying off-~~of~~ the owner's property.

(fe) It shall be unlawful for any person to keep or harbor any chicken within the corporate limits of the city unless the person possess a current and valid permit from the city.

~~(f) It shall be unlawful for any person to keep or harbor any fowl (other than chickens) within the corporate limits of the city in any pen, shed, coop, enclosed structure, or fenced yard, if any part of such enclosure, structure, or yard is within one hundred fifty (150) feet of any residence, business or commercial establishment or office, school, hospital or nursing home. This section shall not apply to pet birds kept within residential or commercial structures, nor shall it apply to birdhouses for the keeping of migrating or wild birds.~~

(g) It shall be unlawful for any owner of any fowl to maintain yards, pens, sheds, coops, or other enclosures in which such fowl are confined in such a manner as to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes or other noxious insects or rodents, or in any manner to endanger the animals' health or public health, safety or welfare, or to create a public nuisance.

(Ord. No. 2000-460, § 1, 12-19-00; Ord. No. 2012-257, § 1, 10-2-12)

#### **Sec. 6-27. Livestock; sanitary conditions and registration requirements.**

(a) It shall be unlawful for any person to keep or harbor any livestock within the corporate limits of the city ~~if the person does not have~~on a parcel of land ~~at least~~less than one acre in size.

(b) It shall be unlawful for any person to keep or harbor more than two (2) head of livestock within the corporate limits of the city ~~if the person has~~on a parcel of land less than three (3) acres in size.

(c) For every parcel of land greater than three (3) acres, a person may ~~have~~keep on that land one additional head of livestock for every acre over three (3) acres.

(d) In addition to the requirements in subsections (a) through (c), it shall be unlawful for any person to feed or keep any species of swine in any lot, pen, building, stable, or other enclosure in the city, any part of which lot, pen, building, stable or other enclosure is nearer than one thousand (1,000) feet to any building. If a person is in compliance with this subsection, future changes to adjacent property owned by another will be a defense to prosecution under this ordinance.

~~(e) It shall be unlawful for any person to keep or harbor any livestock within the corporate limits of the city, where there is less than ten thousand (10,000) square feet for each head of cattle or horse and three thousand (3,000) square feet for all other types of livestock.~~

(ef) It shall be unlawful for any owner or person in control of any livestock to maintain yards, pens, stables, sheds, or other enclosures in which such animals are confined in such a manner as to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes or other noxious insects or rodents, or in any manner to endanger the animals' health or the public health, safety or welfare, or to create a public nuisance.

(g) Manure and droppings shall be removed from pens, stables, yards, coops, and other enclosures weekly or more often as necessary to prevent the breeding or attraction of flies, mosquitoes, or other noxious insects or rodents and handled or disposed of in such a manner as to keep the premises free of any nuisance.

(h) Mound storage of droppings of manure between such removals shall be permitted, only under such conditions as to protect against the breeding of flies, rodents, and to prevent the migration of fly larvae (maggots) into the surrounding soil.

- (i) The feeding of vegetables, meat scraps or garbage to livestock shall be done only in impervious containers or on an impervious platform.
- (j) Watering troughs or tanks with potable water shall be provided, which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes or other insects.
- (k) No putrescible material shall be allowed to accumulate on the premises; and all such material used to feed, which is unconsumed, shall be removed and disposed of by burial or other sanitary means.
- (l) Registration requirements. Persons maintaining livestock within the city limits shall annually register with the City of Denton Animal Services Department. The registration shall include a designation by the owner of the use of the property for livestock, proof of the acreage of the parcel of land, the distance requirements for swine if applicable, and the number and type of livestock kept on the parcel. There shall be no fee for this registration. It shall be unlawful for a person to add additional heads of livestock without amending the registration within thirty (30) days of acquiring the additional livestock.

(Ord. No. 2000-460, § 1, 12-19-00; Ord. No. 2003-309, § 3, 9-16-03; Ord. No. 2005-291, § 1, 9-20-05)

Cross reference(s)—Solid waste generally, Ch. 24.

**Sec. 6-28. Livestock riding or driving.**

- (a) It shall be unlawful for any person to allow livestock to be driven or ridden upon any public property; provided however, horses may be ridden on the unimproved or unpaved portion of the right-of-way and the chief of police, or ~~his~~their designee, may authorize horses and other livestock to be ridden or driven on the right-of-way under the authority of a parade.
- (b) It shall be unlawful for any person to allow livestock to be driven or ridden on any private property, except on the property of the owner of the livestock or by permission of the owner of the property.

(Ord. No. 2000-460, § 1, 12-19-00)

**Sec. 6-29. Wild animals.**

- (a) It shall be unlawful to keep or harbor any wild animal within the city, except as provided for licensed rehabilitation and educational purposes at commercial animal establishments dealing in the sale or handling of such animals and having proper zoning for such commercial establishments and having proper facilities for the restraint and care of such animals.
- (b) The ~~animal control~~Animal Services ~~officer~~Officer may establish conditions under which it would be permissible to keep or harbor wild animals at locations other than those listed in this section for a period of time not to exceed thirty (30) days.

(c) It shall be unlawful for a person to intentionally and knowingly feed or make food available for animal consumption to any animal(s) in a manner that:

- (1) Creates a danger to public health and safety;
- (2) Destroys public or private property;
- (3) Attracts, habituates, or socializes wildlife to humans.

(d) This ordinance shall not apply to:

- (1) Feral cats;

**Commented [MS17]:** Prohibit the feeding of wildlife to reduce the risk of human wildlife interactions which could result in injury.

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~~(2) Wild bird feeders filled in accordance with the manufacturer's recommendations within the boundaries of a person's owned or occupied property.~~

€ ~~It is a defense to prosecution that the person is a licensed veterinarian, peace officer, person employed by Animal Services, the state, or federal employee who is acting pursuant to lawfully authorized programs to manage animal populations and is acting within the scope of the person's duties and authority.~~

(Ord. No. 2000-460, § 1, 12-19-00)

### Sec. 6-30. Prohibited animal permit and impoundment.

- (a) It shall be unlawful for a person to harbor, own or exhibit a prohibited animal within the city. If a person is found in possession of a prohibited animal and the person does not have a valid permit for possession of the prohibited animal issued by the Animal Services ~~Unit~~ Department of the City of Denton, the animal may be immediately ~~seized and~~ impounded by an ~~Animal Services~~ Officer or by a City of Denton Police Officer. Section 6-16(b) regarding release or disposition of the animal shall apply to prohibited animals. However, the prohibited animal shall only be released to the owner if the owner has found a place where the animal may be legally kept.
- (b) It is an exception to the application of subsection (a) of this section if the owner, ~~harborer~~ caretaker, or exhibitor holds a prohibited animal permit or is a governmental entity, or is a state or federally licensed native wildlife rehabilitator.
- (c) A permit for the possession of a prohibited animal may be issued only to a licensed rehabilitator, zoo, or a research institution, ~~individual researcher, public or private primary or secondary school, performing animal exhibition, rodeo or circus, or carnival~~ of which the animal is an integral part, if the animal is restrained from inflicting injury upon persons, property or other animals and adequate provision is made for the care and protection of the animal. A permit may be issued to an individual for educational purposes only if approved by the Animal Shelter Advisory Committee. ~~researcher only upon the recommendation of a medical institution or the director of a research institution.~~
- (d) The fee for such permit shall be established by the city council and ~~is maintained~~ on file in the office of the city secretary. The permit shall be issued for one (1) or more animals of an owner or exhibitor at a single location. The permit is valid for a designated period of time not to exceed twelve (12) months and may be renewed for the same fee.

(Ord. No. 2000-460, § 1, 12-19-00; Ord. No. 2006-330, § 8, 12-12-06)

Cross reference(s)—Licenses, permits and business regulations generally, Ch. 16.

### Sec. 6-31. Revocation of prohibited animal permit.

The ~~animal control~~ Animal Services ~~Officer~~ shall revoke a permit to harbor, own or exhibit a prohibited animal within the city if:

- (1) The permit holder fails to properly restrain the animal; or
- (2) The permit holder fails to generally care for or protect the animal.

(Ord. No. 2000-460, § 1, 12-19-00)

**Sec. 6-32. Prohibited animal permit appeal from denial or revocation.**

- (a) If the ~~animal control~~Animal Services center~~Department~~ refuses to issue or renew a prohibited animal permit or revokes a permit, ~~he or she~~they shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of ~~his~~their action and a statement of the right to appeal.
- (b) The applicant or permit holder may appeal the decision of the ~~animal control~~Animal Services officer~~Department~~ to the ~~chief of police~~Municipal Court by filing with the ~~chief of police~~Municipal Court a written request for a hearing, setting forth the reasons for appeal, within ten (10) days after receipt of the notice from the ~~animal control~~Animal Services center~~Department~~. The filing of a request for an appeal hearing with the ~~chief of police~~Municipal Court stays any action by the ~~animal control~~Animal Services center~~Department~~ to revoke a permit until a final decision is rendered. If a request for an appeal hearing is not made within the prescribed period, the action of the ~~animal control~~Animal Services center~~Department~~ is final.
- (c) The ~~chief of police, or his designee~~Municipal Court Judge shall serve as hearing officer at an appeal hearing and shall consider evidence offered by any interested person. ~~The formal rules of evidence do not apply at an appeal hearing.~~The hearing officer shall make ~~his~~their decision on the basis of a preponderance of the evidence presented at the hearing. The hearing officer must render a decision within thirty (30) days after the request for an appeal hearing is filed. The hearing officer shall affirm, reverse or modify the action of the ~~animal control~~Animal Services officer and~~Department and~~ ~~his~~their decision is final.

(Ord. No. 2000-460, § 1, 12-19-00)

**Sec. 6.33. Commerce in live animals.**

- a) A person commits an offense if the person sells, trades, barter, leases, rents, gives away, or displays a live animal on a roadside, public right-of-way, parkway, median, outdoor special sale, swap meet, flea market, parking lot sale, or similar event or outdoor public place that is generally accessible to the public regardless of whether such access was authorized.

**ARTICLE II. DANGEROUS DOGS<sup>2</sup>**

**Sec. 6-34~~3~~. Purpose and scope.**

- (a) The purpose of this article is to protect the health, safety, and general welfare of the city by providing for the disposition of dogs determined to be dangerous.
- (b) The administrative procedures of this article shall apply to any dog required to be restrained in accordance with this article which, while running at large ~~or while restrained in a public place~~ has made an unprovoked attack on a person or legally restrained domestic animal or livestock causing bodily injury or committed unprovoked acts while running at large and those acts cause a person to reasonably believe the dog will

<sup>2</sup>Ord. No. 21-2634, § 2, adopted December 14, 2021, amended article II in its entirety to read as herein set out. Former article II, §§ 6-33—6-39, pertained to dangerous animals, and derived from Ord. No. 2000-460, § 1, 12-19-00; Ord. No. 2016-217, §§ 2, 3, 8-2-16; Ord. No. 2020-2234, § 1, 12-1-20.

**Commented [MS18]:** Amended Dangerous Dog to be more in line with Chapter 822 subchapter D of the Texas Health and Safety Code. Helps to prevent confusion by being consistent with State Law.

Also amended to allow Animal Services to make the original determination, reducing the time the animal must stay confined at the animal shelter to a maximum total of 30 days.

Currently, once impounded, the Court has 5 days to notify the owner of the date of the hearing with Municipal Court which must be held within 10 days from impoundment. If the Court finds the dog is dangerous, the owner then has 10 more days to file an appeal. There is no set time frame for the Courts to schedule the appeal from that date. This can result in an animal being confined at the shelter for an undetermined amount of time causing undue stress on the animal

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attack and cause bodily injury to that person or legally restrained domestic animal or livestock and for which a complaint has been filed in accordance with this article.

( Ord. No. 21-2634 , § 2, 12-14-21)

#### **Sec. 6-354. Filing the complaint.**

- (a) To invoke the provisions of this article, a written complaint shall be filed with the ~~animal control~~Animal Services eCenter within ten (10) calendar days of the date the person or legally restrained domestic animal or livestock was attacked or ~~bitten~~injured, on a form provided by the city which shall give notice of the penalty for the filing or signing of a false complaint as provided in this article.
- (b) The complaint shall be signed by any person, including an ~~a~~Animal sServices eOfficer, that the dog has made an unprovoked attack on a person or legally restrained domestic animal or livestock causing bodily injury or that the dog committed unprovoked acts while running at large and those acts cause a person to reasonably believe the dog will attack and cause bodily injury to that person or legally restrained domestic animal or livestock.
- (c) The complaint shall contain the following information:
  - (1) The name, address and telephone number of the person attacked or ~~bitten~~injured or the owner of the legally restrained domestic animal or livestock attacked or ~~bitten~~injured;
  - (2) The facts and circumstances of the incident, including the date, time, and location; a description of the dog complained of; and if known, the name, address, and telephone number of the owner of the dog complained of, and of any witness; and
  - (3) A statement that the dog complained of, while running at large or while restrained in a public place, made an unprovoked attack on a person or legally restrained domestic animal or livestock or committed unprovoked acts while running at large and those acts cause a person to reasonably believe the dog will attack and cause bodily injury to that person or legally restrained domestic animal or livestock in violation of this article.

( Ord. No. 21-2634 , § 2, 12-14-21)

#### **Sec. 6-365. Making a false complaint.**

It shall be unlawful for any person to file or sign the written complaint required by this article when the person knows that the complaint contains false information.

( Ord. No. 21-2634 , § 2, 12-14-21)

#### **Sec. 6-376. Investigation; determination of probable cause; order of impoundment.**

- (a) Upon receipt of a dangerous dog complaint, the ~~animal control~~Animal Services centerDepartment shall immediately initiate an investigation to determine ~~if there is probable cause to believe that~~ the dog which is the subject of the complaint is dangerous.
- (b) If the investigating ~~animal control~~Animal Services eOfficer, after receiving sworn statement(s) of any witnesses, determines that ~~there exists probable cause to believe~~ the dog is dangerous, the ~~animal control~~Animal Services eOfficer shall notify the owner, in writing, of the determination and immediately impound the dog, request an order of impoundment be issued by the municipal court.

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- ~~(c) The order of impoundment shall include the facts set forth in the complaint, the duty of the owner to immediately impound the dog, and notification of the subsequent dangerous dog hearing.~~
- (d) Upon receipt of ~~an order of impoundment,~~ a determination that their dog has been declared dangerous, the owner of the subject dog shall immediately ~~release the dog for~~ impoundment ~~the dog~~ at the ~~animal control/Animal Services e~~Center.
- (e) If the owner of a dog subject to impoundment refuses or fails to immediately impound the dog as required, an ~~animal control/Animal Services e~~Officer may obtain a warrant from a magistrate, seize the dog, and transport it to the ~~animal control/Animal Services e~~Center.
- (f) The owner or ~~harborer/caretaker~~ will bear any and all costs for the impoundment and subsequent care fees required by this section.
- (g) Any owner, ~~harborer/caretaker~~, or other person having possession of or responsibility for any dog which is subject to an investigation under this article shall immediately notify the ~~animal control/Animal Services e~~Center if such dog escapes or becomes or appears to become sick or dies. In case of death of the dog under investigation that has bitten a person or potentially exposed a human to rabies, the ~~person-owner~~ shall immediately surrender the carcass to the ~~animal control/Animal Services e~~Center for diagnostic purposes.
- (h) It shall be unlawful for any person to refuse or fail to impound a dog as required by this section, or to harbor or hide a dog subject to this article for the purpose of preventing its impoundment.
- (i) It shall be unlawful for any person to transport, or secure the transport, of a dog subject to this article to any location outside the incorporated limits of the city if the person has knowledge that the dog is the subject of an investigation under this article.
- (j) Nothing in this section shall preclude an ~~animal control/Animal Services e~~Officer from immediately impounding a dog that poses an immediate threat to the health and safety of the citizens or animals of the city.
- ~~(k) If the Animal Services Officer determines that the dog is not a dangerous dog, the dog shall be released to the owner.~~
- ~~(l) Nothing in this section precludes the owner of a dog which is subject of the investigation from waiving their right to an investigation. If a person waives the right to an investigation, the dog will be assumed to be dangerous, and the owner shall immediately impound the dog at the Animal Services Center and comply with the requirements for owning a dangerous dog or release ownership to the Animal Services Center and authorize humane euthanasia of the dog by the Animal Services Center.~~
- ~~(m) The owner of a dog that has been determined to be a dangerous dog under this provision may appeal the determination to the Municipal Court within ten (10) day of the determination. The appeal hearing must be held within ten (10) days from the date of filing.~~

( Ord. No. 21-2634 , § 2, 12-14-21)

### **~~Sec. 6-37. Determination hearing.~~**

- ~~(a) The jurisdiction for a dangerous dog determination hearing under this article shall be assigned to the municipal court of the city.~~
- ~~(b) The owner of a dog subject to a dangerous dog determination hearing under this article shall be notified, in writing, of the date, time and location of the hearing within five (5) days after the impoundment of the dog.~~
- ~~(c) The determination hearing shall be held within ten (10) days after impoundment of the dog.~~



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- (d) ~~The hearing shall be held before a magistrate of the municipal court of the city. The magistrate shall consider evidence provided by any interested party in making their determination.~~
- (e) ~~If, in accordance with this article, a magistrate determines that a dog is a dangerous dog, the magistrate shall issue an order of disposition for the dog. The magistrate may order the humane euthanasia of the dog or order the owner to comply with the requirements for owning a dangerous dog.~~
- (f) ~~If the magistrate determines that the dog is not a dangerous dog, the magistrate shall order the dog to be released to the owner.~~
- (g) ~~Nothing in this section precludes the owner of a dog which is the subject of the hearing from waiving their right to a determination hearing. If a person waives the right to a hearing, the dog will be assumed to be dangerous and the owner shall immediately authorize the humane euthanasia of the dog by the animal control center.~~

( Ord. No. 21-2634 , § 2, 12-14-21)

### Sec. 6-38. Requirements for owning a dangerous dog.

- (a) No later than the 30<sup>th</sup> day after a dog has been determined to be a dangerous dog, the owner shall:
- (1) Register the dog annually as a dangerous dog with the ~~animal control~~Animal Services ~~at~~Authority for the area in which the dog is kept;
  - (2) Restrain the dog at all times in one of the following manners:
    - a. In a secure enclosure when the owner or ~~harborer~~caretaker is not present; or
    - b. When taken outside the secure enclosure the dog must be secured by a leash no longer than ~~four (4)~~six (6) feet in length, held by a person of sufficient strength to restrain the dog, and muzzled in a manner that will not cause injury to the dog, not interfere with its vision or respiration and must prevent the dangerous dog from biting another person or animal;
  - (3) Display signs of a permanent nature at the property lines located on the front and rear of the property and on the secure enclosure of the dog; notifying of a dangerous dog on the property;
  - (4) Obtain liability insurance coverage or show financial responsibility in an amount of at least one hundred thousand dollars (\$100,000.00) to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person or legally restrained domestic animal or livestock;
  - (5) Microchip the dog and register the dog for its life with a national registry, and present proof of the registration to the animal control~~Animal Services~~ within~~Center within~~ thirty (30) ~~days or within the timeframe ordered by the magistrate~~; and
  - (6) Present proof to ~~animal control~~the Animal Services Center that the dog has been sterilized by a licensed veterinarian within thirty (30) days ~~or within the timeframe ordered by the magistrate~~. This requirement may be waived ~~by the magistrate~~ if a licensed veterinarian certifies in writing that sterilization would endanger the health of the dog because of a preexisting medical condition.
- (b) For the purposes of this section, "secure enclosure" means and must comply with the following requirements:
- (1) A dwelling may serve as a secure enclosure under this division. ~~in cases where the attack did not result in a serious bodily injury or death to a person or a legally restrained domestic animal or livestock, and subject to approval of animal services.~~ If a dwelling is the secure enclosure under this division, all entries to the dwelling, including doors and garage doors, must have a sign posted in a conspicuous

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location warning of the presence of the dangerous dog, and the front door of the dwelling must be locked at all times, except when in use for entering or exiting the dwelling.

- (2) If a secure enclosure is separate from a dwelling, all entrances to the secure enclosure must be locked with a padlock at all times, except when in use to enter or exit the secure enclosure. The secure enclosure must be capable of preventing the escape, release, or protrusion of any part of the body of the dog. The enclosure shall have secure sides, roof, and a floor either attached to the sides or with the sides embedded no less than ~~twelve (12)~~six (6) inches in a concrete border surrounding the base of the enclosure. The concrete border shall be no less than four (4) inches wide and no closer than six (6) feet to any property line. An enclosure shall be adequately lighted and ventilated and must be maintained in a clean and sanitary condition. Such enclosure must be inspected and approved by animal services department to verify the enclosure is in compliance with the order issued by the magistrate before the dog is registered with the animal services department.

(c) For the purposes of this section, "register" means to:

- (1) Provide the ~~animal control~~Animal Services eCenter with the name, address and telephone number of the person owning or harboring ~~a the~~ dangerous dog;
- (2) Provide the ~~animal control~~Animal Services eCenter with the name, general description and two-color photographs, one depicting a frontal view and one depicting a side view, of the dangerous dog;
- (3) Provide the ~~animal control~~Animal Services center with a valid rabies vaccination certificate issued for the dangerous dog by a licensed veterinarian;
- (4) Provide a copy of a current liability insurance policy as prescribed by subsection (a)(4) of this section;
- (5) Agree to inspections by ~~animal control~~Animal Services eOfficers of the dangerous dog and the premises on which the dangerous dog is kept at any reasonable times to ensure compliance with the provisions of this article;
- (6) Pay a dangerous dog registration fee as authorized by the city council and on file in the office of the city secretary;
- (7) Provide the ~~animal control~~Animal Services eCenter with proof the dog has been sterilized by a licensed veterinarian; and
- (8) Provide the ~~animal control~~Animal Services eCenter proof that the dog's microchip is registered with a national registry.

(d) For the purpose of this section, "signs" shall mean a sign, at least eight (8) inches by twelve (12) inches, of a permanent nature stating "BEWARE OF DANGEROUS DOG" in red lettering on a white background. The lettering shall be no less than two (2) inches in height and made of a reflective material that is visible in low-light situations or at night. The owner of a dangerous dog shall renew the registration at least annually and submit payment of fees as authorized by the city council and on file in the office of the city secretary.

(e) The owner shall immediately notify the ~~animal control~~Animal Services eCenter of any change in status of a dangerous dog, including relocation, transfer of ownership, escape, or death. In the event that the dangerous dog is moved to another location within the city, the ~~animal control~~Animal Services eCenter shall inspect the new location to ensure compliance with this section. If ownership of the dangerous dog is transferred to another person, that person shall be subject to all requirements of this section. If the dangerous dog is moved to a location outside the incorporated limits of the city, the owner shall inform the ~~animal control~~Animal Services eCenter of the proposed new location of the dog, provide proof of acceptance from the local Animal Services Authority where the dog is moving to, the name, address, phone number, and email of responsible party, address where the dog will be kept if different from responsible party, and provisions on how the dog is transferred outside of the city limits. The ~~animal control~~Animal Services eCenter

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shall forward a copy of the ~~magistrate's order of disposition~~dangerous dog determination letter to the local ~~animal control~~Animal Services ~~a~~Authority of the jurisdiction into which the dog is being moved.

- (f) If an owner of a dog deemed to be dangerous is unable to comply with the conditions set forth in this section, the owner shall have the dog humanely euthanized by a licensed veterinarian or releasing-release the dog to the ~~animal control~~Animal Services ~~e~~Center for humane euthanasia.

(Ord. No. 21-2634 , § 2, 12-14-21)

### Sec. 6-39. Impoundment; redemption

- (a) The owner of a dog impounded under the provisions of this article and subsequently determined to be a dangerous dog shall, prior to the release of the dog from the ~~animal control~~Animal Services ~~e~~Center, provide proof to the ~~animal control~~Animal Services ~~e~~Center that they have complied with all conditions contained in the order of determination and pay all fees as authorized by the city council and on file in the office of the city secretary.
- (b) If a dog impounded under this article is determined not to be dangerous, the owner shall be notified that the dog is eligible for redemption and the terms of redemption. The owner shall redeem the dog within ~~ninety-six (96)~~seventy-two (72) hours after receiving such notice. If the owner fails to redeem the dog within the required period, the dog shall become the property of the city and the final disposition shall be determined by animal services consistent with approved policy.
- (c) The owner of a dog that is determined to be dangerous under the provisions of this article shall notify the ~~animal control~~Animal Services ~~e~~Center within ~~ninety-six (96)~~seventy-two (72) hours of their intent to redeem the dog. If the owner fails to notify the Animal Services Center of their intent to redeem the dog, the dog shall become the property of the City and shall be humanely euthanized by the Animal Services Center unless the Animal Services Manager has approved, in writing, an extension. -The owner shall redeem the dog within ~~thirty (30) days~~seventy-two (72) hours after notice that the dog is eligible for redemption. If the owner fails to redeem the dog within the required period, the dog shall become the property of the city and shall be humanely euthanized by the ~~animal control~~Animal Services ~~e~~Center. The owner shall pay the city impound and holding fees as authorized by the city council and on file in the office of the city secretary.

(Ord. No. 21-2634 , § 2, 12-14-21)

### Sec. 6-39.1. 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 6-38(a)(2) or that a dangerous dog or has made an unprovoked attack and caused bodily injury to a person or another legally restrained domestic animal or livestock. Upon the filing of a sworn application under this section, the municipal court shall schedule a hearing on the application in accordance with section 6-37.
- (b) A sworn application under this section must include:
- (1) Name, address, and telephone number of complainant and other witnesses;
  - (2) Date, time, and location of the incident forming the basis of the report;
  - (3) Description of the dog(s) involved in the incident;
  - (4) Name, address, and telephone number of the dog owner, if known;
  - (5) A statement of facts upon which the application is based;

(6) Any other relevant facts or circumstances.

- (c) Upon the filing of a sworn application under this section, the municipal court shall order the ~~animal control/Animal Services authority-Officer~~ to seize the dangerous dog and shall issue a warrant authorizing the seizure. The ~~animal control/Animal Services authority-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 governing body of the city may prescribe the amount of the fees. The dangerous dog shall remain impounded pending an order of disposition from the municipal court unless otherwise provided for in section 6-39.1(h).
- (d) The municipal court shall determine, after notice ~~of determination and a hearing~~ as provided in section 6-37, whether the owner of a dangerous dog has failed to comply with section 6-38~~(a)(2) or whether a dangerous dog has committed an unprovoked attack and caused bodily injury to a person or another legally restrained domestic animal or livestock.~~
- (e) 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 6-38~~(a)(2) or that the dangerous dog has committed an unprovoked attack and caused bodily injury to a person or another legally restrained domestic animal or livestock,~~ the municipal court shall order one of the following: the ~~animal control/Animal Services authority~~ Center to humanely euthanize the dangerous dog; the dangerous dog be permanently removed from the city; or the dangerous dog be returned to the owner upon proof of compliance with all of the requirements of section 6-38~~(b).~~ The court may also order the owner of the dangerous dog to pay all costs or fees assessed by the city related to the seizure, acceptance, impoundment, and humane euthanasia of the dangerous dog due to the sworn complaint filed under this section.
- (f) If, after a hearing on an application filed under this section, the municipal court does not find sufficient evidence to issue an order under section 6-39.1~~(e),~~ the municipal court shall order that the ~~animal control/Animal Services authority~~ Center 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.
- (g) A dangerous dog ordered to be humanely euthanized or permanently removed from the city shall remain impounded until the dangerous dog is humanely euthanized, or until the owner provides proof of acceptance from the local Animal Services Authority where the dog is moving to, name address, phone number, and email of responsible party, address where the dog will be kept if different from responsible party, and provisions on how the dog is transferred outside of the city limits.
- (h) If the owner of a dangerous dog seized due to a sworn application filed under this section cannot be located within ~~fifteen (15) days~~seventy-two (72) hours 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~~animal shall become the property of the City and the Animal Services Center is authorized to humanely euthanize, without a hearing. The court shall order the humane euthanasia of a dangerous dog abandoned under this section upon application of the animal control authority, without a hearing.

( Ord. No. 21-2634 , § 2, 12-14-21)

### Sec. 6-39.2. Dangerous dog registry.

The ~~animal control/Animal Services~~ Department shall maintain a list including identifying information on all dogs determined to be dangerous in the city. The list must include the dangerous dog's address, description, pictures, microchip number, the owner's name, and any other pertinent information. This list must be publicly available at the ~~animal control/Animal Services~~ Center and will be provided upon written request.

( Ord. No. 21-2634 , § 2, 12-14-21)

**Sec.6-39.3. Animals deemed dangerous by other jurisdictions.**

a) The owner of a dog that has been determined to be dangerous by another jurisdiction, under guidelines similar to those in this chapter, is prohibited from bringing the dog into the City. Any dog that is brought into the City in violation of this section shall be immediately removed from the corporate limits of the City of Denton or be turned over to the Animal Services Center. If impounded, the owner must, within seventy-two (72) hours, provide proof of acceptance from the local Animal Services Authority where the dog is moving to, name address, phone number, and email of responsible party, address where the dog will be kept if different from responsible party, and provisions on how the dog is transferred outside of the city limits.

1. A person commits an offense if he is the owner of a dog that has been determined to be dangerous by another jurisdiction and brings that dog into the city limits.

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**ARTICLE III. ~~FERAL CATS~~HUMANE TRAPPINGHumane Trapping**

**Sec. 6-40. ~~Feral cat colonies~~Placement of animal traps.**

a) Humane traps shall be used to trap animals within the city, whether on public or private property.

1. No traps will be provided by or serviced by the Animal Services Department to remove healthy wildlife.

2. The person who places the trap, or who requests its placement, shall be responsible for checking the trap, the care of the animal while it is in the trap, and the immediate notification to the Animal Services Department of any captured animal. All traps shall be checked at least daily.

3. No traps shall be placed upon public property without written approval from the Animal Services Department. It shall be the responsibility of the person setting the trap to properly label the trap indicating the name and contact information for the owner of the trap and the date approval was obtained from the Animal Services Department.

b) All captured domesticated animals shall be turned over to the Animal Services Center unless the animal is captured as part of a feral animal sterilization program. All captured wild animals shall be turned over to the Animal Services Department, a wildlife education center, a licensed wildlife removal company, or a state or federally licensed wildlife rehabilitator within twenty-four (24) hours of capture.

c) Offenses. A person commits an offense if they:

1. Place or allows the placing of a steel-jawed trap (commonly known as a bear trap, wolf trap, leg hold trap, or coyote trap), a body hold trap (commonly known as a conibear trap), any snare trap, any noose-type trap, or any other trap designed, used, or adapted to be lethal or cause serious bodily injury or death of an animal.

2. Place or allows the placing of any substance, article, or bait that has in any manner been treated with any poisonous or toxic substance, including anti-freeze, or any drug in any place accessible to human beings, birds, dogs, cats, or other animals with the intent to kill or harm animals.

**Commented [MS19]:** Removed Feral Cat Colony regulations. This ordinance is unnecessary and places a huge time tax on an already overextended staff. Nation research has shown that though feral cats can benefit from having a caretaker, most of them will survive and thrive on their own after trapping, sterilization/vaccination, and placing them back in the area they were trapped.

**Commented [MS20]:** Added much needed regulations on the placement of traps. This requires the use of humane traps, prohibits the use of traps that cause injury or death, and provides for humane treatment of all animals trapped. This ordinance will also reduce the unnecessary trapping of healthy wildlife. Trapping and removing healthy wildlife is akin to providing pest control services.

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3. ~~Fails to check a trap they have placed or allowed to be placed at least once every twenty-four (24) hours.~~
  4. ~~Place or allow the placing of any trap when the heat index is expected to be above ninety (90) degrees or the temperature below forty (40) degrees Fahrenheit without first obtaining written permission from the department.~~
  5. ~~Place or allows the placing of any trap under conditions which may endanger the health of the animal due to exposure to rain, snow, extreme temperatures, lack of food or water, or under other circumstances that may cause bodily injury, serious bodily injury, or death of the animal, whether or not such injury occurs.~~
  6. ~~Euthanize, kill, or attempts to euthanize or kill a trapped animal in a manner other than one specifically allowed in this chapter.~~
  7. ~~Place or allows the placing of any trap designed for trapping animals in any highway, street, alley, or other public place within the corporate limits of the city unless specific written approval from the Animal Services Department has been granted. This subsection shall not apply to a city enforcement agent or an agency working in compliance with written approval from the Animal Services Department for placing the trap on public property.~~
  8. ~~Remove, alter, damage, or otherwise tamper with a trap or equipment belonging to or place at the request of the Animal Services Department.~~
  9. ~~Place or allow the placing of a trap, other than a commercially available trap solely designed to exterminate mice, rats, insects, for commercial profit, without identifying the trap with the name, telephone number, and Texas Department of Agriculture structural pest control applicator license number of the applicator who placed the trap.~~
- d) ~~Any trap found to be set in violation of this chapter may be confiscated by an Animal Services Officer and held as evidence in the case for the offense.~~
- e) ~~This section shall not be interpreted to restrict the extermination of rats, mice, or insects, through the use of traps, poisons, or other commercially available means when used at that person's residence, property, accessory structure, or commercial establishment and in accordance with the manufacturer's directions as long as reasonable precautions are taken to ensure that no human, pet, or wild animal, other than the targeted species, comes into contact with the traps, poison, or other means and does not violate any other section of this chapter.~~

~~Feral cat colonies shall be permitted and feral cat colony caretakers shall be entitled to maintain and care for feral cats by providing food, water, shelter and other forms of sustenance, provided that the feral cat colonies are registered with the animal services department.~~

(Ord. No. 2008-059, § 2, 3-4-08)

#### **~~Sec. 6-41. Registration of feral cat colonies.~~**

~~Each feral cat colony within the city limits must be registered annually with the animal services department. This registration shall include:~~

- ~~(1) The name and contact information for the primary colony caretaker.~~
- ~~(2) The location of the feral cat colony.~~
- ~~(3) The number of cats in the colony.~~

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- (4) ~~Documentation showing the number of cats that have been micro-chipped, spayed or neutered, and vaccinated in the colony in the past year.~~

~~(Ord. No. 2008-059, § 2, 3-4-08)~~

#### **~~Sec. 6-42. Oversight committee.~~**

~~The animal services supervisor shall appoint a committee of three (3) individuals to assist with the management of feral cat colonies within the city limits. Two (2) committee members shall have prior experience in managing and/or educating the public about feral cat colonies. The third member of the committee shall be a licensed veterinarian. This committee will assist the animal services supervisor with:~~

- ~~(1) Ensuring that the registered caretakers are operating within the requirements of this article,~~
- ~~(2) Resolving conflicts or complaints over the conduct of a feral cat colony caretaker or of any cats within a colony,~~
- ~~(3) Determining the disposition of an abandoned feral cat colony,~~
- ~~(4) Establishing and reviewing written minimum educational standards for all registered colony caretakers,~~
- ~~(5) Establishing and reviewing the procedures for feral cat colony maintenance.~~

~~(Ord. No. 2008-059, § 2, 3-4-08)~~

#### **~~Sec. 6-43. Feral cat colony caretaker responsibilities.~~**

~~All registered feral cat colony caretakers are responsible for the following:~~

- ~~(1) Registering the colony with the animal services department.~~
- ~~(2) Successfully completing the annual department approved educational course for feral cat colony caretakers.~~
- ~~(3) Taking all appropriate and reasonable steps to have the colony population vaccinated for rabies in accordance with 6-13 of this Code.~~
- ~~(4) Taking all appropriate steps to have the colony population spayed or neutered by a licensed veterinarian.~~
- ~~(5) Having an EAID inserted into each colony cat by a veterinarian in accordance with professional medical standards. The caretaker shall be the named contact for the EAID.~~
- ~~(6) Maintaining appropriate documentation on each colony cat showing records for spay or neuter, vaccination, and EAID.~~
- ~~(7) Providing food, water and, if feasible, shelter for colony cats.~~
- ~~(8) Obtaining proper medical attention for any colony cat that appears to require it.~~
- ~~(9) Obtaining written authorization from the appropriate property owner to enter on to private property to provide colony care.~~
- ~~(10) Notifying the department within seven (7) days of any change in address or contact information for the caretaker.~~
- ~~(11) Following the written procedures for colony maintenance as established under this article by the oversight committee.~~

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(Ord. No. 2008-059, § 2, 3-4-08)

**~~Sec. 6-44. Withdrawal of feral cat colony caretaker.~~**

~~In the event a registered caretaker is unable or unwilling to continue their duties with a colony, the caretaker must notify the animal services department in writing. If no replacement caretaker is readily available, the animal services supervisor will meet with the oversight committee to determine the disposition of the abandoned feral cat colony.~~

(Ord. No. 2008-059, § 2, 3-4-08)

**~~Sec. 6-45. Disposition of feral cat colony cats.~~**

~~Any cat that is trapped within the city limits will be scanned for an E.A.I.D. If a trapped cat shows to be registered to a feral cat colony, the animal services department will notify the registered caretaker. The caretaker must:~~

- ~~(1) Retrieve the colony cat from the shelter within three (3) days, or~~
- ~~(2) Inform the animal services department that they do not intend to reclaim the cat.~~

(Ord. No. 2008-059, § 2, 3-4-08)

**~~Sec. 6-46. Enforcement.~~**

- ~~(1) The establishment of feral cat colonies does not diminish the right for individual private property owners to trap and remove stray animals from their property in accordance with established procedures of the animal services department.~~
- ~~(2) Feral cat colony cats that are repeatedly trapped on private property or otherwise cause a continued nuisance will be reported to the registered caretaker. The caretaker will be provided thirty (30) days to resolve the issue. In the event the caretaker is unable to resolve the problem, the animal services supervisor will discuss the disposition of the cat with the oversight committee.~~
- ~~(3) Feral cat colony cats that are trapped on private property do not constitute a violation of section 6-8 regarding unrestrained animals and the registered caretaker is not subject to the implementation of a fine under that provision.~~

(Ord. No. 2008-059, § 2, 3-4-08)

**~~Sec. 6-47. Non-compliant colony caretaker.~~**

~~A feral cat colony caretaker that repeatedly fails to manage a colony or otherwise continues to act in a manner that is not in compliance with this article may be prohibited from serving as a feral cat colony caretaker. Such decision will be at the discretion of the animal services supervisor with the advice of the oversight committee.~~

(Ord. No. 2008-059, § 2, 3-4-08)



**Sec. 6-48. Existing feral cat colonies.**

~~Feral cats who were spayed or neutered and vaccinated for rabies prior to the date on which this article became effective, but did not have an EAID inserted, shall be deemed to be in compliance with this article provided that the colony caretaker provides the animal services department with a description of the individual cat. Feral cat colony caretakers shall take all appropriate steps to bring these cats into compliance with this article within three (3) years, or upon revaccination of the cats for rabies, whichever comes first.~~

(Ord. No. 2008-059, § 2, 3-4-08)

**ARTICLE IV. BEES**

**Sec. 6-419. Keeping of bees.**

- (a) Honeybees may be kept if the following conditions are met:
  - (1) All hives shall be located a minimum of fifty (50) feet from any inhabited dwelling other than that of the person keeping such bees;
  - (2) There is an adequate source of water within twenty (20) feet of all hives;
  - (3) Any hive contaminated with or known to have Africanized honeybees (killer bees) shall be destroyed by a qualified beekeeper at the owner's expense;
  - (4) Adjacent neighbors must be notified that bees will be kept on your property; and
  - (5) A honeybee registration form must be completed and submitted to the City of Denton. Any violation for failing to complete a honeybee registration form shall be dismissed without any fine or costs assessed upon the submission of a honeybee registration form within thirty (30) days of the violation.
- (b) It shall be unlawful for any owner of any hive to maintain more than the prescribed number of hives on the chart below on any single parcel of property in a residential neighborhood.

.25 Acre	.3 Acre	.5 Acre	1 Acre
2 hives	3 hives	4 hives	5 hives
2 nucs	3 nucs	4 nucs	5 nucs

The total number of hives allowed are staggered according to the size of the parcel. An equal number of hives and nucs (nucleus colonies, or small honeybee colonies created from larger colonies) are allowed on the property with restriction. Nucs are allowed to be on the property for ninety (90) days before they must be removed.

- (c) It shall be unlawful for any person to keep, or allow to be kept, bees in such a manner as to deny the reasonable use and enjoyment of adjacent property or endanger the personal health, safety, and welfare of the inhabitants of the city.
- (d) It shall be unlawful for any person to keep any hive within the corporate limits of the city unless the person has submitted a current and valid registration with the City of Denton.

( Ord. No. 2016-217 , § 4, 8-2-16)