

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

### ARTICLE I. IN GENERAL

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

This chapter may be cited as the Denton 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 Services 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 Services Center* or *Animal 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.

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<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 No. 2000-460, § 1, adopted Dec. 19, 2000, repealed ch. 6, arts.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, TexasTexas Health and Safety Code § 821.001 et seq.; rabies control, TexasTexas Health and Safety Code § 826.001 et seq.

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*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. It must be large enough so the animal can enter, stand, turn around, and lie 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.

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 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.

*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 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.

*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.

*Estray* means any stray livestock.

*Feral cat* means a cat that is not socialized or has reverted back to a wild state.

*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 Services 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 Services Officer: chickens, ducks, game hens, geese, guineas, peafowl, pheasant, quail, swans, and turkey.

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*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 Services Officer: 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 (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 Pythonidae (racers, boas, water snakes and pythons) except ball 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, 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, 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.

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*Quarantine* means the strict isolation of a biting animal or an animal that has potentially exposed a person to rabies 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 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 caretaker which is found to be at large within the corporate limits of the city.

*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.

*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 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 their duties, shall not thereby render themselves personally liable by the performance of any act required or permitted in the discharge of their duties.

### **Sec. 6-4. Enforcement.**

- (a) The city authorizes Animal Services Officers to enforce the provisions of this article and to act as the local rabies control authority and animal services authority in enforcing the provisions of applicable sections of the Texas Health and Safety Code.
- (b) The authority of an Animal Services Officer 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 euthanasia of an animal which is diseased or has been seriously injured to the degree that 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

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- (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 Services Officer in the performance of their duties.
  - (d) It shall be unlawful for any person to fail to comply with any lawful order of an Animal Services Officer of the city.
  - (e) It shall be unlawful for any person, upon being issued a citation, to give an Animal Services Officer 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 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 to intentionally and knowingly misrepresent any and all information to any Animal Services Officer.

(Ord. No. 2000-460, § 1, 12-19-00)

#### **Sec. 6-5. Animal Services Center or Animal Shelter.**

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

(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 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. 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. (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.

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**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 no less 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.
- (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) 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:

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- 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.

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

- (a) An owner, 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) It is a defense to prosecution under subsection (a) that:
  - (1) The property was owned, leased, or controlled by the owner, caretaker, or person in possession of the dog;
  - (2) The dog 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 Services Center and have the animal impounded, or deliver said animal to the Animal Services Center. In attempting to confine the animal, the person shall not use any force that is intended or known by the person to cause or be capable of causing in the manner of its use or intended use 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 Texas Penal Code § 42.11, 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 Services Officer.
- (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 Services 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 Services Center.
- (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 euthanized by a licensed veterinarian or turned over to the Animal Services Center to be humanely 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 Services 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;



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- c. Fails to provide an animal in their possession with adequate wholesome food and water, appropriate shelter and protection from inclement weather, and veterinary care 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 the Texas Penal Code § 42.09 or Texas Health and Safety Code, Ch. 821.

(Ord. No. 2000-460, § 1, 12-19-00)

### **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 a rabies vaccine approved by the Texas Board of Health. Only a licensed veterinarian, or their designee under direct supervision, shall administer the vaccine.
- (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 that contains a serial number and expiration date to correspond with the 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 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.
- (d) If an unvaccinated cat, dog, or ferret inflicts a bite, scratch, or otherwise 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 two hundred and forty (240) hour quarantine period, beginning with the date and time of the bite, scratch, or 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 Services 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. Microchipping of cats and dogs, required.**

- (a) Every owner of a cat or dog, 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.

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- (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.

(Ord. No. 2006-330, § 5, 12-12-06)

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

- (a) An Animal Services 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.
- (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 animal welfare organization for the purpose of veterinary medical care, as determined by the Animal Services Manager or their designee. The animal shelter shall not be responsible for providing veterinary care for any sick or injured animal.
- (c) Any 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 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 Services Center for a minimum of 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 Services Center and the Animal Services center shall disposition the animal through adoption, transfer to an animal welfare organization, or euthanasia.

(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, caretaker or person otherwise in possession of the animal temporarily incapable of maintaining control of, or caring for, the animal, an Animal Services officer may impound the animal and house it at the Animal Services center.
- (b) The owner, 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 seventy-two (72) hours. If the owner, or their designee, has not claimed the animal within seventy-two (72) hours, the animal becomes the property of the city to be disposed of by the Animal Services Center through adoption, transfer to an animal welfare 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)

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### **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 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 them by a 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 their designee, cannot, or refuses to, provide proof that the animal is currently vaccinated against rabies, the owner, or 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.
- (c) An owner, or 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 sterilized prior to the release of the animal. If the owner cannot provide proof that the animal is 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.
- (d) It shall be unlawful for a person redeeming an animal under this section to:
  - (1) Fail to provide proof of rabies vaccination within seven (7) days of the release of the animal; or
  - (2) Fail to provide proof that the animal was 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) Any impounded animal not redeemed by its owner within 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 Services 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 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.
- (d) A person who adopts an animal from the Animal Services Center, that is determined to be either of insufficient age or medical condition to receive vaccinations or be sterilized as prescribed by law, shall follow

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the instructions provided by the Animal Services Center and ensure that the adopted animal is subsequently vaccinated and sterilized by the 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.

- (e) If a person fails to meet the requirements of this section, the Animal Services 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 Services Center.

(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 animals eligible to be placed for adoption under this article may be transferred without fee to animal shelters or animal welfare organizations so that these organizations may act as releasing agencies and place the animals for adoption pursuant to 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 Services Center. All responsibilities required of releasing agencies under [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 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.**

- (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)

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

- (a) It shall be unlawful for any person to place or leave a 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) A resident 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.
- (c) It shall be unlawful for any person to place or leave an animal carcass at the city's Animal Services Center, 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)

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**Sec. 6-22. Humane euthanasia of animals.**

- (a) Owners who are residents of the city may bring an animal or animals to the Animal Services Center 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.

(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 bitten or otherwise potentially exposed a person to rabies, to provide a detailed report of the incident to the Animal Services 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 has been bitten or otherwise potentially exposed to rabies by an animal known to be a high risk rabies carrier, or suspected of having rabies, to provide a detailed report of the incident to the Animal Services 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 Services 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 potential exposure to rabies shall submit a written report to the Animal Services 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 that has bitten or potentially exposed a human or pet to rabies shall be surrendered to the Animal Services Center for diagnostic purposes.

(Ord. No. 2000-460, § 1, 12-19-00)

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

- (a) An Animal Services Officer shall have the authority to order the quarantining of any animal responsible for a bite or potential exposure of rabies to a human 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 has bitten or potentially exposed a human to rabies, the owner must immediately place the animal in quarantine at the Animal Services Center or at a licensed veterinary clinic within the incorporated limits of the city for a period of not less than two hundred and forty (240) hours from the time of the bite or potential exposure. If the owner fails or refuses to surrender the animal for quarantine, an Animal Services Officer may obtain a warrant from a magistrate to seize and impound the animal for a period of time 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 Services Officer 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 animal subject to the quarantine was not in violation of any provision of this ordinance at the time of the bite or potential exposure to rabies;

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- (3) The animal subject to the quarantine has no prior bites or potential exposures to rabies on file with the Animal Services Center;
  - (4) The owner demonstrates sufficient accommodations to isolate the animal subject to quarantine from humans and other animals in the residence;
  - (5) 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;
  - (6) The owner agrees not to remove the animal subject to quarantine from the incorporated limits of the city during the prescribed quarantine period; and
  - (7) The Animal Services Officer physically inspects the premises prior to allowing the home quarantine to ensure 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 Services Officer. If the owner refuses to allow the impoundment of the quarantined animal for the purpose of quarantine, an Animal Services Officer may obtain a warrant from a magistrate to seize and impound the animal for a period of time not less than two hundred and forty (240) hours from the date and time of the bite or potential exposure to rabies.
  - (e) Any animal that has been bitten by or exposed to an animal known to have rabies or suspected of having rabies shall be immediately confined by the owner and the owner shall notify the Animal Services Center. The Animal Services Center 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 Services 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 Services 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 Services Center.
  - (h) The owner of an animal quarantined in accordance with this section or state law shall bear the full cost of the quarantine.
  - (i) If, upon the expiration of the quarantine period, the Animal Services Officer 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 Services Center 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

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impoundment unless approved by the Animal Services Manager, in writing, for an extension. If the owner fails to remit payment for the quarantine of the animal on or before the seventy-two (72) hours from impoundment, the animal shall become the property of the city and the Animal Services Center is authorized to disposition the animal through adoption, transfer to another animal 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 potentially expose a human to rabies or are suspected of having rabies shall be humanely euthanized and submitted for diagnostic testing.

(Ord. No. 2000-460, § 1, 12-19-00)

#### **Sec. 6-25. Feral 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 that doing so does not create a nuisance nor provide sustenance for wildlife.
- (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.

(Ord. No. 2000-460, § 1, 12-19-00)

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

- (a) It shall be unlawful for any owner of any fowl to maintain more than eight (8) 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.
- (e) It shall be unlawful for any person to keep or harbor any fowl or pigeon that is not maintained within an enclosed structure or fenced yard that prevents the animal from straying off the owner's property.
- (f) 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.

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- (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 on a parcel of land 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 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 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 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.
- (f) 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.
- (g) 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.
- (h) The feeding of vegetables, meat scraps or garbage to livestock shall be done only in impervious containers or on an impervious platform.
- (i) 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.
- (j) 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.
- (k) 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)



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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 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.
- (b) The Animal Services 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;
  - (2) Wild bird feeders filled in accordance with the manufacturer's recommendations within the boundaries of a person's owned or occupied property.
- (e) 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 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.

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- (b) It is an exception to the application of subsection (a) of this section if the owner, 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 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.
  - (d) The fee for such permit shall be established by the city council and 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 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 Shelter Advisory Committee refuses to issue or renew a prohibited animal permit or if the Animal Services Department revokes a permit, they shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of their action and a statement of the right to appeal.
- (b) The applicant or permit holder may appeal the decision of the to the Municipal Court by filing with the 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 Services Department. The filing of a request for an appeal hearing with the Municipal Court stays any action by the Animal Services 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 Shelter Advisory Committee or Animal Services Department is final.
- (c) The Municipal Court Judge shall serve as hearing officer at an appeal hearing and shall consider evidence offered by any interested person. The hearing officer shall make 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 Shelter Advisory Committee or Animal Services Department and 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.
- b) This section does not apply to;
  - 1. The Animal Services Center or Animal Services Center approved partner or not-for-profit 501(c)3 animal welfare organization;
  - 2. An event primarily for the exhibition of judging cats, dogs, or rabbits; or
  - 3. A mobile pet adoption event at which consideration is paid if it is operated by an organization that is exempt pursuant to subsection (b) (1) of this section.
- c) It is an affirmative defense to prosecution under subsection (a) above that the person is working on the behalf of a veterinary clinic, animal hospital, animal shelter, or a not-for-profit 501(c)3 animal welfare organization.

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

**Sec. 6-34. 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 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 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. 6-35. Filing the complaint.**

- (a) To invoke the provisions of this article, a written complaint shall be filed with the Animal Services Center within ten (10) calendar days of the date the person or legally restrained domestic animal or livestock was

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<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.

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attacked or 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 Animal Services Officer, 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 .
- (c) The complaint shall contain the following information:
  - (1) The name, address and telephone number of the person attacked or injured or the owner of the legally restrained domestic animal or livestock attacked or 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. 6-36. 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. 6-37. Investigation; determination of probable cause; order of impoundment.**

- (a) Upon receipt of a dangerous dog complaint, the Animal Services Department 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 Services Officer determines that there exists probable cause to believe the dog is dangerous, the Animal Services Officer shall request an order of impoundment be issued by the municipal court.
- (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, the owner of the subject dog shall immediately release the dog for impoundment at the Animal Services Center.
- (e) If the owner of a dog subject to impoundment refuses or fails to immediately impound the dog as required, an Animal Services Officer may obtain a warrant from a magistrate, seize the dog, and transport it to the Animal Services Center.
- (f) The owner or caretaker will bear any and all costs for the impoundment and subsequent care fees required by this section.

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- (g) Any owner, 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 Services 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 owner shall immediately surrender the carcass to the Animal Services 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 Services Officer from immediately impounding a dog that poses an immediate threat to the health and safety of the citizens or animals of the city. ( 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.
- (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 Services 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 caretaker is not present; or
    - b. When taken outside the secure enclosure the dog must be secured by a leash not longer than six (6) feet in length, held by a person of sufficient strength to restrain the dog, and muzzled in a

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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 Services Center within thirty (30); and
  - (6) Present proof to the Animal Services Center that the dog has been sterilized by a licensed veterinarian within thirty (30) days. This requirement may be waived 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. 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 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 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 Services Center with the name, address and telephone number of the person owning or harboring the dangerous dog;
  - (2) Provide the Animal Services Center 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 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 Services Officers 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 Services Center with proof the dog has been sterilized by a licensed veterinarian; and
  - (8) Provide the Animal Services Center proof that the dog's microchip is registered with a national registry.

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- (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 Services Center 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 Services Center 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 Services Center 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 Services Center shall forward a copy of the dangerous dog determination letter to the local Animal Services 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 release the dog to the Animal Services 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 Services Center, provide proof to the Animal Services 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 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 Services Center within 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 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 Services 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)

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### **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 Services Officer to seize the dangerous dog and shall issue a warrant authorizing the seizure. The Animal Services 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 as provided in section 6-37, whether the owner of a dangerous dog has failed to comply with section 6-38
- (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, the municipal court shall order one of the following: the Animal Services 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. 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, the municipal court shall order that the Animal Services 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 seventy-two (72) hours after the seizure and impoundment of the dangerous dog, the dangerous dog shall be considered abandoned and the animal shall become the property of the City and the Animal Services Center is authorized to humanely euthanize, without a hearing.

( Ord. No. 21-2634 , § 2, 12-14-21)



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

The 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 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.

## ***ARTICLE III. HUMANE TRAPPING***

### **Sec. 6-40. 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

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- 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.
  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.

(Ord. No. 2008-059, § 2, 3-4-08)

(Ord. No. 2008-059, § 2, 3-4-08)

## ***ARTICLE IV. BEES***

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## Sec. 6-41. 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)