

ORDINANCE NO. 2006-330

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AMENDING THE PROVISIONS OF CHAPTER 6 RELATING TO ANIMALS BY AMENDING SECTION 6-2 TO INCLUDE BATS IN THE DEFINITION OF PROHIBITED ANIMALS AND INCLUDE A DEFINITION FOR TETHERING; BY AMENDING SECTION 6-6 TO PROVIDE THAT THE ANIMAL SHELTER EMPLOYEE SHALL WORK FOR THE CITY OF DENTON ANIMAL SHELTER; BY AMENDING SECTION 6-8 TO PLACE LIMITATIONS ON TETHERING ANIMALS; BY AMENDING SECTIONS 6-13, 6-14 AND 6-17 TO REFLECT CHANGES IN STATE LAW REGARDING RABIES VACCINATION REQUIREMENTS; BY AMENDING SECTION 6-14 TO WAIVE REGISTRATION FEES FOR ANIMALS WHICH ARE STERILIZED AND MICROCHIPPED; BY AMENDING SECTION 6-16 TO REDUCE THE HOLDING PERIOD FOR PROTECTIVE CUSTODY IMPOUNDS FROM 7 DAYS TO NINETY-SIX (96) HOURS; BY AMENDING SECTION 6-30 TO ALLOW FOR IMPOUNDMENT OF PROHIBITED ANIMALS AND TO ESTABLISH TIME FRAMES FOR REDEMPTION OR DISPOSITION OF THE PROHIBITED ANIMAL; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500 FOR VIOLATIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. That Chapter 6 of the Code of Ordinances of the City ("Animals") be and the same is hereby amended by amending Section 6-2 "Definitions" to add bats to the definition of *prohibited animal* and to add a definition for *tethering*. Section 6-2 shall read as follows:

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 officer means the person employed by the city to represent and act for the city in the impoundment of animals, controlling of stray animals, enforcement of this chapter and applicable state regulations, and as otherwise authorized herein.

Animal control center or shelter 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.

At large or running at large means an animal 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.

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 of the feline species, both male and female.

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

City means the City of Denton, Texas.

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 animal means a dog that makes an unprovoked attack on a person, or a domestic animal, that causes bodily injury.

Dog means an animal of the canine species, both male and female.

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

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.

Ferret means a domesticated animal of the 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 officer. 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 officer: 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 days, or protection from impoundment.

Hybrid means the offspring of two animals of different species.

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 officer: bovine, equine, goats, sheep, swine.

Owner 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.

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 Helodermatidea (the venomous lizards); family Viperidae (rattlesnakes, pit vipers and true vipers); family Elapidae (coral snakes, cobras and mambas); family Colubridae--*Dispholidus typuss* (boomsland), *Cyclagras gigas* (water cobra) and *Bioga dendrophila* (mangrove snake) only; order Phidia (racers, boas, water snakes and pythons); order Crocodilia (crocodiles, alligators, caimans and gavials);
- (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, 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, 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, harbinger 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 animal 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.

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 harbinger, 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 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.

SECTION 2. That Chapter 6 of the Code of Ordinances of the City ("Animals") be and the same is hereby amended by amending Section 6-6 "Animal shelter advisory committee--Creation" to specify that the animal shelter employee shall work for the City of Denton Animal Shelter. Section 6-6 shall read as follows:

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 are not involved by occupation or membership in any of the above categories.
- (b) Each member shall serve a term of office of two (2) years from the date of his or her 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.

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.

SECTION 3. That Chapter 6 of the Code of Ordinances of the City ("Animals") be and the same is hereby amended by amending Section 6-8 "Restraining animals" to be re-named "Restraining animals and tethering animals" and to set up limitations and restrictions on tethering and transporting animals. Section 6-8 shall read as follows:

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

- (a) It shall be unlawful for the owner, harbinger, or person in possession of any animal to permit the animal run at large in the city or to trespass upon the premises of any other person.
- (b) It shall be unlawful for the owner, harbinger, or person in possession of any animal to leave the animal unattended in a public place regardless of whether or not it is restrained by a leash.
- (c) It shall be unlawful for the owner, harbinger, or person in possession of any animal to leave the animal restrained by a leash and unattended in any manner that allows the animal to enter the private property of another without the effective consent of the owner.
- (d) Subsections (a) through (c) do not apply to police canines.
- (e) It shall be unlawful to restrain a dog by a fixed point chain or tether unless the chain or tether is at least 10 feet long, has swivels at each end, and is attached to a pulley or trolley mounted cable that is mounted no more than seven feet above ground level.
- (f) It shall be unlawful to restrain a dog with a chain or tether shall attach the chain or tether to a properly fitted collar or harness worn by the dog. A person may not wrap a chain or tether around a dog's neck. A person may not restrain a dog with a chain or tether that weighs more than 1/8 of the dog's body weight.
- (g) It shall be unlawful to restrain a dog in a manner that does not allow the dog to have access to necessary shelter and water. A chain or tether used to restrain a dog must, by design and placement, be unlikely to become entangled.

SECTION 4. That Chapter 6 of the Code of Ordinances of the City ("Animals") be and the same is hereby amended by amending Section 6-13(c) "Vaccination of cats, dogs, and ferrets" to require proof of valid rabies vaccination in compliance with all State laws. Section 6-13(c) shall read as follows:

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

- (c) All such cats, dogs, or ferrets shall be revaccinated at intervals approved and accepted by the veterinarian community. 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.

SECTION 5. That Chapter 6 of the Code of Ordinances of the City ("Animals") be and the same is hereby amended by amending Section 6-14 "Registration of cats, dogs, and ferrets required" to require proof of valid rabies vaccination in compliance with all State laws and to waive the registration fee for animals which are sterilized and microchipped. Section 6-14 shall read as follows:

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

- (a) Every owner of a cat, dog, or ferret, which is four or more months of age and is kept in the city, shall register the animal with the animal control center.
- (b) In order to register a cat, dog, or ferret, the owner, or his 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 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 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.

SECTION 6. That Chapter 6 of the Code of Ordinances of the City ("Animals") be and the same is hereby amended by amending Section 6-16 "Protective custody impounds" to reduce the holding period from 7 days to ninety-six (96) hours. Section 6-16 shall read as follows:

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, harbinger or person otherwise in possession of the animal temporarily incapable of maintaining control of, or caring for, the animal, an animal control officer may impound the animal and house it at the animal control center.
- (b) The owner, harbinger 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) hours. If the owner, or his designee, has not claimed the animal within ninety-six (96) hours, the animal becomes the property of the city to be disposed of by the animal control center through adoption, transfer to an animal rights organization, or euthanasia.
- (c) Owners, or their designees, shall fulfill all the requirements for redemption as prescribed by this article.

SECTION 7. That Chapter 6 of the Code of Ordinances of the City ("Animals") be and the same is hereby amended by amending Section 6-17 "Requirements to redeem a dog, cat, or ferret" to require proof of valid rabies vaccination in compliance with all State laws. Section 6-17 shall read as follows:

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 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 by a state;
 - (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.

SECTION 8. That Chapter 6 of the Code of Ordinances of the City ("Animals") be and the same is hereby amended by amending Section 6-30 "Prohibited animal permit and impoundment" to allow for the impoundment of prohibited animals and to establish time frames for release or disposition of prohibited animals. Section 6-30 shall read as follows:

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 of the City of Denton, the animal may be immediately 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, or exhibitor holds a prohibited animal permit or is a governmental entity.
- (c) A permit for the possession of a prohibited animal may be issued only to a zoo, 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 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 on file in the office of the city secretary. The permit shall be issued for one 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 months and may be renewed for the same fee.

SECTION 9. If any section, subsection, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not effect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas hereby declares it would have enacted such remaining portions despite any invalidity.

SECTION 10. Save and except as amended hereby, all the provisions, sections, subsections, paragraphs, sentences, clauses, and phrases of the Code of Ordinances shall remain in full force and effect.

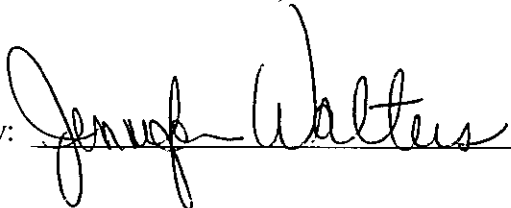
SECTION 11. Any person found guilty of violating this ordinance by a court of competent jurisdiction shall be fined a sum not to exceed five hundred dollars (\$500) per day. Each day that a provision of this ordinance is violated shall constitute a separate offense.

SECTION 12. This ordinance providing for a penalty shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this the 18th day of December, 2006.


PERRY R. McNEILL, MAYOR

ATTESTED:
JENNIFER WALTERS, CITY SECRETARY

By: 

APPROVED AS TO LEGAL FORM:
EDWIN M. SNYDER, CITY ATTORNEY

BY: 