

ORDINANCE 2018-02

AN ORDINANCE OF THE CITY OF DETROIT, AMENDING THE CITY OF DETROIT CODE OF ORDINANCES BY ADDING CHAPTER 4 OF THE CODE OF ORDINANCES ENTITLED THE ANIMAL CONTROL CODE; PROVIDING FOR THE REGULATION OF ANIMALS WITH THE CITY OF DETROIT; REGULATING THE NUMBER OF ANIMAL PERMITTED; PROHIBITING ANIMALS AT LARGE; ADOPTING STAT RULES FOR ANIMAL REGULATION; REQUIRING RABIES VACINATIONS; AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the City of Detroit, Texas seeks to foster an environment that is healthy and free of animal living in unsafe, unsanitary and dangerous conditions for the protection of the health and safety of the residents of said City; and

WHEREAS, the City of Detroit, Texas has been confronted with several recent dog attacks which have resulted in injuries to residents and to their non-offending pets by animals at large; and

WHEREAS, the City of Detroit, Texas has determined that the adoption of this Ordinance will address the concerns for the protection of the health and safety of the residents of said City.

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

SECTION 1. Adoption of Chapter 4 of the Code of Ordinances of the City of Detroit.

Chapter 4 of the The Code of Ordinances of the City of Detroit, Texas, will hereafter be referred as follows:

CHAPTER 4

ANIMAL CONTROL CODE

Sec. 4-1. - Definitions.

When used in this chapter, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means leaving an animal in any place without providing reasonable and necessary care including, but not limited to, air, food, water, or protection from heat, cold, or other elements of nature.

Animal means any living creature, domestic, exotic, or wild, including but not limited to, dogs, cats, pigs, horses, birds, fish, mammals, reptiles, fowl and livestock, but specifically excluding human beings.

ACA means the department of the city responsible for the enforcement of state laws and local ordinances pertaining to animals and which serves as a contact point for the public with regard to animal problems and issues.

Animal Control Authority (ACA) means any federal, state, and local peace officer, deputy of the Red River County Sheriff's Department (hereinafter "Sheriff's Department"), animal control officer, or other entity that the City Council of the City of Detroit considers appropriate. Among other duties, the ACA shall enforce the provisions of this ordinance by issuing citations when deemed appropriate, and shall impound animals when appropriate.

Animal hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

Animal shelter means any facility operated by the city or an entity under an agreement with the city, for the purpose of impounding or caring for animals held under the authority of this chapter.

Cat means all domestic species or varieties of the *Felis catus*, male or female, alive or dead.

City means the City of Detroit, Texas.

County means Red River County, Texas.

Cruelty means any act or omission whereby unjustifiable or unwarranted physical pain, suffering or death of an animal is caused or permitted.

Dangerous animal means:

- (1) Any animal which, without provocation, inflicts bites on or attacks a human being or domesticated animal on either public or private property;
- (2) Any animal which, in a vicious or terrorizing manner, approaches a human being in an apparent attitude of attack upon the streets, sidewalks, or any public or private grounds or places;
- (3) Any animal with a known propensity, tendency or disposition to attack without provocation, which causes injury or otherwise threatens or endangers the safety of a human being or a domesticated animal;
- (4) Any animal suspected of being a dangerous animal if the owner, keeper or harbinger of such animal fails or refuses to make such animal available for inspection to an ACA;
- (5) Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting; or
- (6) Any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or to bite human beings or domesticated animals.

Dangerous propensities means any one, or a combination, of the animal behaviors of biting, snarling, charging aggressively toward a person or another animal, growling with curled lips, popping of teeth, or barking with raised hackles.

Dog means a domesticated member of the family Canidae, but shall not include a wolf, jackal, coyote, fox, or other wild animal of this family or hybrid thereof.

Domestic animal includes all domesticated species of animals adapted to live in intimate association with human beings or for the advantage of humans commonly accepted as being domesticated, excluding hybrids.

Exotic animals means nonnative species of animal including, but not limited to, nonpoisonous reptiles which, when mature, are over six feet in length, ostriches, any member of the Ratite family or exotic livestock as defined by the state animal health commission.

Fowl means all of those birds commonly called poultry including, but not limited to, chickens, ducks, geese, guinea fowl, turkeys, pigeons and all the relatives of those birds which can be in pens, coops, cages or enclosures of any kind.

Guard/attack dog means a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

Harboring means the act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of five days.

Humane trap means a box cage for catching animals in a humane manner.

Humanely euthanized means to cause the death of an animal by a method which:

- (1) Rapidly produces unconsciousness and death without visible evidence of pain or distress; or
- (2) Utilizes anesthesia produced by an approved agent which causes painless loss of consciousness, and death following such loss of consciousness.

Impoundment means the seizing, taking, collecting, confining, or capturing of an animal.

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

Large livestock means horses, mules, donkeys, cattle, goats, sheep, and swine regardless of age, sex, size or breed, but does not include the pot-bellied pig, miniature horse, or pygmy goats.

Miniature livestock means swine or goats that have been specifically bred to be significantly smaller at maturity than all other breeds of similar animals. Miniature livestock includes, but is not limited to, pot-bellied pigs, pygmy goats and miniature horses.

Owner means any person having title to any animal, or a person who has, harbors or keeps, or who causes or permits to be harbored or kept, an animal in his care, or who permits an animal to remain on or about his premises.

Person means any individual, firm, association, partnership, or corporation.

Pet animal means dogs, cats, ferrets, rabbits, rodents, birds, reptiles and any other species of animal that are sold or retained as household pets but shall not include any species of dangerous animal.

Police animal means any animal used by a law enforcement agency or its officers in the administration of their duties.

Running at large or run at large means:

- (1) *Off-premises*. Any animal which is not restrained by means of a leash or chain of sufficient strength and not more than 15 feet in length to control the actions of such animal while off the owner's property unless on an extendable leash under the owner's control; and
- (2) *On-premises*. Any animal not confined on the premises of owner or handler by a substantial fence of sufficient strength and height to prevent the animal from escaping.

Secure enclosure means a house or building, or in the case of a dangerous animal being kept outdoors, a cage, kennel, or pen that is locked at all times; constructed from materials of sufficient strength to prevent the dangerous animal's escape of its own volition; that has secure sides; a secure top attached to the sides; and a secure bottom which is either attached to the sides or else the sides of the structure must be embedded in the ground no less than two feet. The pen or enclosure must be completely surrounded by a fence at least six feet in height, constructed of wood or of an approved fencing material that is solid and does not allow an animal to bite through the openings of the fence enclosure, and topped with an anti-climbing device constructed of angle metal braces with at least three strands of equally separated wire stretched between the braces, that extends inward at an angle of not less than 45 degrees no more than 90 degrees when measured from the perpendicular.

Stray animal means any animal for which there is no identifiable owner.

Veterinarian means a doctor of veterinary medicine who holds a valid license to practice his profession in the state.

Vicious animal has the same meaning as "dangerous animal."

Wild animal means any poisonous or dangerous reptile or any other animal which can normally be found in the wild state or not normally capable of being domesticated including, but not limited to:

- (1) Reptiles: alligators, crocodiles, or venomous reptiles;

- (2) Birds: emus, ostriches, rheas;
- (3) Mammals: baboons, badgers, bats, bears, bobcats, caracals, cheetahs, chimpanzees, cougars, coyotes, dingoes, elephants, foxes, gorillas, jackals, jaguars, hyenas, leopards, lions, lynx monkeys (nonhuman primates), martins, minks, ocelots, orangutans, pandas, panthers, raccoons, servals, skunks, tigers, weasels, wolves;
- (4) Marsupials: kangaroos, kinkajous;
- (5) Hybrids: any hybrid of any animals, including the offspring of domesticated canine and wild canine cross-breeds such as coyote or wolf hybrids. This shall apply regardless of duration of captivity; and
- (6) Any species of animal illegal to own under federal or state law, and any animal which is, or may be hereafter, listed as a high-risk animal in the Texas Rabies Control Act.

Sec. 4-2. - Violation and penalties.

- (a) Any person violating a provision of this chapter commits an offense and shall be deemed guilty of a class C misdemeanor and shall be punished upon conviction by a fine of not less than \$500.00 dollars nor more than \$2,000.00.
- (b) If a violation continues for more than one day, each day or part of a day the violation continues shall be deemed a separate offense.
- (c) Criminal penalties are in addition to impoundment fees set forth herein.

Sec. 4-3. - Authority to enforce.

- (a) The ACA is designated as the local rabies control authority for the purposes of V.T.C.A., Health and Safety Code ch. 826, as amended. The local rabies control authority shall enforce:
 - (1) The Rabies Control Act of 1981, V.T.C.A., Health and Safety Code ch. 826, as amended, and the rules adopted by the state board of health that comprise the minimum standards for rabies control;
 - (2) The ordinances and rules of the city; and
 - (3) The rules adopted by the state board of health under the area rabies quarantine provisions of V.T.C.A., Health and Safety Code § 826.045, as amended.
- (b) Any ACA of the city shall have the authority to issue citations for any violation of this chapter and any other power or duty stated within the terms of this chapter.
- (c) It shall be unlawful for any person to interfere with any ACA in the performance of his/her duties.
- (d) For purposes of discharging duties imposed by the provisions of this chapter, or other applicable laws, and to enforce the same, an ACA may enter upon private property to the full extent permitted by law, which shall include, but not limited to, entry upon private unfenced property, except dwellings located thereon, when in pursuit of any animal which he has reason to believe is subject to impoundment pursuant to the provisions of this chapter or other applicable laws.
- (e) Any ACA or police officer shall have the authority to humanely euthanize and/or destroy any animal in accordance with the provisions of this chapter.
- (f) The city shall be entitled to pursue all criminal and civil remedies to which it is entitled to under the authority of federal, state, or local law.

Sec. 4-4. - Conditions constituting public nuisances or unlawful acts.

- (a) It shall be unlawful for any owner of an animal, to cause, permit, suffer or allow the animal to run at large, with the exception of foul.
- (b) It shall be unlawful and considered a public nuisance for any person to harbor any animal that molests, attacks, or chases passersby or passing vehicles in a public right-of-way, or attacks other animals.
- (c) Any ACA or police officer is authorized to impound any animal running at large or found to otherwise be in violation of this chapter.

(d) A person commits an offense if the person interferes, removes, alters, damages or otherwise tampers with equipment belonging to or set out by the ACA.

(e) It shall be unlawful and considered a public nuisance for any person to allow any house, building, business, lot, pen, enclosure, yard or similar place used for the keeping of animals to become unsanitary, offensive by reason of odor, or disagreeable to persons of ordinary sensibilities residing in the vicinity thereof or to the public at large. Any condition injurious to public health caused by improper waste disposal will be considered a violation of this chapter.

(f) It shall be unlawful for the owner to permit, either willfully or through failure to exercise care and control, any such dog or other domesticated animal to urinate or defecate upon the sidewalk or parkway or any public street, or upon the floor of any common hall in any entranceway, stairway or upon any wall of any public place or building or public park and any private property not his own, and it shall be the responsibility of the owner to remove any animal waste deposited by his animal.

(g) It shall be unlawful to color, dye, stain, or otherwise change the natural color of any chickens, ducklings, other fowl, or rabbits, or to possess for the purpose of sale or to be given away any of the above-mentioned animals which have been so colored.

(h) It shall be unlawful for any person to sell, offer for sale, barter, or give away as toys, premiums or novelties, chickens, ducklings, or other fowl under three weeks old, and rabbits under two months old. Sale of such animals for agricultural purposes is exempt from this provision.

Sec. 4-5. -- Impoundment/Confinement of animals.

(a) Any animals violating any provision of this chapter may be impounded as follows:

- (1) Any dog or cat without a valid identification tag or microchip;
- (2) Any animal at large;
- (3) Any animal constituting a public nuisance animal or considered a danger to the health and welfare of persons or animals;
- (4) Any animal that is in violation of any quarantine or confinement order of the city's ACA;
- (5) Any unattended animal that is ill, injured or otherwise in need of care;
- (6) Any animal that is reasonably believed to have been abused or neglected;
- (7) Any animal that is reasonably suspected of having rabies or other dangerous disease;
- (8) Any animal that is determined by the ACA to be a dangerous animal;
- (9) Any animal that a court of competent jurisdiction has ordered impounded or destroyed; and
- (10) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or has been evicted from his regular place of residence.

(b) Any animal impounded may redeemed as follows:

(1) Upon impoundment of an animal, the ACA shall immediately attempt to notify the owner by telephone or certified mail. If the owner is unknown, the ACA shall post written notice at city hall or on the city's website describing the animal and the time and place of taking the animal. Any notice to the owner shall also include the location of the animal shelter or hospital where the animal is confined, hours during which the animal can be reclaimed, and fees to be charged to the owner. The owner shall also be advised that the failure to claim the animal within three business days from the date of impoundment may result in the disposition of the animal.

(2) An owner reclaiming an impounded animal shall pay an impoundment fee of One Hundred Fifty dollars (\$150.00) to the City for each animal that has been impounded. Upon payment of said fee, the animal owner shall receive a receipt authorizing the Animal Shelter to release the animal to the owner. The impoundment fee charged for any subsequent impoundment occurring within 12 months shall be double that which was charged for the first impoundment.

- (3) Any animal not reclaimed by its owner within three business days shall become the property of the city, which shall immediately authorize the Animal Shelter to place such animal for adoption in a suitable home, or to humanely euthanize or otherwise dispose of said animal.
- (c) If any of the animals named in this chapter are found upon the premises of any person, the owner or occupant of the premises shall have the right to confine such animal in a humane manner until he can notify an ACA to come and impound such animal. When so notified, it shall be the duty of the ACA to have such animal impounded as provided in this article. The use of steel jaw traps, a spring trap with teeth, or any type of trap designed to reasonably ensure cutting, slicing, or tearing to capture animals is prohibited.

Sec. 4-6. - Animal care rules/Number of animals allowed.

- (a) It shall be unlawful for the owner of any animal to fail to provide sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily expose any such animal in hot, stormy, cold or inclement weather.
- (b) The owner of any animal shall not intentionally or knowingly abandon the animal.

Sec. 4-7. - Sanitation.

- (a) The owner of any animal shall not cause or permit the animal to soil, defile or defecate on any public place or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property other than that of the owner. It is a defense to prosecution of this subsection that the owner immediately removed and disposed of all feces deposited by the animal by the following methods:
- (1) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
 - (2) Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as otherwise may be permitted by law.
- (b) The owner of an animal within the city shall not permit any waste matter from the animal to collect and remain on the property of the owner or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's property or to abutting property of others.
- (c) The owner of any animal shall not cause or permit to be caused any unsanitary dangerous or offensive conditions because of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

Sec. 4-8. - Cruelty to animals.

The following provisions established for pet and animal care are not intended to contravene with the provisions for animal cruelty as contained in V.T.C.A., Penal Code §§ 42.09 and 42.092:

- (a) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.
- (b) No person shall knowingly expose any known poisonous substance, whether mixed with food or not, so that the same may be eaten by any pet or domestic animal.
- (c) No owner of an animal shall abandon such animal.
- (d) No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal; or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and human beings.
- (e) No person shall leave any animal in an unattended motor vehicle without providing the animal with adequate ventilation. An animal left under such conditions may be impounded.
- (f) No person, except a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to

injure any animal. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

Sec. 4-9. - Restraint of dogs.

- (a) Dogs shall be restrained by fence or tether while at the owner's residence.
- (b) Dogs shall be restrained by leash or tether by owner or within immediate sight of owner while on public property.

Sec. 4-10. - Restraint of guard dogs.

- (a) Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least six feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three strands of equally separated smooth wire stretched between the braces.
- (b) All anti-climbing devices shall extend inward at an angle of not less than 45 degrees nor more than 90 degrees when measure from the perpendicular.
- (c) The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences property maintained and escape proof.
- (d) The provisions of this section shall not apply to law enforcement agencies.

Sec. 4-12. (Reserved).

Sec. 4-13. – (Reserved)

Sec. 4-15. - Vaccination of dogs and cats.

Every owner of a dog or cat four months of age or older shall have such animal vaccinated. All dogs and cats vaccinated at four months of age or older shall be revaccinated at one year of age and thereafter annually with one-year rabies vaccine. Any person establishing residence within the city shall comply with this chapter within ten days of establishing such residency. If the dog or cat has inflicted a bite on any person, within the last ten days, the owner of such dog or cat shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after a ten-day observation.

Sec. 4-16. - Certificate of vaccination.

Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy. Such certificate shall contain the following information:

- (a) The name, address and telephone number of the owner of the vaccinated dog or cat;
- (b) Animal identification: species, sex (including sterilization if possible), approximate age, size (pounds), predominant breed and colors;
- (c) The date of vaccination;
- (d) The year and number of rabies tag; and
- (e) The veterinarian's address, signature or signature stamp and license number.

Sec. 4-17. - Rabies tags.

Concurrent with the issuance and delivery of the certificate vaccination, the owner of the dog or cat shall cause to be attached to the collar or harness of the vaccinated dog or cat a metal tag, serially numbered to correspond with the vaccination certificate number, bearing the year of issuance and the name of the veterinarian and his address. The owner shall cause the collar or harness with the attached metal tag to be worn by the owner's dog or cat at all times.

Sec. 4-18. - Duplicate tags.

In the event of loss or destruction of the original tag provided, the owner of the dog or cat shall obtain a duplicate tag. Vaccination certificates shall be valid only for the animal for which they were originally issued.

Sec. 4-19. - Proof.

It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit a copy of the certificate of vaccination upon demand to any person charged with the enforcement of this chapter.

Sec. 4-20. - Harboring unvaccinated animals.

It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided in this article, or which cannot be identified as having a current vaccination certificate.

Sec. 4-21. - Animals exposed to rabies.

- (a) Any person having knowledge of the existence of any animal known to have been or suspected of being, exposed to rabies must immediately report such knowledge to the ACA, giving any information that may be required.
- (b) For any animal to have been, or suspected of being, exposed to rabies, the following rules must apply:
 - (1) Animals having a current vaccination must be revaccinated immediately and confined at the animal shelter, by a licensed veterinarian, or if approved by an ACA, home quarantine for a period of not less than 45 days.
 - (2) Animals not having a current vaccination should be humanely destroyed. However, if the owner of such an animal elects, have the animal confined at the animal shelter or by a licensed veterinarian. Home quarantine will not be an option in such an instance. Such animal must be vaccinated immediately following exposure and confined for not less than 90 days. A revaccination shall be administered on the third and eighth week prior to release from confinement.

Sec. 4-22. - Declaration of quarantine.

Should a potential outbreak of rabies within the city be suspected and the danger to the public safety from rabid animals be reasonably imminent, the local rabies authority is hereby authorized to issue a quarantine proclamation, ordering persons owning, keeping, or harboring dogs or other animals to muzzle the same or confine them in such quarantine proclamation by local newspaper. Persons owning or harboring such animals shall confine them to the premises unless they are effectively muzzled and under the control of an adult person by leash, cord, chain, or rope. Animals found at large in violation of this section may be destroyed by an ACA or police officer of the city if such officer is unable, with reasonable effort, to apprehend such animal for impoundment.

Sec. 4-23. - Reporting animal bites.

- (a) Every physician or other medical practitioner who treats a person for any animal bite, or any person having knowledge of an animal bite, shall within 24 hours, report such treatment to the ACA giving the name, age, sex, and precise location of the bitten person and such other information as the officer or agency may require.
- (b) The ACA will investigate each bite incident, utilizing standardized reporting forms provided by the state department of health.
- (c) Human bites from rodents, rabbits, birds, and reptiles are excluded from the reporting requirements.

Sec. 4-24. - Animal quarantine.

- (a) The local rabies authority may order the quarantine of any animal that has bitten a person or another animal or that is suspected of having a zoonotic disease.
- (b) Any owned dog or cat which has bitten a person shall be observed for a period of ten days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer or responsible agency, in compliance with state law. If the dog or cat is not confined on the owner's premises, confinement shall be by impoundment at the animal shelter, or at a veterinary hospital of the owner's choice. Such confinement shall be at owner's expense. Stray dogs and cats, or those animals whose owners cannot be located, shall be quarantined at the animal shelter for a period of ten days. The owner of any dog or cat that has

been reported to have inflicted a bite on any person shall on demand produce such dog or cat for impoundment, as prescribed in this article. Refusal to produce such dog or cat constitutes a violation of this section, and each day of such refusal shall constitute a separate and individual violation.

- (c) Home quarantine. An owner of a dog or cat that has bitten may NOT home quarantine the animal.
- (d) It shall be unlawful for any person to interrupt the ten-day observation period.
- (e) No wild animal will be placed in quarantine. All wild animals or hybrid thereof involved in biting incidents will be humanely euthanized in such a manner that the brain shall be submitted to a state department of health certified laboratory for rabies testing.
- (f) The owner of an animal that is quarantined under this section shall pay to the animal shelter the reasonable costs of the quarantine, care, treatment, and disposition of the animal, and an ACA shall be authorized to humanely euthanize any animal that the owner or custodian does not take possession of on or before the third day following the final day of quarantine.

Sec. 4-25. - Authority to dispose or muzzle certain animals.

- (a) An ACA shall have the authority to dispose of an animal which poses an imminent danger to a person or property and a real or apparent necessity exists for the immediate destruction of the animal.
- (b) An ACA shall have the authority to muzzle, or order the owner, handler, or controller of an animal to muzzle, an animal that poses a threat to the safety or welfare of any person.

Sec. 4-26. - Determination of dangerous animal.

The provisions of V.T.C.A., Health and Safety Code ch. 822, subch. D, as amended, are adopted by and incorporated into this chapter.

- (1) *Determination by ACA.* An ACA shall make a determination that an animal is a dangerous animal if the ACA finds that an animal commits an act or acts identified, found or set out in the definition of the term "dangerous animal" found in section 4-1.
- (2) *Notice of ACA's determination.* If an ACA determines that an animal is a dangerous animal, the ACA within three days of its determination, shall notify the owner in writing of the determination issued by the ACA and of the owner's right to appeal the determination, and that the owner must comply with the following conditions before the dangerous animal will be released from the animal shelter or other state-approved quarantine facility:
 - a. *Liability insurance.* Owner obtaining liability insurance coverage or showing financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous animal causing bodily injury to a person or for damages to any person's property resulting from the keeping of such dangerous animal. A certificate of insurance or other evidence of meeting the above requirements shall be filed with the ACA;
 - b. *Registration of dangerous animal.* Registering with the city by providing the name and address of the owner; the breed, age, sex, color and any other identifying marks of the animal; the location where the animal is to be kept if it is not at the address of the owner; and two color photographs that clearly identify the dangerous animal;
 - c. *Sterilization of dangerous animal.* Having the animal sterilized;
 - d. *Secure enclosure requirements for dangerous animal.* Construct a cage, kennel, or pen that is locked at all times; constructed from materials of sufficient strength to prevent the dangerous animal's escape of its own volition; that has secure sides; a secure top attached to the sides; and a secure bottom which is either attached to the sides or else the sides of the structure must be embedded in the ground no less than two feet. The pen or enclosure must be completely surrounded by a fence at least six feet in height, constructed of wood or of an approved fencing material that is solid and does not allow an animal to bite through the openings of the fence enclosure, and topped with an anti-climbing device constructed of angle metal braces with at least three strands of equally separated smooth wire, not barbed

wire, stretched between the braces, that extends inward at an angle of not less than 45 degrees no more than 90 degrees when measured from the perpendicular;

- e. *Restrictions concerning dangerous animal.* Not allowing the dangerous animal to go outside of its cage, pen or enclosure unless the animal is under physical restraint. No person shall permit a dangerous animal to be kept outside of its cage, pen or enclosure on a chain, rope or other type of leash unless a person is in physical control of the chain, rope or leash and the person is of competent strength to control the animal at all times. Dangerous animals shall not be tethered or otherwise leashed to inanimate objects, such as trees, posts, buildings, etc., in violation of state law. All dangerous animals outside their cage, pen or enclosure must be securely fitted with a muzzle that will not cause injury to the animal nor interfere with its vision or respiration but shall prevent the animal from biting other animals or human beings;
 - f. *Sign requirement for dangerous animal.* Posting signs giving notice of a dangerous animal in the area or on the premises in which such animal is confined. Such signs shall be conspicuously posted at both the front and rear property entrances and shall bear letters not less than two inches high, stating "DANGEROUS ANIMAL ON PREMISES." Such signs shall also display a symbol that is understandable by small children, that warns of the presence of a dangerous animal;
 - g. *Collar and tag requirements for dangerous animal.* Providing the dangerous animal with a fluorescent yellow collar visible at 50 feet in normal daylight and attaching a fluorescent orange tag provided by the animal control division to the collar that is worn at all times so that the animal can be easily identified;
 - h. *Microchip requirements for dangerous animal.* Implanting a microchip into the dangerous animal and registering it for life with the city's animal control division; and
 - i. *Payment of dangerous animal permit fee.* Paying the applicable Five hundred dollar (\$500.00) dangerous animal permit fee annually.
- (3) *Appeal determination of ACA to justice court.* A determination issued by an ACA may be appealed to the Red River County Justice Court by filing a written notice of appeal within ten days with the Justice Court clerk. The court shall conduct a hearing to formally review any determination pertaining to the dangerous animal unless the matter is resolved by agreement of all parties prior to such hearing. If an appeal is not timely filed, an ACA's order a determination shall then become final.
- (4) *Time period for owner compliance.* If the owner does not elect to appeal the ACA's determination, the owner shall have 30 days from the determination of the animal as a dangerous animal to comply with all of the required conditions as set forth by this chapter. If the owner fails to meet all of the requirements, the dangerous animal may be humanely euthanized on the 31st day by an ACA or a licensed veterinarian.
- (5) *Impoundment upon determination of animal being a dangerous animal.* Any animal that is deemed a dangerous animal that was not previously impounded or otherwise in possession of the animal shelter or any other state-approved quarantine facility, shall immediately be impounded and boarded at the owner's expense pending the outcome of any appeal or until such time as the owner complies with all of the required conditions as set forth above. The owner is liable for all expenses, fees and citations pertaining to the dangerous animal's impoundment. It shall be a violation of this section for the owner to refuse to turn over the animal as required and for the purposes of enforcement; each day for each animal in question shall be considered a separate offense.
- (6) *Court hearing.* A hearing on appeal to the Justice Court shall be conducted at the next trial court setting after the filing of the appeal to review the determination by the ACA, unless continued for good cause. Any animal awaiting such hearing which was impounded for being at large, was at large when the incident giving rise to the determination by an ACA occurred, or which has bitten or caused injury to any person or animal, shall be boarded at the owner's expense at the animal shelter or any other state-approved quarantine facility pending the outcome of an appeal as to whether such animal is a dangerous animal.

- (7) *Notice of hearing.* Notice of hearing shall be provided by the court to the owner of the dangerous animal. Notice shall be delivered to the owner by certified mail, return receipt requested, and also to the owner and to the animal control division by regular mail.
- (8) *Determination by municipal court.* The court shall make a determination that the animal is a dangerous animal if the court finds that the animal committed an act or acts identified, found or set out in the definition of the term "dangerous animal" found in section 4-1.
- (9) *Disposition of animal determined by the municipal court to be a dangerous animal.* If the court upholds the determination of an ACA that the animal is a dangerous animal, the court shall issue an order based on the necessity to preserve the public health, safety and welfare of the community. This order and/or determination shall be one of the following:
- a. *Removal of dangerous animal from city.* Removal of the dangerous animal from within the city limits. In which case, the owner must provide, in writing, the destination address of where the animal is to reside and proof that the owner has alerted the agency responsible for animal services in that area to the animal control supervisor prior to the animal being released from the animal shelter;
 - b. *Destruction of dangerous animal.* Humane euthanasia of the dangerous animal; or
 - c. *Release of dangerous animal to owner under certain conditions.* Registration and compliance with all of the requirements and conditions enumerated and identified in subsection (2) of this section, at the owner's expense, before the dangerous animal is released from the animal shelter or other state-approved quarantine facility.
- (10) *Impoundment upon determination of animal being a dangerous animal.* Any animal that is determined by the court to be a dangerous animal that is not already impounded or otherwise in the possession of the animal shelter or any other state-approved quarantine facility, shall immediately be impounded and boarded at the owner's expense until such time as the owner complies with all of the required conditions as set forth above. The dangerous animal shall be held at the owner's expense pending the outcome of any appeal. It shall be a violation of this section for the owner to refuse to surrender the animal as required and for the purposes of enforcement; each day for each animal in question shall be considered a separate offense.
- (11) *Time period for owner compliance.* The owner shall have 30 days from the determination by the court that the animal is a dangerous animal to comply with all of the required conditions as set forth by this chapter. If the owner fails to meet any or all of the requirements, the dangerous animal may be humanely euthanized on the 31st day by an ACA or a licensed veterinarian.
- (12) *Violation of court order.* In the event that any owner of an animal declared to be a dangerous animal violates any part of the court's order, the dangerous animal may be immediately seized and impounded by an ACA pending further order and/or determination by the court. Additionally, the animal shall be seized immediately if the animal bites, injures, or attacks a human being or another animal.
- (13) *Reversal of determination.* If the court reverses the determination of the ACA, the animal in question shall be released to its owner, and the court may waive any and all fees associated with the impoundment and release of the animal.
- (14) *Appeal from municipal court to county court.* Orders of the court pertaining to dangerous animal may be appealed to a County Court of Red River County by filing a written notice of appeal with the court clerk within ten days of the determination by the court. During the pendency of such appeal, orders of the court pertaining to the dangerous animal shall be suspended, and the animal shall remain impounded at the owner's expense at the animal shelter or other state-approved quarantine facility for observation. If a proper appeal is not timely filed and perfected, the court's order shall then become final. If the animal in question is not in the possession of the animal shelter or other state-approved facility at the time of the determination, the owner must surrender the animal to an ACA when ordered to do so by any ACA or police officer. If the owner fails to surrender the animal, an ACA shall have the right to take the animal into its possession from the premises of the owner or elsewhere, wherever the animal may be found within the city limits.

- (15) *Violation to refuse inspection.* It shall be a violation for any owner of an animal determined by an ACA, or other lawful authority, to be a dangerous animal, to refuse, upon request by an ACA, to make his/her animal, premises, facilities, equipment, and any necessary permits available for inspection for the purpose of ascertaining compliance with the provisions of this chapter.
- (16) *Authorization for search and seizure warrant.* If the dangerous animal cannot be taken into custody by an ACA, or if there is reason to believe that any requirements of this section are being violated, the dangerous animal may be taken into custody by an ACA under a search and seizure warrant issued by the Justice of the Peace.
- (17) *Impoundment or quarantine.* If the animal is impounded or quarantined at a facility other than the animal shelter, the facility shall be found to be in violation of this chapter if the animal is released to any person, lost, stolen, or otherwise not able to be accounted for, unless the facility first obtains written permission from the ACA to release the animal.
- (18) *Event of subsequent escape or attack by dangerous animal.* In the event that a registered dangerous animal escapes its cage, pen or enclosure or attacks a human being or another animal, the owner of the dangerous animal shall immediately notify the ACA. For the purposes of this chapter, immediately shall mean within 30 minutes of the owner becoming aware of the escape or any attacks.
- (19) *Requirements upon death of dangerous animal.* In the event that a registered dangerous animal dies, the owner must present the body of the animal to the ACA or a licensed veterinarian for verification by microchip identification before disposal of its body.
- (20) *Transfer of ownership of dangerous animal.* Prior to transferring ownership in any way or moving a registered dangerous animal, either inside or outside the city limits, the owner must obtain, in writing, permission from the ACA to transfer ownership or move the animal. If ownership of the animal is being transferred, the new owner will be required to comply with all provisions of this chapter before the animal can be moved from the previous owner's custody. If the animal is being removed from the city limits, the owner must provide, in writing to the ACA, the destination address of where the animal is to be moved to and proof that the owner has alerted the agency responsible for animal services in that area.

Sec. 4-27. - Requirements for owner of dangerous animal.

- (a) An owner must comply with all dangerous animal requirements no later than 30 days after being notified that the animal has been determined to be a dangerous animal, regardless as to whether a case is under appeal.
- (b) A dangerous animal must be registered as a dangerous animal with the animal control division.
- (c) A dangerous animal must be restrained at all times in a secure enclosure.
- (d) An owner of a dangerous animal must acquire \$100,000.00 in liability insurance specifically for the purpose of covering damages resulting from attacks by the dangerous animal.
- (e) When the dangerous animal is taken outside the approved proper secure enclosure, the animal must be securely muzzled in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting a person or other animal, and the animal must be restrained by a substantial chain or cable leash having a minimum tensile strength of 1,000 pounds and not to exceed six feet in length and be under the direct control or supervision of its owner.

Sec. 4-33. - Registration of dangerous animal.

- (a) Each year, the owner of a dangerous animal shall:
 - (1) Present proof of the required liability insurance;
 - (2) Present proof of current rabies vaccination;
 - (3) Present proof and receive approval from the ACA, or designee, that the dangerous animal's enclosure is secure; and
 - (4) Pay a registration fee of \$500.00 as set forth in Section 4-26.2(i) of this Code.

- (b) The ACA shall:
 - (1) Issue a dangerous animal tag to the owner; and
 - (2) Engrave the current year of the registration on the tag.
- (c) The tag must be worn by the animal at all times.
- (d) Upon selling or giving away the dangerous animal, the owner shall notify the ACA of the name and address of the new owner of the dangerous animal not later than ten days after the date of sale or gift.
- (e) If the new owner resides in the city, the owner shall register the dangerous animal with ACA no later than 14 days after obtaining the dangerous animal.
- (f) The ACA will re-register the dangerous animal with a new owner or a new resident if:
 - (1) Proof of liability insurance is presented;
 - (2) Satisfactory proof is presented that the dangerous animal's enclosure is secure;
 - (3) The dangerous animal's unexpired dangerous-animal tag is relinquished to the ACA; and
 - (4) The owner pays a registration fee as set forth in appendix A to this Code.
- (g) Notification to other jurisdiction of relocation. The ACA, or designee, shall notify the ACA for such other jurisdiction when notified that a dangerous animal is relocating to another jurisdiction or entering the city and such dangerous animal was previously registered in such other jurisdiction.
- (h) Recognition and effect of prior determination by another jurisdiction. An animal that has been determined to be dangerous by another jurisdiction must be registered as a dangerous animal with the ACA no later than 14 days after the animal has been brought into the city and kept at all times in a secure enclosure.

Sec. 4-28. - Offenses involving dangerous animals.

An owner of a dangerous animal commits an offense and will be charged with a misdemeanor if:

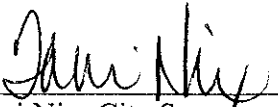
- (1) An owner's dangerous animal makes an unprovoked attack on a person or a domesticated animal outside the animal's secure enclosure, and causes bodily injury to the person or domesticated animal while at large;
- (2) An owner does not keep the owner's dangerous animal in a secure enclosure or comply with insurance requirements;
- (3) An owner does not register the owner's dangerous animal;
- (4) An owner does not notify the ACA when the owner's dangerous animal is given away or sold;
- (5) An owner does not register the dangerous animal when under new ownership;
- (6) An owner is a new resident and does not register the owner's dangerous animal;
- (7) An owner does not notify the ACA, or designee, regarding attacks by owner's dangerous animal;
- (8) An owner sells or gives away the owner's dangerous animal and does not inform the new owner that the animal is a dangerous animal;
- (9) An owner does not attach the dangerous-animal tag on the owner's dangerous animal.

SECTION 2. All ordinances and parts of ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

SECTION 3. If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not effect the validity of this ordinance.

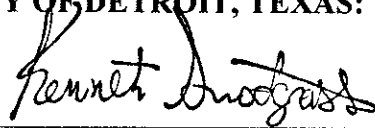
PASSED AND APPROVED at a regular meeting of the City Council of the City of Detroit, Texas on this the 13 day of August, 2018.

ATTEST:



Tami Nix, City Secretary

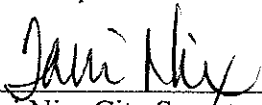
CITY OF DETROIT, TEXAS:



Kenneth Snodgrass, Mayor

(seal)

I, Tami Nix, City Secretary of the City of Detroit, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.



Tami Nix, City Secretary

(seal)