

ORDINANCE NO 2000-460

AN ORDINANCE OF THE CITY OF DENTON, TEXAS AMENDING CHAPTER 6 RELATING TO ANIMALS BY REPLACING CHAPTER 6, PROVIDING A SEVERABILITY CLAUSE, 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, TEXAS HEREBY ORDAINS

SECTION 1 That Chapter 6 “Animals” of the Code of Ordinances of Denton, Texas is hereby amended to read as follows

Chapter 6

ANIMALS*

ARTICLE I IN GENERAL

Sec 6-1. Short title.

This chapter may be cited as the Denton Animal Control Ordinance

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

“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 typus* (boomslang), *Cyclagras gigas* (water cobra) and *Bioga dendrophila* (mangrove snake) only, order Phidra (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 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 an 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 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 harborer, 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

“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

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 or her duties, shall not thereby render himself or herself personally liable by the performance of any act required or permitted in the discharge of his or her duties

Sec 6-4. Enforcement

- (a) The city authorizes animal control officers to enforce the provisions of this chapter and to act as the local health authority and animal control authority in enforcing the provisions of applicable sections of the Texas Health and Safety Code

- (b) The authority of an animal control officer includes, but is not limited to
 - (1) The authority to issue citations and swear out summonses for any violation of this chapter and any other power or duty stated within the terms of this chapter,
 - (2) The humane destruction of an animal which is diseased or has been seriously injured to the degree that destruction 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 chapter 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 chapter and to enter onto private property and commercial animal establishments to enforce regulations covered in this chapter
- (c) It shall be unlawful for any person to intentionally and knowingly interfere with an animal control officer in the performance of his or her duties
- (d) It shall be unlawful for any person to fail to comply with any lawful order of an animal control officer of the city
- (e) It shall be unlawful for any person, upon being issued a citation, to give an animal control officer a false name or a false address
- (f) It shall be unlawful for any person to remove, alter, damage or otherwise tamper with a trap or other equipment that is placed on any property by an animal control officer for the purpose of exercising the authority, or performing any duty, prescribed by this chapter

Sec 6-5 Animal control center or shelter

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

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,
 - (2) One (1) city official,

- (3) One (1) person whose duties include the daily operation of an animal shelter,
 - (4) One (1) representative of an animal welfare organization,
 - (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

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, 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 at least three (3) times per year

Sec. 6-8 Restraining Animals

- (a) It shall be unlawful for the owner, harborer, 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, harborer, 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, harborer, 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) This section does not apply to police canines

Sec. 6-9 Animal Nuisances

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

- (a) Harbor, keep, or control any animal on their premises which by barking, howling, or crowing creates noise to the degree that the noise interferes with the reasonable use and enjoyment of adjacent property by its occupants

- (b) Keep any animal in such a manner as to endanger the public health in the following ways
 - 1 By the accumulation of organic animal wastes which cause foul and offensive odors,
 - 2 By being a hazard to any other animal or human being, or
 - 3 By keeping animal pens, stables or enclosures in an unsanitary condition
- (c) Keep bees in such a manner as to deny the reasonable use of adjacent property or endanger personal health and welfare

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

- (a) An owner, harbinger, 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, harbinger, 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 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, harbinger, or person in possession of the dog,
 - 2 The dog was specially trained to assist a person with a disability 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

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 center and have the animal

impounded, or deliver said animal to the animal control center. In attempting to confine the animal, the occupant shall not use any force that is intended or known by the occupant to cause or in the manner of its use or intended use is capable of causing death or injury to the animal.

Sec. 6-12 Animal care generally.

Animals shall be cared for, treated and transported in a humane manner and not in violation of Section 42.11 of the Texas Penal Code, Title 10 of the Health and safety Code, or any other provision of law, including federal, state and local laws, ordinances and rules.

- (a) 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 officer.
- (b) 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, disability or death. An animal control officer 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 center.
- (c) It shall be unlawful for any person to keep or harbor any animal which is afflicted 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 by a licensed veterinarian or turned over to the animal control center to be humanely destroyed.
- (d) 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.
- (e) 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 officer.
- (f) 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

- (g) 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
- (h) It shall be unlawful for any person, firm or corporation to mutilate any live animal
- (i) It shall be unlawful for any person other than a licensed veterinarian to dock the tail or crop the ears of any animal
- (j) A person commits an offense if he
 - 1 Beats, cruelly treats, torments, mentally abuses, overloads, overworks, or otherwise abuses an animal,
 - 2 Causes, instigates, or permits any dog fight, cock fight, bull fight, or other combat between animals or between animals and humans,
 - 3 Fails to provide an animal in his possession with adequate wholesome food and water, proper shelter and protection from inclement weather and veterinary care when needed to prevent suffering,
 - 4 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
 - 5 Treats an animal in an inhumane or cruel manner as defined by Section 42.09 of the Texas Penal Code or Chapter 821 of the Texas Health and Safety Code
- (k) It is an exception to the application of this section if, at the time of the conduct charged, the actor
 - 1 Was a licensed veterinarian engaged in the legitimate practice of veterinary medicine, or
 - 2 Was engaged in bona fide experimentation for scientific research

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 vaccine approved by the Texas Board of Health. Only a licensed veterinarian 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 to correspond with the vaccination certificate

number, the issuing clinic's name and phone number. The owner shall place the rabies tag on the animal's collar or harness while the animal is outside the owner's residence.

- (c) All such cats, dogs, or ferrets shall be revaccinated at one year intervals thereafter. 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 any person 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 quarantine period, beginning with the date of the bite, scratch, or attack.
- (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 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 officer, upon request, that such animal is currently vaccinated against rabies as required by this section.

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 rabies vaccination certificate issued by a licensed veterinarian within the last twelve (12) months and 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 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, or
 - 3 The registration of a spayed or neutered animal by a resident sixty-five years of age or older.

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.

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

- (a) An animal control officer is authorized to impound any animal which is running at large within the city or for which impoundment is otherwise authorized by this chapter 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 organization for the purpose of veterinary medical care, as determined by the animal control officer. The animal shelter shall not be responsible for providing veterinary care for any sick or injured animal. (State law reference – Restraint and Impoundment of Dogs and Cats, Vernon's Ann. Civ. St., Art. 4477-6a, § 3-08)
- (c) Any nursing baby 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 or to a non-profit humane organization for the purpose of caring for said animal.
- (d) The owner of any animal impounded under the terms of this chapter shall have the right to redeem same, unless otherwise prohibited by this chapter.
- (e) Animals impounded in accordance with this section shall be held at the animal control center for a minimum of ninety-six (96) hours. If the owner does not redeem the animal before the holding period expires, the animal shall become the property of the animal control center and the animal control center shall dispose of the animal through adoption, transfer to an animal rights organization, or euthanasia.

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 seven (7) days. If the owner, or his designee, has not claimed the animal within seven (7) days, 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 chapter.

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 chapter, the owner, or his designee, shall
 - 1 Provide a rabies vaccination certificate issued by a licensed veterinarian within the last twelve (12) months and 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
- (b) If the owner, or his designee, cannot, or refuses to, provide proof that the animal is currently vaccinated against rabies, the owner, or his designee, shall 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 chapter 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 chapter, 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 designee, who redeems an animal, six months of age or older, for a second or subsequent impound shall provide proof that the animal has been spayed or neutered prior to the release of the animal. If the owner cannot provide proof that the animal is spayed or neutered, the owner shall pay a veterinary clinic 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) days of the release of the animal, or
 - 2 Fail to provide proof that the animal was spayed or neutered within fourteen (14) days of the release of the animal

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

- (a) The animal control center is authorized to offer for adoption any impounded animal not redeemed by its owner within ninety-six (96) hours or any animal released by its owner for adoption, except where otherwise specified
- (b) Animal control officers 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 any warranty, expressed or implied, of the health, temperament, or age of the animal
- (c) In order to adopt a dog, cat, or ferret, a person shall
 - 1 If not currently vaccinated, pay a veterinary clinic for the administration of vaccinations against rabies and other communicable diseases common to the animal's species and present a receipt of payment from the veterinary clinic,
 - 2 If not spayed or neutered, pay a veterinary clinic for the sterilization surgery and present a receipt of payment from the veterinary clinic,
 - 3 If required by this chapter, pay a registration fee as established by the city council and kept on file in the office of the city secretary, and
 - 4 Pay an adoption fee as established by the city council and kept on file in the office of the city secretary
- (d) A person who adopts an animal shall provide certification from the veterinarian that the animal was vaccinated as prescribed within seven (7) days of the animal's release from the animal control center
- (e) A person who adopts an animal shall provide certification from the veterinarian that the animal was spayed or neutered as prescribed, or was already sterilized, within fourteen (14) days of the animal's release from the animal control center
- (f) A person who adopts an animal believed to be under four (4) months of age shall provide certification from the veterinarian that the animal is of insufficient age to receive vaccinations or be spayed or neutered and provide a date as to when the procedures will be performed. The person adopting the animal shall provide certification from the veterinarian of the administration of the vaccinations and surgical sterilization within fourteen (14) days after the procedures are completed
- (g) The owner, harborer, or person in possession of an animal adopted under this section shall immediately notify the animal control center if the animal escapes or becomes or appears to become sick or dies before the animal has been vaccinated and sterilized

- (h) If a person fails to meet the requirements of this section, the animal center 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 center.

Sec 6-19 Transfer of animals to other releasing agencies

The custody of cats, dogs, and ferrets eligible to be placed for adoption under this chapter may be transferred without fee to animal shelters or humane organizations so that these organizations may act as releasing agencies and place the animals for adoption pursuant to Chapter 828 of the Texas Health and Safety Code. Before any animals will be transferred to other releasing agencies, these agencies must meet any administrative requirements established by the animal control center. All responsibilities required of releasing agencies under Chapter 828 for adoption, immunization and sterilization of impounded animals shall be solely the responsibility of the animal shelters or humane organizations and the City of Denton 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.

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

- (a) Except as may be otherwise provided in this chapter, 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.

Sec 6-21. Disposal of dead animals

- (a) It shall be unlawful for any person to place, put or leave a dead 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 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 center, except at times when such center is open to the public and a city employee is available to receive such carcass

Sec. 6-22 Euthanasia and cremation of animals.

- (a) An owner or resident may bring an animal or animals to the animal control center for 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

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

- (a) It is the duty of any person having knowledge of an animal bite or scratch to a human to provide a detailed report of the incident to the animal control center 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 bitten or scratched by an animal known to have rabies, or suspected of having rabies, to provide a detailed report of the incident to the animal control center 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 center, 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 shall submit a written report to the animal control center describing the condition of the animal on the initial day of observation, the fifth day, and the tenth day of observation
- (e) The carcass of any dead animal exposed to rabies or suspected of having been rabid shall be surrendered to the animal control center for diagnostic purposes

Sec 6-24 Rabies quarantine, confinement and disposition

- (a) An animal control officer shall have the authority to order the quarantining of any animal responsible for a bite or scratch 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 a human, the owner must immediately place the animal in quarantine at the animal control center or at a licensed veterinary clinic within the incorporated limits of the city for a period of not less than ten (10) days from the time of the bite or scratch. If the owner fails or refuses to surrender the animal for quarantine, an animal control officer may obtain a warrant from a magistrate to seize and impound the animal for a period of time as provided in this section
- (c) The owner of a dog, cat or ferret subject to quarantine under this section may request permission for home quarantine. The animal control 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 at the time of the bite or scratch,
 - 4 The animal subject to the quarantine has no prior bites or scratches on file with the animal control 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 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 officer physically inspects the premises prior to allowing the home quarantine to 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 officer. If the owner refuses to allow the impoundment of the quarantined animal for the purpose of quarantine, an animal control 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

- (e) The owner of an animal that is bitten by or exposed to an animal known to have rabies or suspected of having rabies shall immediately confine the animal and notify the animal control center. The animal control center shall
 - 1 If the animal is currently vaccinated, order the owner to obtain immediate revaccination 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, order the owner to confine the animal for a period of not less than ninety (90) days, 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 center 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 center 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 center.
- (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 officer or veterinarian has observed 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.
- (j) If the animal is impounded at the animal control center for quarantine, the owner may redeem the animal in accordance with the provisions of this chapter. If the owner fails to redeem the animal on or before the third day following release from quarantine, the animal shall become the property of the city and the animal control center is authorized to dispose of the animal through adoption, transfer to an animal rights organization or euthanasia.
- (k) Unauthorized or prohibited animals that bite or scratch a human or another animal or are suspected of having rabies shall be humanely destroyed and submitted for diagnostic testing.

Sec 6-25. Pigeons.

- (a) It shall be unlawful for any person who owns a pigeon to intentionally allow the pigeon to stray in the city
- (b) 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

Sec. 6-26. Keeping of fowl

- (a) It shall be unlawful for any person to keep or harbor any fowl 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 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
- (b) 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 public health, safety or welfare, or to create a public nuisance

Sec 6-27. Livestock, sanitary conditions.

- (a) 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
- (b) It shall be unlawful for any person to keep or harbor any livestock within the corporate limits of the city in any pen, stable, shed or other enclosure at a distance of less than two-hundred (200) feet from any residence, business, commercial establishment, office, school, hospital or nursing home. This does not apply to the livestock owner's residence, business, commercial establishment or office

- (c) 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 10,000 square feet for each head of cattle or horse and 3,000 square feet for all other types of livestock
- (d) It shall be unlawful for any owner 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 public health, safety or welfare, or to create a public nuisance
- (e) Manure and droppings shall be removed from pens, stables, yards, coops and other enclosures weekly and handled or disposed of in such a manner as to keep the premises free of any nuisance
- (f) 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
- (g) The feeding of vegetables, meat scraps or garbage to livestock shall be done only in impervious containers or on an impervious platform
- (h) Watering troughs or tanks 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
- (i) 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

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 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

Sec. 6-29. Wild animals.

- (a) It shall be unlawful to keep or harbor any wild animal within the city, except 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 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

Sec 6-30. Prohibited animal permit.

- (a) It shall be unlawful for a person to harbor, own or exhibit a prohibited animal within the city
- (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

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

The animal control officer shall revoke a permit to harbor, own or exhibit a prohibited animal within the city if

- (a) The permit holder fails to properly restrain the animal, or
- (b) The permit holder fails to generally care for or protect the animal

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

- (a) If the animal control center refuses to issue or renew a prohibited animal permit or revokes a permit, he or she shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of the right to appeal
- (b) The applicant or permit holder may appeal the decision of the animal control officer to the chief of police by filing with the chief of police 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 center. The filing of a request for an appeal hearing with the chief of police stays any action by the animal control center 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 center is final
- (c) The chief of police, or his designee, 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 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 officer and his decision is final

ARTICLE II DANGEROUS ANIMALS

Sec. 6-33. 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 animals determined to be dangerous
- (b) The administrative procedures of this article shall apply to any animal required to be restrained in accordance with this chapter which, while running at large or while restrained in a public place, has bitten or attacked a person or, while running at large, has bitten or attacked another animal and for which a complaint has been filed in accordance with this article

Sec. 6-34 Filing the complaint.

- (a) To invoke the provisions of this article, a written complaint shall be filed with the animal control center within two (2) business days of the date the person or animal was attacked or bitten, 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 the victim of the bite or attack, or the owner of the animal attacked or bitten, as applicable. If the person required to sign the complaint is a minor or is incapacitated, the complaint shall be signed by the person's parent, guardian or legal representative.
- (c) The complaint shall contain the following information:
 - 1 The name, address and telephone number of the person attacked or bitten or the owner of the animal attacked or bitten,
 - 2 The facts and circumstances of the incident, including the date, time and location, a description of the animal complained of, and if known, the name, address and telephone number of the owner of the animal complained of, and of any witness, and
 - 3 A statement that the animal complained of, while running at large or while restrained in a public place, made an unprovoked attack on a person or animal in violation of this article.
- (d) The complaint shall be accompanied by a written statement from a physician or veterinarian showing that the person or animal attacked or bitten was examined or treated within forty-eight (48) hours of the incident and stating the nature and extent of any injuries suffered.

Sec. 6-35. Making a false complaint.

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

Sec. 6-36. Investigation; determination of probable cause; order of impoundment.

- (a) Upon receipt of a dangerous animal complaint, the animal control center shall immediately initiate an investigation to determine if there is probable cause to believe that the animal which is the subject of the complaint is dangerous.
- (b) If the investigating animal control officer determines that there exists probable cause to believe the animal is dangerous, the animal control officer shall request an order of impoundment be issued by the chief of police or his designee.
- (c) The order of impoundment shall include the facts set forth in the complaint, the duty of the owner to immediately impound the animal, and notification of the subsequent dangerous animal hearing.

- (d) Upon receipt of an order of impoundment, the owner of the subject animal shall immediately impound the animal at the animal control center or a licensed veterinary clinic or approved animal kennel within the incorporated limits of the city
- (e) If the owner of an animal subject to impoundment refuses or fails to immediately impound the animal as required, an animal control officer may obtain a warrant from a magistrate, seize the animal, and transport it to the animal control center
- (f) The owner or harbinger will bear any and all costs for the impoundment required by this section
- (g) Any owner, harbinger, or other person having possession of or responsibility for any animal which is subject to an investigation under this article shall immediately notify the animal control center if such animal escapes or becomes or appears to become sick or dies. In case of death of the animal under investigation, the person shall immediately surrender the carcass to the animal control center for diagnostic purposes
- (h) It shall be unlawful for any person to refuse or fail to impound an animal subject to this article, or harbor, hide or secret an animal 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 an animal subject to this article to any location outside the incorporated limits of the city if the person has knowledge that the animal is the subject of an investigation under this article
- (j) Nothing in this section shall preclude an animal control officer from immediately impounding an animal that poses an immediate threat to the health and safety of the citizens of the city

Sec 6-37. Determination hearing.

- (a) The jurisdiction for a dangerous animal determination hearing under this article shall be assigned to the municipal court of the city
- (b) The owner of an animal subject to a dangerous animal 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 animal
- (c) The determination hearing shall be held within ten (10) days after impoundment of the animal

- (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 his determination.
- (e) If the magistrate determines that the animal which is the subject of the hearing is a danger to the community, the magistrate will issue an order as to the disposition of the animal and any conditions that may be placed upon the owner for the continued possession of the animal.
- (f) Nothing in this section precludes the owner of an animal which is the subject of the hearing from waiving his right to a determination hearing. If a person waives the right to a hearing, the animal will be assumed to be dangerous and the owner shall immediately authorize the destruction of the animal. If the animal is impounded at the animal control center, the owner shall release the animal to the center for destruction. If the animal is impounded at a veterinary clinic or an animal kennel, the owner shall have the animal destroyed by a licensed veterinarian immediately and provide documentation of the destruction to the animal control center.

Sec 6-38. Disposition of a dangerous animal

- (a) If, in accordance with this article, a magistrate determines that an animal is dangerous, the magistrate shall issue an order of disposition for the animal. The magistrate may order the destruction of the animal or place special conditions on the owner for the continued maintenance of the animal.
- (b) If an order of disposition contains special conditions, such conditions shall include, but not be limited to, a requirement that the owner
 - (1) Register the animal as a dangerous animal with the animal control authority for the area in which the animal is kept,
 - (2) Restrain the animal at all times in a secure enclosure when the owner or harbinger is not present,
 - (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 animal, and
 - (4) Obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous animal causing bodily injury to a person.
- (c) For the purposes of this section, "secure enclosure" means a locked structure capable of preventing the entry of any part of the body of a human, including children, and capable of preventing the escape, release, or protrusion of any part of the body of the animal. The enclosure shall have secure sides and a floor either

attached to the sides or with the sides embedded no less than twelve inches in a concrete border surrounding the base of the enclosure. The concrete border shall be no less than four inches wide and no closer than six feet to any property line. An enclosure shall be adequately lighted and ventilated and must be maintained in a clean and sanitary condition.

- (d) For the purposes of this section, "on a leash" means secured on the owner's property by a leash no longer than four feet in length, held by a person of sufficient strength to restrain the animal, and muzzled by a muzzling device sufficient to prevent the animal from biting any person or any other animal.
- (e) For the purposes of this section, "register" means to
 - (1) Provide the animal control center with the name, address and telephone number of the person owning or harboring a dangerous animal,
 - (2) Provide the animal control center with the name, general description and two color photographs, one depicting a frontal view and one depicting a side view, of the dangerous animal,
 - (3) Provide the animal control center with a valid rabies vaccination certificate issued for the dangerous animal by a licensed veterinarian,
 - (4) Provide a copy of a current liability insurance policy as prescribed by subsection (b)(3) of this section,
 - (5) Agree to inspections by animal control officers of the dangerous animal and the premises on which the dangerous animal is kept at any reasonable times to insure compliance with the provisions of this article, and
 - (6) Pay a dangerous animal permit fee as authorized by the city council and on file in the office of the city secretary.
- (f) For the purpose of this section, "signs" shall mean a sign, at least eight inches by twelve inches, of a permanent nature stating "BEWARE OF DANGEROUS ANIMAL" in red lettering on a white background. The lettering shall be no less than two inches in height and made of a reflective material that is visible in low-light situations or at night. The owner of a dangerous animal 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.
- (g) The owner shall immediately notify the animal control center of any change in status of a dangerous animal, including relocation, transfer of ownership, escape, or death. In the event that the dangerous animal is moved to another location within the city, the animal control center shall inspect the new location to insure compliance with this section. If ownership of the dangerous animal is transferred to another person, that person shall be subject to all requirements of this section. If the dangerous animal is moved to a location outside the incorporated limits of the city, the owner shall inform the animal control center of the new location of the animal. The animal control center shall forward a copy of the magistrate's

order of disposition to the local animal control authority of the jurisdiction into which the animal is being moved

- (h) A person commits an offense if he knowingly, intentionally, or negligently fails to perform any act required by this section. Each day in which a person is in violation of this section shall constitute a separate offense under this section. An offense under this section shall be punishable by a fine of not less than two-hundred-fifty (\$250) dollars.
- (i) Upon notification that a violation of this section has occurred, an animal control officer shall immediately impound the animal and the disposition of the animal shall be determined by a magistrate of the municipal court of the city.
- (j) If an owner of an animal deemed to be dangerous is unable to comply with the conditions set forth in this section, the owner shall have the animal humanely destroyed by a licensed veterinarian or by releasing the animal to the animal control center. If the animal is destroyed by a licensed veterinarian, the owner shall provide certification from the veterinarian that such destruction was performed.

Sec 6-39. Impoundment, redemption.

- (a) The owner of an animal impounded at the animal control center under the provisions of this article and subsequently determined not to be a dangerous animal under the provisions of this article may redeem the animal by complying with the provisions of Section 6-17 of this Chapter, including the payment of fees authorized by the city council and on file in the office of the city secretary.
- (b) The owner of an animal impounded under the provisions of this article and subsequently determined to be a dangerous animal shall, prior to the release of the animal from any facility, provide proof to the animal control center that he has 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.
- (c) If an animal impounded under this article is determined not to be dangerous, the owner shall be notified that the animal is eligible for redemption and the terms of redemption. The owner shall redeem the animal within ninety-six (96) hours after receiving such notice. If the owner fails to redeem the animal within the required period, the animal shall become the property of the city and shall be euthanized by the animal control center.
- (d) The owner of an animal that is determined to be dangerous under the provisions of this article shall notify the animal control center within ninety-six (96) hours of their intent to redeem the animal. The owner shall redeem the animal within thirty (30) days after notice that the animal is eligible for redemption. If the

owner fails to redeem the animal within the required period, the animal shall become the property of the city and shall be euthanized by the animal control 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.

SECTION 2 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 affect 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 3 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 4 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.

SECTION 5 This ordinance 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 19th day of December, 2000

Euline Brock
EULINE BROCK, MAYOR

ATTEST
JENNIFER WALTERS, CITY SECRETARY

BY Jane Richardson, Asst.

APPROVED AS TO LEGAL FORM
HERBERT L. PROUTY, CITY ATTORNEY

BY Stephanie M. Berry