

ORDINANCE NO. 2025-O-XXX

A PUBLIC HEARING AND INTRODUCTORY ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 6, “ANIMALS AND FOWL,” OF THE CODE OF ORDINANCES BY REINSTATING THE FULL FUNCTION OF ANIMAL CARE SERVICES AS A DIVISION OF THE LAREDO PUBLIC HEALTH DEPARTMENT; ABOLISHING THE ANIMAL CARE DEPARTMENT AND DIRECTOR POSITION ORIGINATED THROUGH ORDINANCE 2016-O-132; DESIGNATING AN ASSISTANT DIRECTOR WITH SUPERVISORY RESPONSIBILITY OVER THE DIVISION; DEFINING KEY TERMS; SETTING ENFORCEABLE RESTRICTIONS OF ANIMAL OWNERSHIP AND KEEPING IN CONFORMANCE WITH CURRENT STATE LAW; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, City of Laredo is confided with enforcement of animal regulations, and as such, has adopted standards for the regulation, maintenance and treatment of animals which is codified in Chapter 6 of its Code of Ordinances; and

WHEREAS, addressing animal welfare through proper care can mitigate risks to human health. Public health initiatives often include animal health management and the regulation of animal care services to ensure both animal and human populations are protected. Laredo Public Health Department through Laredo Animal Care Services (LACS) intends to ensure current best practices, addressing of new challenges, and proper maintaining of oversight and accountability in regards to Laredo’s animal population.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City of Laredo Code of Ordinances, Chapter 6, entitled “Animals and Fowl.” is amended in the following particulars:

Sec. 6-1. – Definitions.

As used in this chapter, the following words shall have the meanings herein ascribed to them:

Abandoned animal: Shall mean an animal abandoned while in the person's custody without making reasonable arrangements for assumption of custody by another person or which has not been redeemed within seventy-two (72) hours after midnight of the day of impoundment.

Adoption: The means of care for unwanted animals impounded at the City of Laredo Animal Care Facility but must comply with state and local statutes before adopting such as:

- (1) Appropriate rabies vaccination;
- (2) Spay and neuter;
- (3) Registration (microchip).

Animal care services ~~department~~: A ~~department~~ division of the ~~city~~ Laredo Public Health Department; whose primary duties are to enforce ordinances and state laws relating to animals or fowl within the city, to conduct rabies and zoonosis public health prevention, and to serve as the animal control authority for the city.

Animal control authority: A municipal animal control office with authority over the area where the dog is kept.

Assistant Director: The person designated to oversee all functions of the animal care services division of the city.

Attack: To set upon with violent force. Aggression with violent force.

Cat: A feline of the genus *Felis catus*.

Cat colony: A colony of free-roaming cats that has been registered with the ~~department~~ division and is maintained by a community cat caregiver using trap, neuter and return methodology.

Choker collar: Chain, nylon cord or rope with rings at either end such that the collar can be formed into a loop around the animal's neck that tightens when pulled and loosens when tension is released.

Collar or harness: A band of leather, nylon, rope, or similar material, excluding chain, utilized for training purposes, or to aid in control of movement of the animal, by the animal's owner, and is attached to a leash or lead.

Community cat: Any free-roaming cat that is abandoned, stray, lost or feral who may be cared for by one (1) or more residents of the immediate area who is/are known or unknown.

¹Editor's note(s)—Section 1 of Ord. No. 86-24, adopted Feb. 17, 1986, amended Ch. 6 to read as set out in §§ 6-1—6-69. The chapter formerly consisted of §§ 6-1—6-90 and was derived from §§ 1, 3, 4 of an ordinance adopted Dec. 4, 1956; §§ 1—25 of an ordinance adopted May 17, 1977; and an ordinance adopted Feb. 7, 1978.

Cross reference(s)—Food and food products, Ch. 13; health and sanitation, Ch. 15; applicability of motor vehicles chapter to persons riding animals, § 19-5.

Community cat caregiver: A person who, in accordance with a good faith effort to conduct trap-neuter-return provides care, including food, shelter, or medical care to a community cat, while not being considered the owner, harbinger, controller, custodian, keeper or responsible person of a community cat.

Confined: A situation in which an animal is effectively contained and prevented from being free to roam or run at large.

Dangerous dog: A dog that:

- (1) Makes an unprovoked attack on a person 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; or
- (2) 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.

Dangerous wild animal: A lion; a tiger; an ocelot; a cougar; a leopard; a cheetah; a jaguar; a bobcat; a lynx; a serval; a caracal; a hyena; a bear; a coyote; a jackal; a baboon; a chimpanzee; an orangutan; a gorilla; any hybrid of an animal listed herein; or any animal listed in V.T.C.A., Health and Safety Code, title 10, § 822.101, as amended from time to time.

~~*Director:* The person designated as being the director of the animal care services department the city.~~

Dog: A canine of the genus *Canis familiaris* or any combination of *Canis familiaris* and other canine species including both genders.

Domestic dog: A member of *Canis familiaris* which is not a hybrid of *Canis familiaris* and another canine species.

Domestic animal: Any animal which is not prohibited, and commonly kept as a pet at the owner's residence, including, but not limited to, domestic cats and dogs, domestic ferrets, rabbits, and domestic poultry.

Domestic cat: Any member of *Felis catus*.

Domestic fowl: Birds of a breed developed or kept for the purpose of meat production, egg laying or purely for ornament or show, including, but not limited to, ducks, geese, chickens, turkeys, partridges, parakeets and pigeons.

Eartipping: The removal of the ¼-inch tip of a community cat's left ear, performed while the cat is under anesthesia in compliance with any applicable federal or state law and under the supervision of a licensed veterinarian, designed to identify the community cat as being sterilized and lawfully vaccinated for rabies.

Euthanasia, euthanize: The humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death.

Facilities for keeping: The pens, stalls, stables, corrals, cages, kennels, feeding trough areas, sheds and facilities of every kind where large livestock, small animals, fowl, or pets are penned, fed or protected from the weather; and shall be interpreted to include grazing areas.

Feral: Having returned to an untamed state from domestication.

Foster: Temporary care of a pet impounded at the City of Laredo Animal Care Facility that must comply with state and local statutes before fostering such as:

- (1) Appropriate rabies vaccination;
- (2) Spay and neuter;
- (3) Registration (microchip).

Fowl: Chickens, turkeys, pheasant, quail, guineas, geese, ducks, and pigeons or other feathered animals regardless of age or sex, except those specifically included in the definition of "pets."

Grooming shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Impound: To place in the pound, or any other site so designated by the assistant director.

Intact dog or cat: A dog or cat that has not been spayed or neutered.

Keeper:

- (1) A person keeping or having in possession any animal or fowl referred to in this chapter. A community cat caregiver is not considered a keeper of the community cat(s) for purposes of this chapter.
- (2) A person is subject to this chapter as the keeper of an animal and is presumed to control the animal if the person:
 - a. Is the owner or lessee of the pen, pasture, or other place in which the animal is located and has control of that place; or
 - b. Exercises care or control over the animal;
 - c. Is also defined as an individual, firm, corporation, organization or department holding, caring for, having an interest in, or having control or custody of an animal. If the keeper of an animal is a minor, the parent or guardian of that minor shall be responsible for compliance with animal control related ordinances;
 - d. Cares for an animal at the specific request of an owner.

Large livestock: Regardless of age, sex, or breed, horses, consisting of all equine species including mules, donkeys, and ponies; cattle, consisting of all bovine species; sheep, consisting of all ovine species; goats, consisting of all caprine species; and pigs, consisting of all swine species.

Licensed veterinarian or veterinarian: A veterinarian licensed by any state of the United States and, in addition, if practicing within Texas, licensed by the state board of veterinary examiners.

Observation period: That period of time during which the director in his discretion and based upon competent and current scientific information orders and directs that any large livestock, small animal, fowl, or pet, as defined herein, or any other animal or fowl specifically excluded herein, shall be confined and quarantined for the purpose of determining whether such animal or fowl is afflicted with, is a carrier of, or may become afflicted with or be the carrier of any disease or disorder which is, or may be, harmful to the public or other animals.

Owner: A person, who owns, has legal title or the right, custody or control of any animal, domestic small, large livestock, fowl, pets, or wild animals and/or a person who feeds or harbors animals for more than seventy-two (72) hours. Persons caring for an animal at the specific request of an owner are not included, but are required to keep the animal in compliance with this chapter. A

community cat caregiver is not considered an owner of the community cat(s) for purposes of this chapter.

Pets: Dogs, cats, gerbils, canaries, parrots, parakeets and birds or domestic animals other than large livestock, wild animals, small animals or fowl as herein defined.

Performing animal exhibition: Any spectacle, display, act or event, other than circuses and rodeos, in which performing animals are used.

Person: Includes an individual, partnership, firm, corporation, trust, estate, joint stock company, foundation, organization, association of individuals, or any type of legal entity.

Pet store or pet shop: A business establishment, whether licensed or not by the ~~department~~ *division*, where animals, including, but not limited to, dogs, cats, fish, birds, reptiles, or rodents are kept for sale or commercial barter.

Pound: One (1) or more facility(ies) designated or operated by the *assistant* director for the detention of dogs or other animals or fowl as prescribed by law.

Prohibited animals: shall mean:

- (1) ~~Any ape or other primate;~~ Any and all non-human primate
- (2) Any member of the genus Canis including wolf, hybrid wolf, coyote, jackal or fox, and similar species except Canis familiaris;
- (3) Any member of the genus Felis or hybrid of such as Savannahs including leopard, lion, panther, tiger, lynx, bobcat, cheetah, ocelot, margay, jaguarundi, and any similar species except Felis domesticus;
- (4) Mustelids; other than the domestic ferret (Mustela putorius furo);
- (5) Skunks;
- (6) Any poisonous reptile or venomous species except bees;
- (7) Pythons and boa constrictors; Or snake over 6 feet in length
- (8) Crocodile, alligator, caiman or related species;
- (9) Miniature Vietnamese pot-bellied pig;
- (10) Ostrich, Emus, cassowary or any other ratites;
- (11) ~~Bear~~ Any and all from the family Ursidae; and
- (12) Also included are giraffes, hippopotamus, rhinoceros, hyenas, any and all monotremata and marsupials
- (13) All other mammals that live in a natural state of undomesticated freedom. Examples include, but are not limited to, the opossum, raccoon and armadillo.

Provocation or provoke: Any purposeful act that causes an animal to scratch, bite, or attack in protection of itself, the owner, or the owner's premises. Entrance, in any manner, into an area where an animal is properly under restraint in compliance with this chapter is considered provocation, irrespective of the reason for the entrance.

Pursuit: The act of chasing or attempting to overtake a fleeing animal.

Quarantine: To detain or isolate on account of suspected contagion.

Ratproof: A state of being so constructed as to effectively prevent the entrance of rats.

Registration: A privilege granted, upon compliance with the terms of this chapter, to lawfully own, keep, harbor, or have custody or control of a dog or cat within the city and done annually at the time of rabies vaccination.

Restraint: A situation whereby an animal is secured by a leash or a lead, or is under the effective control of a responsible person and obedient to that person's commands, or is confined within the real property of its owner and in a safe, responsible and protective manner.

Responsible person: A person that cares for, feeds, provides housing or shelter, and to whose commands an animal in question is obedient, and who is capable of controlling the animal if the animal should fail to obey such commands. A community cat caregiver is not considered a responsible person of the community cat(s) for purposes of this chapter.

Rodent: A small mammal of the order Rodentia with teeth specialized for gnawing, such as rat, mouse, or squirrel.

Roam or run at large (stray): To be free of restraint outside the corral, pasture, pen, cage or other facility where such large livestock, small animal or fowl may be lawfully kept hereunder or upon the streets, sidewalks, or public grounds of the city or on the residence, lot or lands of any person other than the owner/keeper of the animal.

Sanitary: Any condition of good order and cleanliness which minimizes the probability of disease transmission.

Secure enclosure: A fenced area of structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of a dog;
- (4) Clearly marked as containing a dangerous dog; and
- (5) In conformance with the requirements for enclosures established by the local animal control authority.

Serious bodily injury: An injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonable prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Service animals: Animals that are individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not pets.

Severe injury: Any physical injury that results in death, broken bones or disfiguring lacerations requiring surgery (acute and cosmetic) or needing bodily repair.

Small animals: Dogs, cats, rabbits, hares, guinea pigs, and other similar small animals.

Tether: To restrain an animal by rope, chain, or a similar material attached to a collar or harness so that an animal is fastened to a fixed object or other device so as to limit its range of movement.

Trap-neuter-return: The nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, ear-tipping, and returning community cats to their original location.

Unprovoked animal attack: an attack by an animal that was not hit, neither kicked or struck by a person with any object or body part nor was any part of the animal's body pulled, pinched or squeezed by the person or animal that was attacked.

Vaccination: A protective immunization against rabies by inoculation with anti-rabies vaccine recognized and approved by the United States Department of Agriculture given in an amount sufficient to provide immunity against the disease.

Vaccination certificate: The certificate issued by a licensed veterinarian and showing on its face that, at time of such presentation, the animal described herein has been vaccinated for rabies during the preceding twelve (12) months.

Wild animals: Any animal which is typically of an untamed, or undomesticated or dangerous or ferocious nature, as well as any animal inclined to do serious bodily harm to humans or other animals or fowl. The term "wild animals" shall also be deemed to include alligators, poisonous snakes and other similar reptiles.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 89-10, § 1, 1-3-89; Ord. No. 90-25, § 1, 2-26-90; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2012-O-097, § 1, 7-16-12; Ord. No. 2016-O-132, § 2, 9-12-16; Ord. No. 2018-O-169, § 1, 11-5-18; Ord. No. 2019-O-197, § 1, 11-18-19)

~~Sec. 6-2. Animal care services department.~~

~~There is hereby created an animal care services department of the City of Laredo.~~

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2016-O-132, § 2, 9-12-16)

Editor's note(s)—Ord. No. 2016-O-132, § 2, adopted Sept. 12, 2016, changed the title of § 6-2 from "Animal control program of health department" to "Animal care services department."

Sec. 6-3. Assistant Director of animal care services ~~department~~ division.

(a) An assistant director of the animal care services ~~department~~ division and such other personnel and equipment necessary within budget limitations to carry out the provisions of this chapter shall be appointed by director of public health and under the direction of the city manager.

(b) It shall be the responsibility of the assistant director of the animal care services ~~department~~ division:

- (1) To perform the duties required of the assistant director by this chapter and to supervise the employees of the animal care services ~~department~~ division.
- (2) To supervise the operation of the pound or to consult and provide direct supervision on operations with the operators and staff/management of the pound if such pound is operated under contract with the city.
- (3) To assure appropriate records are kept of each animal impounded.
- (4) To enforce the provisions of this chapter.
- (5) To execute such other duties under the jurisdiction of the city as the city manager may delegate.
- (6) To develop and administer a trap, neuter, and return (TNR) program designed to reduce the number of feral cats which are euthanized, to establish for the management of feral cats, and to provide for the minimization and abatement of nuisances caused by feral cats.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2016-O-132, § 2, 9-12-16; Ord. No. 2018-O-169, § 1, 11-5-18)

Editor's note(s)—Ord. No. 2016-O-132, § 2, adopted Sept. 12, 2016, changed the title of § 6-3 from "Supervisor of animal control program" to "Director of animal care services department."

Sec. 6-4. State law; designation of local authority.

This "Animal Control and Safety Ordinance" is enacted pursuant to the provisions of V.T.C.A., Health and Safety Code, title 10, chapters 821, 822, 823, and 826, as amended from time to time, including impoundment (pound operations authority by the animal control authority), quarantine, isolation and other disease control measures.

The assistant director of the animal care services ~~department~~ division is designated as the animal control authority and the local rabies control authority for the city.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-5. Impounding animals; authority of the assistant director of the animal care services ~~department~~ division of the city.

(a) [*Authority to impound.*] The assistant director of the animal care services ~~department~~ division or designee, animal care services ~~department~~ division personnel, and law enforcement officers shall have authority to impound the following:

- (1) Any large livestock, small animal or fowl, other than an eartipped community cat, that roams or runs at large or which is deemed to otherwise be in violation of this chapter.
- (2) Any large livestock, small animals or fowl or any other animal which is exhibiting symptoms of rabies or has been exposed to a rabid animal, or has bitten a human being.
- (3) Any animal determined by the assistant director, his/or her designee, animal control program personnel, or law enforcement to be abandoned, neglected, dangerous, a nuisance, roaming or running at large, unregistered, unpermitted or any animal deemed by the

director to be a public health threat and/or to prevent disease, may be impounded as follows:

- a. On public property, in all cases;
 - b. On private property, if:
 - i. The consent of the resident or property owner is obtained; or
 - ii. It is reasonably believed there is immediate and imminent danger or peril to the public if the animal in question is not impounded; or
 - iii. Authorized by an appropriate court of law.
- (4) An impounded, eartipped community cat, unless found to be a public nuisance, shall be released where it was trapped unless veterinary care is required. An eartipped community cat received by the department shall be returned to the location where trapped unless veterinary care is required or a home is found for the cat (unless found to be a public nuisance).
- (b) *Owner's liability for impounded animals.*
- (1) *[Prosecution for violation.]* The owner of an animal impounded remains subject to prosecution for violation of this chapter regardless of redemption or nonredemption.
 - (2) *[Fees incident to impoundment.]* The owner of an impounded animal remains liable for the fees incident to impoundment regardless of redemption of the animal or nonredemption.
 - (3) *[Costs of care of the animal.]* The owner of an animal impounded by the ~~department~~ division must pay the costs of care of the animal while it is in the custody of the ~~department~~ division prior to the release of the animal to the owner. Reasonable expenses for this care include, but are not limited to, the cost of housing, feeding, emergency veterinary medical care, immunizations and routine veterinary medical care for the animal.
 - (4) *[Notice of costs.]* In the event an animal is in impoundment for more than fifteen (15) calendar days the animal care services ~~department~~ division or designee will mail a notice and statement of costs to the owner of the animal at the address on file with the ~~department~~ division. All costs must be paid within a maximum of three (3) business days following the receipt of the notice and statement. If the costs have not been paid within the allotted three (3) business days, this will be considered a voluntary relinquishment of the animal by the owner and the animal shall immediately become the property of the city or its designee and disposed of in accordance with section 6-7 or section 6-8.
 - (5) *Notice of violation.* In addition to, or in lieu of, impounding an animal under this section, an animal control officer, designated code enforcement officer or any police officer may issue the owner of the animal a citation for a violation of this chapter.
- (c) *Authority to provide treatment.* The assistant director or designee of the animal care services ~~department~~ division shall be the designated caretaker of all animals under the care of the Laredo Animal Care Services Facility at the time of the animal's impoundment. The assistant director or designee shall have the authority to provide any and all treatment to impounded animals that is deemed to be in the best interest of the impounded animal immediately upon impoundment.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2016-O-132, § 2, 9-12-16; Ord. No. 2018-O-169, § 1, 11-5-18; Ord. No. 2023-O-066, § 1, 4-3-23)

Editor's note(s)—Ord. No. 2016-O-132, § 2, adopted Sept. 12, 2016, changed the title of § 6-5 from "Impounding animals; authority of the director of the health department of the city" to "Impounding animals; authority of the director of the animal care services department of the city."

Sec. 6-7. Management of small animals or fowl not redeemed.

(a) Impounded small animals or fowl that are not redeemed within three (3) business days after the midnight of day of impoundment (or after observation or quarantine) become the property of the city and may be placed for adoption, euthanized, or otherwise disposed of as recommended by the assistant director.

(1) If adopted, must comply with state and local statutes and ordinance (appropriately vaccinated against rabies, registered with microchip, spay and neutered) and pay adoption fee.

An individual, eighteen (18) years or older, may adopt an animal from the city animal care services ~~department~~ division under the following conditions:

- a. The animal has been classified as adoptable by the Laredo Animal Care Facility;
- b. The prospective adopter has proper facilities and means to care for the animal and attends a pet care education orientation;
- c. The prospective adopter will provide pet agreement from landlord (if renting);
- d. The prospective adopter will pay necessary fees;
- e. The prospective adopter will provide proof that the animal has been vaccinated and sterilized as set out in the agreements (*if applicable).

(2) May be fostered temporarily until permanent home is found. Must comply with state and local statutes and ordinance (appropriately vaccinated against rabies, registered with microchip, spay and neutered) as stated in subsection (a)(1).

(b) The assistant director or his agents or employees shall have authority to euthanize any impounded dog or other small animal or fowl whose retention would be detrimental to the health and welfare of other animal, fowl in the pound, in the city, or for disease control, or to end suffering or public health threat of any animal due to sickness, injury or disease.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 2010-O-029, § 1, 3-15-10; 2012-O-097, § 1, 7-16-12; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-9. Disposition of funds collected by the city.

All funds collected under the provisions of this chapter are to be used for animal impoundment facility, animal control operations and rabies control operations by the assistant director of the animal care services ~~department~~ division or his designee.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-11. Report to the animal care services ~~department~~ division of the city of stray animals on premises.

It shall be the duty of every person to report to the animal care services ~~department~~ division of the city the presence and description of stolen, strayed or lost small animals, fowl or large livestock which appear at or take up at such person's premises. Such report is to be made within twenty-four (24) hours after discovery of their presence. Failure to so comply herewith shall subject the offender to the penalties provided for in section 1-6 of this Code.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2016-O-132, § 2, 9-12-16)

Editor's note(s)—Ord. No. 2016-O-132, § 2, adopted Sept. 12, 2016, changed the title of § 6-11 from "Report to the health department of the city of stray animals on premises" to "Report to the animal care services department of the city of stray animals on premises."

Sec. 6-13. Compliance with sanitation standards required for keeping livestock, small animals or fowl.

- (a) *[Compliance with standards.]* Every person keeping any large livestock, small animals or fowl as authorized in this chapter shall comply with the standards of sanitation established therefor by the assistant director.
- (b) *Animal waste, sanitation standards.*
- (1) The owner of each animal is required to remove any feces deposited by the owner's animal on public or private property.
 - (2) Feces deposited by an animal on public property or on the private property of any person other than the animal's owner must be collected and removed at once by the animal's owner. Animal feces deposited on any other property must be collected and removed daily.
 - (3) Collection and removal of animal feces must be in a container that, when closed, is rat-proof and fly-tight. The container must be kept closed after each collection and, at least once a week, all collected feces must be disposed of in a manner that does not permit fly breeding or other unhealthy conditions.
 - (4) All animals shall be kept in a sanitary manner. Small animal owners shall collect and dispose of animal waste by placing it in a disposable container, sealing the container, and disposing of it as household garbage. All manure and other animal wastes from livestock shall be removed from pens, corrals or standings at least once each day. This material shall be deposited in a manure storage bin of concrete or metal construction and shall be rat-proof with a fly-tight lid. Such manure and other animal wastes shall be removed from this bin at least once each week to a disposal site approved by the assistant director.
 - (5) No animal owner shall allow the accumulation of animal waste on any premises in a quantity sufficient to create an odor offensive to a person of normal sensibilities standing on any adjacent property not owned or controlled by the subject animal's owner, or which creates a condition conducive to the breeding of flies or other pests. It shall be unlawful to permit or allow fly breeding on premises on which livestock are kept, and permitting or

allowing such shall authorize the denial, suspension or revocation of a permit by the director. Livestock owners shall have and maintain a fly control program.

- (6) The accumulation of animal waste on any premises so as to create a stench or harborage for flies or other pests is hereby declared to be a public nuisance. Upon delivery of a written "notice to clean" by the assistant director of animal care services ~~department~~ division, animal control or housing and neighborhood services or other designated representatives, an animal owner or any adult occupant of the premises identified in said notice shall abate the therein described public nuisance on the premises within twenty-four (24) hours. Delivery shall be accomplished either by hand to the animal owner or keeper or any adult occupant of the residence, or by posting in a conspicuous place on the main entrance fence gate of the premises or main entrance door of the structure on the premises, or by certified mail, return receipt requested.
- (7) An animal owner or keeper shall not walk an animal without a leash restraint, and shall not guide or take animals onto the yards or driveways of property not owned, leased or occupied by the animal owner for the purpose of allowing the animal to defecate, but shall keep the animal in the public right-of-way, and shall carry a container and implement for the sanitary removal of the animal's fecal matter from the public sidewalk and public right-of-way adjacent to any property with a structure or other improvements thereon.
- (8) The assistant director of animal care services ~~department~~ division is authorized to enforce the provisions of this section, and may summarily abate and remove any immediate public health and safety hazard due to the presence of animals by declaring the conditions to be an immediate public health hazard and/or public health nuisance, and shall execute an administrative order that the premises be cleaned to city health code standards by the city or its contractor within twenty-four (24) hours. Furthermore, each individual is authorized to petition a justice or municipal court for a court order for the seizure of a particularly described animal or all animals kept on the subject premises, to be impounded or cared for as a cruelly treated animal pending a full investigation and hearing before the court in accordance with V.T.C.A., Health and Safety Code § 821.022, as amended.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-17. Abatement of condition on premises not complying with chapter.

Whenever any premises where any large livestock, small animals, fowl or pets are kept in an unsanitary condition or the facilities are not in keeping with the provisions of this chapter or any other regulations herein or if any health ordinance or law be not observed, the assistant director may, by written notice to the person responsible for the condition of the premises or the keeping of the large livestock, small animals, fowl or pet, order the abatement of the conditions which are not in accordance with this chapter or conditions which constitute a nuisance. Failure to comply with such order shall, in addition to any criminal proceedings, be grounds for and entitle the city to obtain relief by injunction.

(Ord. No. 86-24, § 1, 2-17-86)

Sec. 6-18. Cruelty and/or neglect to animals.

- (a) *[State law violation.]* Animal cruelty is a state law violation punishable by fine and/or jail time in accordance with the Texas Penal Code.
- (b) *[Restrictions in public places.]* It shall be unlawful for any person to wound or kill any cattle, horses, sheep, swine or goats of any description, whether wild or domestic, in any public place within the city.
- (c) *[Humane care and treatment.]* It shall be unlawful for an owner of an animal to neglect an animal and fail to provide that animal with humane care and treatment including, but not limited to, access to an adequate supply of fresh air, species specific food, fresh water, exercise, adequate shelter and with appropriate veterinary care, promote a healthy animal and when needed to prevent suffering.
- (d) *[Animal abuse.]* It shall be unlawful for a person to intentionally, knowingly or recklessly beat, cruelly treat, overload or otherwise abuse any animal, including the person's own animal or any unowned animal anywhere in the city.
- (e) *[Surgical alteration of animals.]* It shall be unlawful for the owner of an animal, or a person charged with custody or care of an animal, to surgically alter an animal, including, but not limited to, ear cropping, tail docking, and dewclaw removal, except when done by a licensed veterinarian.
- (f) *[Care of large livestock, small animal, fowl.]* It shall be unlawful for any person to keep any large livestock, small animal or fowl without providing reasonably adequate food, water, or shelter thereto, so as to unreasonably endanger the health and safety of the large livestock, small animal or fowl, or of any person. Any officer of the animal care services ~~department~~ *division* of the city, having reasonable grounds to believe that any large livestock, small animal or fowl is being kept in violation of this section may enter upon the premises and take possession of and impound the large livestock, small animal or fowl, subject to the provisions of sections 6-6, 6-7 and 6-8.
- (g) *[Accident reports.]* Any person who, as the operator of a motor vehicle, strikes a domestic animal, livestock, or any wild animal over five (5) pounds in weight, shall at once report the accident to the city customer services/311 department.
- (h) *[Authority to seize, impound.]* If a peace officer or an officer who has responsibility for animal control in a county or municipality has reason to believe that an animal has been or is being cruelly treated, the officer may apply to a justice court or magistrate in the county or to a municipal court in the municipality in which the animal is located for a warrant to seize the animal. On a showing of probable cause to believe that the animal has been or is being cruelly treated, the court or magistrate shall issue the warrant and set a time within ten (10) calendar days of the date of issuance for a hearing in the appropriate justice court or municipal court to determine whether the animal has been cruelly treated. The officer executing the warrant shall cause the animal to be impounded and shall give written notice to the owner of the animal of the time and place of the hearing.
- (i) Tethering (fastening animals with rope or chain; choker collar).
 - (1) No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain

them must wear a properly fitted collar or harness made of leather or nylon, not of the choker type. This does not prohibit the proper use of choker collars in the training of animals. The tying device shall be attached to the animal's collar or harness and shall be at least ten (10) feet in length and must have a swivel device on the anchor and collar end to prevent tangling.

(2) An animal that is tethered must have access to adequate shelter, food and water at all times.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2012-O-097, § 1, 7-16-12; Ord. No. 2016-O-132, § 2, 9-12-16)

Editor's note(s)—Ord. No. 2012-O-097, § 1, adopted July 16, 2012, changed the title of § 6-18 from "Cruelty to animals" to "Cruelty and/or neglect to animals."

Sec. 6-19. Protection of animals and pets.

(a) *Exposing animals to poisonous substances.*

(1) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same may be attractive to any warm-blooded animal or human; except that it shall not be unlawful for a person to expose, on his own property or with permission of the property owner, commercially available rat poison or other pesticides appropriately placed in accordance with the labeling directions.

(2) It shall be sufficient to constitute a violation under this section that the poisonous substance was attractively exposed by such person in such a manner that the same may have been eaten, or was in fact eaten, by any warm-blooded animal or human; no intent or further culpable mental state shall be required to prove a prima facie violation.

(b) *Traps with holding mechanisms prohibited.*

(1) No person shall set up or allow to be set up on his property steel jaw traps, spring traps with teeth or perforated edges on the holding mechanism, snares, or any type of trap with a holding mechanism designed in such a fashion as to reasonably ensure the cutting, slicing, tearing or otherwise traumatizing of the entrapped prey, for the purpose of ensnaring domestic or wild animals within the city limits, unless the use of such traps is specifically deemed necessary by the director of health in or for the control of communicable disease. This section is not to be construed to include those traps designed to kill common rodents, i.e., rats, mice, gophers and groundhogs; except that the owner is responsible for taking care that any of the above said "rodent" traps are not placed or used on or about his property in such a manner as to reasonably ensure the trapping of any other domesticated or wild animal, or of a human.

(2) It shall be a "prima facie" (existing) violation of this section that the traps proscribed in this section were, in fact, set up by the person in question, or were allowed to be set up by the person in question; no intent or further culpable mental state shall be required to prove such a prima facie violation.

(c) *Animal traps without holding mechanism.* A person may set up on his own property humane traps used to capture dogs, cats, and other small animals alive which must be sheltered and shall

be checked at least once every eight (8) hours by the individual setting the trap. Humane care shall be provided for any trapped animals including the provision of food, water, and protection from extremes of the environment including heat, cold, and precipitation. All trapped dogs, cats and other animals shall be turned over to the ~~department~~ division for final disposition. Community cat caregivers are not required to turn over to the ~~department~~ division community cats trapped for the purposes of a trap-neuter-return program.

(d) *Safety of animals in motor vehicles.*

- (1) No person shall transport or place/carry on any public roadway any animal in a motor vehicle unless the animal is safety enclosed within the vehicle; and if traveling in an unenclosed vehicle (including, but not limited to convertibles, pick-up trucks, jeeps, and flatbed trucks), the animal shall be confined by a vented container or cage, or by chain, rope or other device cross-tied to prevent the animal from falling or jumping from the motor vehicle or from strangling on a single leash.
- (2) No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health or safety. Any animal control officer or the assistant Director's designee, or police officer is authorized to use reasonable force, including the breaking of a side window, to remove an animal from a vehicle whenever it appears the animal's health or safety is endangered, and said neglected or endangered animal shall be impounded.

(e) *Prohibiting sale of or giving away as prizes or inducements.*

- (1) It shall be unlawful for any person to sell or offer for sale, barter, lease, rent or give away on the condition that some other item is purchased, bartered, leased, or rented, any baby chicks, ducklings, other fowl less than three (3) weeks old, or rabbits less than eight (8) weeks old (unless otherwise approved by a veterinarian in writing but in no event shall the animal be less than six (6) weeks old for dogs and cats); except that this chapter shall not be construed as to prohibit the sale or display of such baby chicks, ducklings, or other fowl in proper breeder facilities or hatcheries or to prohibit the sale or display of such baby chicks, ducklings, or other fowl in stores engaged in the business of selling the same to be raised for commercial purposes.
- (2) It shall be unlawful to color, dye, stain, or otherwise change the natural color of any baby chicks, ducklings, or other fowl or rabbits or to possess for the purpose of sale any baby chicks, ducklings, or other fowl or rabbits which have been so colored.
- (3) It shall be unlawful for any person to give away, or offer to give away, any live animal as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (4) It shall be unlawful for any person to display for a commercial purpose any animal on any roadside, public right-of-way, commercial parking lot, flea market or festival unless properly permitted.

- (5) It shall be unlawful for any person to sell, trade, barter, lease, rent, or give away, any animal on any roadside, public right-of-way, commercial parking lot, flea market or festival.
- (6) This subsection shall not apply to any tax-exempt non-profit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals or any recognized rescue organization which is currently registered with the department.

(Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2018-O-169, § 1, 11-5-18)

Sec. 6-22. Vaccination certificate required; display upon request.

- (a) Every person keeping any dog or cat immunized against rabies, as provided in section 6-21, shall procure a written vaccination certificate from the veterinarian administering the vaccine, giving accurate description of the dog or cat, date of immunization, the name and address of the owner of the dog or cat, and the vaccination metal tag number, such vaccination metal tag to be affixed to the collar of such dog or cat.
- (b) Any authorized agent of the *assistant* director may request to see such vaccination certificate at any time; and the failure of such owner, keeper or person in possession of such dog or cat to exhibit such vaccination certificate upon request shall constitute an offense under this article.
- (c) Community cat caregivers are exempt from the requirements of this section.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 2018-O-169, § 1, 11-5-18)

Sec. 6-23. Procedure when a person is bitten.

- (a) [*Bite reports.*] Whenever an animal of any species, breed or class bites a person, the owner or keeper of such animal, or any person having knowledge of such biting, shall immediately report the incident to the animal care services ~~department~~ *division*. The report must include the name and address of any victim and of the owner of the animal, if known, and any other information relating to the incident or animal. The animal care services ~~department~~ *assistant* director shall follow up with a written report. Such animal shall thereby come immediately under the supervision of the *assistant* director, who shall immediately cause an investigation to be made by a person designated.
- (b) If the *assistant* director or designee deems it necessary, the animal shall be held for an observation period and shall not be released from such observation period without the approval of the *assistant* director. Such observation may be had in the pound, at a veterinary hospital, or in the discretion of the *assistant* director, at the premises of the keeper of the animal or at any other suitable site.
- (c) [*Rabies observation.*] If the owner/keeper does not surrender the animal, the *assistant* director or any appointed animal control officer shall seize and impound any animal for rabies observation upon the sworn affidavit of any person with knowledge that the animal has bitten a person or another animal. An administrative search warrant shall be obtained from any municipal court judge or other magistrate to enter onto private property to search for the biting animal if permission to enter is not given.

- (d) *[Confining animal.]* The owner of any animal that has bitten any person may be allowed to assume personal responsibility for confining the animal for the observation period of ten (10) days, only under the following circumstances:
- (1) Secure facilities must be available at the home of the animal's owner, and must be approved by the assistant director or designee;
 - (2) The animal was currently vaccinated against rabies by a veterinarian when the exposure incident occurred;
 - (3) The animal was not in violation of any laws or ordinances at the time of the bite; and
 - (4) The assistant director or designee, or a veterinarian must observe the animal at least on the first and last days of the quarantine period. If the animal becomes ill during the observation period, the assistant director must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing by the veterinarian who will attest to the health of the animal.
- (e) *[Euthanasia, rabies testing.]* The assistant director may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to the face, head, or neck of a person to be euthanized and the brain tested for rabies.
- (f) *[Payment of testing costs.]* The owner of an animal quarantined under this chapter shall pay to the animal control division the reasonable costs of the charges for preparation, processing, and shipment of the animal's head or brain, if required, to the nearest Texas Department of State Health Services laboratory for testing.
- (g) *[Testing of nonquarantined animals.]* The owner of a nonquarantined animal or a veterinarian, if required by law or upon the owner's or a veterinarian's request, may seek the services of the animal control division to prepare, process, and ship the head or brain of an animal to the nearest Texas Department of State Health Services laboratory for testing.
- (h) *[Quarantine.]* If an animal is believed to have rabies, such animal shall be quarantined for observation by a veterinarian for the appropriate period as required by state law.
- (i) *[Exposure, potential exposure to rabid animal.]* An animal exposed or potentially exposed to a known or suspected rabid animal shall be either euthanized or vaccinated and confined in accordance to state law.
- (j) *[Testing of wild animals.]* All wild animals involved in exposure incidents including biting, scratching or any other direct exposure by physical contact will be humanely euthanized in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of State Health Services certified laboratory for rabies diagnosis.
- (k) *[Unlawful activities.]* It shall be unlawful for any person to:
- (1) Refuse, neglect or fail to report any such biting incident of which he has knowledge; or
 - (2) Refuse, neglect or fail to allow, or attempt to prevent, any such animal from coming immediately under the supervision of the assistant director or any employee or designee of the assistant director; or

- (3) Refuse, neglect or fail to allow, or to prevent or attempt to prevent or to interfere with the impoundment and observation of such animal, as herein provided; or
- (4) To remove or attempt to remove the animal from the place of impoundment or from the supervision of the assistant director.

(l) *Confinement at owner's expense.* Any animal surrendered to animal control's approved facility for the purpose of observation as provided in this chapter shall be kept at the facility and shall be fed and cared for at the expense of the owner. Such fees are to be paid to the city before the animal can be reclaimed from the animal control's approved facility at the end of the authorized quarantine and observation period.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-24. Observation required for animals exhibiting symptoms of rabies.

- (a) Whenever an animal of any size, breed or class is exhibiting any symptoms of rabies, such animal shall be held under observation in the city pound or a veterinary hospital operated by a licensed veterinarian or in the discretion of the assistant director on the keeper's premises or at any other suitable site. No such animal shall be released from observation until a veterinarian or the assistant director or his representative certifies that such animal is not infected with rabies.
- (b) Dogs or other animals which are not removed by the owner within twenty-four (24) hours after the expiration of the observation period shall be disposed of under the provisions of section 6-5 and section 6-7 or section 6-8 of this chapter.

(Ord. No. 86-24, § 1, 2-17-86)

Sec. 6-25. Duty of veterinarians attending infected animals.

It shall be the duty of all veterinarians to report in writing all clinical or suspected cases of rabies under their care, to the assistant director within twenty-four (24) hours after the animal is admitted to a veterinary hospital or seen by the veterinarian:

- (1) Giving the location of the veterinary hospital;
- (2) Name and address of owner of the infected animal;
- (3) Location of the infected animal;
- (4) Names and addresses of persons bitten; and
- (5) A negative statement if no persons were bitten.

(Ord. No. 86-24, § 1, 2-17-86)

Sec. 6-26. Disposition of animals which have died of rabies.

The heads of animals which are suspected of having died of rabies shall be turned over to the assistant director of the animal care services ~~department~~ division or a veterinarian for dispatch to an authorized laboratory for diagnosis and the owner shall pay a tissue fee.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-27. Duty of person knowing of animals exhibiting symptoms of rabies.

Whenever a dog or other animal is infected with rabies or suspected of being infected with rabies or has been bitten by an animal known or suspected of being infected with rabies, the keeper of the animal or any person having knowledge thereof shall immediately notify the city police or the animal care services ~~department~~ division where the animal may be found.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-28. Duty of owner of animal bitten.

The assistant director of the animal care services ~~department~~ division or his designee shall serve notice in writing upon a keeper of a dog or other animal known to have been bitten by an animal known to be infected with rabies, requiring such keeper to have such dog or other animal to be put to death under the supervision of the assistant director of the animal care services ~~department~~ division or to have such dog or other animal quarantined by the animal care services ~~department~~ division within twenty-four (24) hours for a period of not less than three (3) months if the animal had been vaccinated not less than one (1) month or more than one (1) year prior to such bite or quarantined for six (6) months if such animal had not been vaccinated as above specified. If any such animal is impounded, then the provisions of section 6-6 and section 6-7 shall apply.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-29. Unlawful to interfere.

It shall be unlawful for any person to interfere or attempt to interfere with the supervisor of the animal care services ~~department~~ division or his employees in the execution of their duties under this chapter.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-30. Health emergencies.

Upon a finding by the assistant director of the city animal care services ~~department~~ division that a health emergency exists due to the imminent threat of rabies or other animal or zoonotic communicable disease, he shall have the authority to order that all unrestrained animals be impounded and euthanized immediately; except that, no emergency order shall continue for a period longer than seven (7) days without the consent of the city council.

(Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-41. Keeping restricted.

It shall be unlawful for any person to keep, harbor, house or maintain within the city limits any prohibited animal, small animal or fowl, except under the conditions hereinafter set forth in this article. It is also unlawful, a nuisance and public health threat to feed and harbor wild or feral animals, except community cats, in residential areas.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2018-O-169, § 1, 11-5-18)

Sec. 6-42. Keeping practices.

- (a) The practices to be observed in the keeping of small animals and fowl are as follows:
- (1) Every keeper of any small animal or fowl shall confine the same in an enclosure to prevent their running at large.
 - (2) Every keeper shall provide a shelter or area of a size sufficient to be conducive to good sanitation, and he shall provide adequate and sanitary drainage for the shelter or area.
 - (3) Every keeper of any small animals or fowl shall cause the litter and droppings therefrom to be collected daily in a container or receptacle of such a type that when closed it is ratproof and flytight and after each collection shall cause such container or receptacle to be kept closed. At least daily, each keeper shall cause the litter and droppings so collected to be disposed of in such a way as not to permit fly breeding or any other unsanitary condition.
 - (4) Every keeper of any small animals or fowl shall cause all feed provided therefor to be stored and kept in a ratproof and flytight receptacle.
 - (5) It is unlawful for a person to keep five (5) or more small animals or fowl, in any combination thereof, or any number of male chickens, within one hundred (100) feet of any residence, structure or building used for human habitation or any other lawful activity, other than the person's habitation or business premises.
 - (6) It is unlawful for a person to keep any small animals or fowl, in any combination thereof, within fifty (50) feet of any residence, structure or building used for human habitation or any other lawful activity, other than the person's habitation or business premises.
 - (7) Upon inspection of the premises by the assistant director or any of his employees or designees, a person may be exempted from the number and/or setback requirements of this section, provided the director first finds the following:
 - a. The animal(s), as kept, will not unreasonably endanger the life, health or property of any person; and
 - b. The animal(s), as kept, will not become a nuisance.
- (b) *Additional keeping practices for dogs kept outdoors.* An owner of a dog commits an offense if the fenced yard, or other outdoor pen or structure, used as the primary living area for the dog or used as an area for the dog to regularly eat, sleep, drink, and eliminate is not:
- (1) At least one hundred fifty (150) square feet of open area for each dog six (6) months of age or older that is less than twenty-five (25) pounds and two hundred fifty (250) square feet for each dog six (6) months of age or older that is twenty-five (25) pounds and over;
 - (2) Designed, constructed, and composed of material sufficient to prevent the dog's escape; and
 - (3) Designed in a manner that provides the dog access to the inside of a doghouse, building or shelter.
- (c) *Proper restraint.*
- (1) An owner of an animal commits an offense if the owner fails to restrain the animal at all times in a fenced yard, in an enclosed pen or structure, or by tether or leash.

- (2) No animal may be restrained by a tether or leash unless the animal is in the immediate possession of and accompanied by the animal's owner or keeper.
- (3) It is a defense to prosecution under this section if the animal was:
 - i. Is in training or working with a law enforcement agency; or
 - ii. Is a cadaver or rescue dog; or
 - iii. Is a service animal.
- (d) *[Defense.]* It is a defense to prosecution under subsection (b) that the animal was a dog that was tethered:
 - (1) In a manner complying with subsection (e); and
 - (2) For a reasonable period of time, not to exceed six (6) hours in a twenty-four-hour period, and no longer than necessary for the owner to complete a temporary task that required the dog to be restrained.
- (e) *Tethered dogs.* An owner of a dog commits an offense if the owner tethers the dog or allows the dog to be tethered in any manner or by any method that:
 - (1) Allows the dog to leave the premises owned, leased or occupied by the dog's owner;
 - (2) Allows the dog to become entangled;
 - (3) Does not allow the dog access to food, water, and appropriate shelter if outside; or
 - (4) Does not meet the requirements for tethering a dog under subsection (b); or
 - (5) Leaves, unattended, any dog in the unfenced front yard of any residence.
- (f) *[Requirements for tethering.]* The following requirements apply to a dog tethered within the city:
 - (1) The dog must be properly fitted with and wearing a harness or collar made of leather or nylon.
 - (2) No person shall chain their dog using a collar exceeding one and one-half (1½) inches wide for any dog weighing less than sixty (60) pounds. Dogs weighing sixty (60) pounds or more shall not be tethered using a collar exceeding two (2) inches in width.
 - (3) The tether must be attached to the dog's harness or collar and not directly to the dog's neck.
 - (4) The tether must be at least ~~ten~~ fifteen (15) feet long.
 - (5) A person shall not chain or tether a dog with a chain or tether that weighs more than one-eighth (1/8) of the dog's body weight.
- (g) *Unlawful restraint of dog.*
 - (1) An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement;
 - (2) Between the hours of 10:00 p.m. and 6:00 a.m.;
 - (3) Within five hundred (500) feet of the premises of a school; or

- (4) In the case of extreme weather conditions, including conditions in which;
 - (5) The actual or effective outdoor temperature is below fifty (50) degrees Fahrenheit;
 - (6) A heat advisory has been issued by a local or state authority or jurisdiction; or
 - (7) A hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.
- (h) *[Limiting dog's movement.]* In this section, a restraint unreasonably limits a dog's movement if the restraint:
- (1) Uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;
 - (2) Is a length shorter than the greater of;
 - (3) Five (5) times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - (4) Ten *Fifteen* (10~~5~~) feet;
 - (5) Is in an unsafe condition; or
 - (6) Causes injury to the dog.
- (i) *Exceptions.* Unlawful restraint of dog does not apply to:
- (1) A dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;
 - (2) A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;
 - (3) A dog restrained for a reasonable period, not to exceed three (3) hours in a twenty-four-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;
 - (4) A dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog;
 - (5) A dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or
 - (6) A dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
- (j) *[Walking with hand-held leash.]* Nothing in this section shall be construed to prohibit a person from walking a dog with a hand-held leash.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2017-O-072, § 1, 7-3-17; Ord. No. 2018-O-169, § 1, 11-5-18)

Sec. 6-43. Dogs running at large prohibited; exceptions.

- (a) It shall be unlawful for any person owning, keeping or having in his possession or control any dog to ~~allow such dog~~ run at large upon the streets, sidewalks or public grounds of the city, or to allow any dog to run at large upon or about the residence, lot or lands of any person other than the owner of such dog. Any dog on the streets, sidewalks or public grounds of the city, or on the residence, lot or lands of any person other than the owner of the dog, shall be considered to be at large in violation of this section; except that a dog under the control of a person by means of a chain, rope, cord, or leash not more than ten (10) feet in length and of sufficient strength to control the action of the dog shall not be deemed to be running at large, provided such person is physically able to, and does, restrain such dog.
- (b) The following are defenses to prosecution under subsection 6-43(a):
- (1) It is an affirmative defense to prosecution that, at the time of the conduct charged, the dog is participating in an organized dog show or event sponsored by a nationally recognized or state-recognized kennel club.
 - (2) It is an affirmative defense to prosecution that the person, at the time of the conduct charged, is an obedience trainer approved by the city, and is actively engaged in the training of a dog actually enrolled in a dog training school. Any dog duly and properly trained for this purpose must be registered with the city animal care services ~~department~~ division.
 - (3) It is an affirmative defense to prosecution that the person is in need of as service animal due to a disability such as blindness, being deaf or has another disability and at the time of the conduct charged, uses the dog to provide assistance, the dog is trained to provide assistance to a person with a disability, and the person is using the dog to provide assistance in connection with the person's disability. Any dog duly and properly trained for this purpose must be registered with the city animal care services ~~department~~ division without paying a fee.
 - (4) It is an affirmative defense to prosecution that the person is a veterinarian, a veterinary clinic employee, a peace officer, a person employed by a recognized animal shelter, or a person employed by this City of Laredo or County of Webb to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.
 - (5) It is a defense to prosecution that the person is an employee of the Laredo Police Department, or another law enforcement agency, and trains or uses dogs for law enforcement or corrections purposes, and is training or using the dog in connection with the person's official capacity.
 - (6) It is a defense to prosecution that, at the time of the conduct charged, the person's dog was on a leash, and either the person was in immediate control of the dog, or if the person was not in control of the dog, the person was making immediate and reasonable attempts to regain control of the dog.
- (c) The owner/trainer must comply at all times with rabies vaccination and pet registration requirements. The owner/trainer must, at all times, have in his/her possession a dog leash at least five (5) feet and not more than ten (10) feet in length and of sufficient strength to control

the dog. If in a public place (i.e., park), training must be confined to designated areas for pets and comply with local public rules (i.e., picking up droppings, staying in designated areas, maintaining pet on a leash accompanied by owner and/or trainer at all times).

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 2014-O-117, § 1, 9-15-14; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-46. Pet shop/pet store requirements.

(a) No person shall operate a pet shop within the city without first obtaining a pet shop permit from the assistant director.

(1) *Application.*

- a. All pet stores, excluding veterinarians and veterinary hospitals, are required to obtain and submit an application for an appropriate animal permit from the animal control division.
- b. Upon initial application for a permit, the animal care services ~~department~~ assistant director must review and certify that the pet store has been inspected and is in compliance with all construction, zoning, or other ordinances of the city governing the conduct of the business of the commercial animal establishment after consulting with the building official and zoning and code enforcement administrator. An appropriate certificate of occupancy issued by the building official may be considered as evidence that the commercial animal establishment complies with the city's construction and zoning ordinances.

(2) [*Renewal.*] A pet shop permit is renewable annually upon:

- a. Inspection of the pet store by the animal care services ~~department~~ assistant director or their designee;
- b. Review and certification by the animal care services ~~department~~ assistant director, or their designee, that pet store is in compliance with all applicable state and local laws, ordinances, rules, and regulations governing the conduct of the business of the commercial animal establishment; and
- c. Payment of the required fees.

(3) [*Change in location or ownership.*] Upon a change in the location or ownership of a pet store/pet shop, a new application for a permit is required.

(b) In order to provide a safe environment, all enclosures used for public display of an animal shall prevent direct contact between the animal and the viewing members of the public unless:

- (1) The enclosures have been inspected to assure the public safety; and
- (2) The handling of animals is, at all times, supervised by the owner of the pet store or its agents/employees; and
- (3) The animals are only handled by members of the public in a specifically designated area of the store; and
- (4) The store provides hand-washing facilities (soap and water and/or hand sanitizers) in the area and requires the use of said facilities both before and after the handling of any animal.

- (c) Dogs and cats shall be removed from their primary enclosures at least twice during each twenty-four-hour period and exercised unless the primary enclosure is of sufficient size to conduct an exercise regimen needed by the animal for good health.
- (d) All animals shall be able to stand, stretch, and turn without touching any of the four (4) sides or top of their primary enclosure. Group housing of compatible animals is allowed if the space prevents crowding and allows for easy removal of animal waste, and the unhampered movement and comfort of each animal.
- (e) Sick, diseased, and injured animals shall be kept isolated and the establishment must have standing orders as to care, management and/or consultation with a veterinarian either upon discovery or as directed by the veterinarian for appropriate care, disease management or euthanasia.
- (f) All pet shops and stores selling animals, birds, reptiles and fish shall:
 - (1) Take care to house animals in a sanitary manner; and comply with section 6-21, including rabies vaccination.
 - (2) Provide appropriate medical services, care, and housing according to individual species' needs;
 - (3) Immunize all cats and dogs offered for sale, trade or other compensation or for free giveaway (except an animal taken to the department) against common disease in accordance with standard veterinary practices, in the case of dogs, against canine distemper, adeno-virus parainfluenza, parvovirus, corona virus, and leptospirosis, and in the case of cats, against feline rhinotracheitis, and panleukopenia; and
 - (4) Not offer any puppy or kitten under the age of eight (8) weeks (unless otherwise approved by a veterinarian in writing but in no event shall the animal be less than six (6) weeks old for dogs and cats) for sale, trade or other compensation or for free giveaway (except a puppy or kitten, or litter or litters taken to the ~~department~~ division, or any tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals, or any recognized rescue organization which is currently registered with the ~~department~~ division).
 - (5) The owner of a pet shop that sells reptiles shall post a sign warning of reptile-associated salmonellosis.
- (g) Animal enclosures shall be cleaned of debris and fecal matter at least once every twenty-four (24) hours.
- (h) Sanitizing of dog and cat enclosures shall be done once every day by washing the surfaces with water and either soap or detergent, or by the use of a pressure water system or steam cleaner all of which shall be followed by the application of a safe and effective disinfectant.
- (i) The exercise and run areas having pea gravel or other nonpermanent surface materials shall be thoroughly cleaned at least every twenty-four (24) hours and more frequently if necessary by removal of soiled materials and application of suitable disinfectants followed by the replacement of clean surface materials when necessary.

- (j) It shall be unlawful for a pet shop owner, operator, manager, or employee to sell, trade, transfer, barter, give away, maintain, or act as a dealer or agent between a buyer and seller of any prohibited animal as defined by this chapter.
- (k) All cats and dogs taken into a pet shop facility for resale shall be checked no later than seventy-two (72) hours from the date the dog or cat is taken into the pet shop for internal and external parasites, unless documentation is provided indicating the animal has had a veterinary exam and treated within the past thirty (30) days and is free of internal and external parasites.
 - (1) Any animal exhibiting any signs of parasites shall be promptly treated, and medical records maintained for each animal.
 - (2) Any animal exhibiting signs of any infectious or contagious disease including, but not limited to, canine distemper, adeno-virus parainfluenza, parvovirus, corona virus, and leptospirosis, and in the case of cats, feline rhinotracheitis, and panleucopenia, will be immediately isolated and given adequate veterinary care.
- (l) Complete records of veterinary care will be kept and delivered to the purchaser upon the sale of the animals.
- (m) The ~~department~~ division may restrict the sale of any animal(s) suspected of being diseased or otherwise unfit for sale and may require that said animal(s) be examined within twenty-four (24) hours by a licensed veterinarian.
- (n) The permit holder shall reimburse the enforcing agency's veterinary fees if the veterinarian concludes that the animal is unfit for sale at the time of the examination.
- (o) The pet shop permit holder shall furnish a purchaser a written statement at the time of sale which shall include:
 - (1) Date of sale;
 - (2) Name, address and telephone number of purchaser and pet shop permit holder;
 - (3) Pet shop permit number of permit holder;
 - (4) Breed, description, approximate age and sex of dog, cat or other animal sold (small mammals, parrot-type birds, and fish not included);
 - (5) Medication and prophylactic immunization and dates administered;
 - (6) Internal parasite medication(s) and date(s) administered;
 - (7) A guarantee of general good health at the time of sale with a disclosure of any health issue and/or provide veterinarian care while at the store and with recommendation to have the animal examined by a licensed veterinarian. The permit holder shall retain a copy of the written statement for twelve (12) months from date of sale.
 - (8) If the animal is a reptile ensure that a written warning related to reptile-associated salmonellosis is provided to each purchaser of a reptile.

- (9) All purchasers of dogs and cats shall also be furnished with information as to the requirements of ownership of these animals within the city including requirements for rabies vaccination, litter permits, intact animal permits, micro chipping and registration.
- (10) The pet shop permit holder shall provide the ~~department~~ division the name, address, and telephone number of each purchaser of any dog or cat transferred within five (5) days after the sale or transfer.
- (11) If the animal is a reptile ensure that a written warning related to reptile-associated salmonellosis is provided to each purchaser of a reptile.
- (p) Records shall be maintained in good auditable condition, and surrendered to the assistant director or his authorized representative upon request and without reservation or purpose of evasion. Failure to produce such records upon demand by the assistant director or any authorized representative of the assistant director shall be cause for the revocation of an existing permit and the refusal to issue a new permit for a period not to exceed two (2) years.
- (q) Pet shops are subject to inspection at anytime during the shop's regular business hours.
- (r) The pet shop permit must be displayed in a prominent place on the premises.
- (s) Pet shops must comply with all requirements of this chapter including illegal vending in the right-of-way.

(Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2016-O-132, § 2, 9-12-16 Ord. No. 2022-O-005, § 1, 1-18-22)

Sec. 6-47. Grooming shop requirements.

- (a) No person shall operate any grooming shop, as defined in this chapter, without first obtaining a permit from the assistant director who shall take into consideration the type of building construction, the mobile business permit (if applicable), the regulatory compliance history of the permittee as it relates to sanitation, health, welfare of the animals, and related zoning requirements. The assistant director shall utilize a standardized checklist for inspecting and evaluating the qualifications of applicants. A grooming shop permit for a mobile grooming business shall not be approved if the applicant does not have a mobile business permit as required by chapter 18 of the Code of Ordinances.
- (b) Applications for an original or renewal grooming shop permit shall be submitted to the ~~department~~ division and shall be approved or denied by the assistant director. The ~~department~~ division shall investigate the applicant's qualifications for a permit, and report its findings to the assistant director. A conviction for the violation of any provision of this chapter may constitute cause for denial or revocation.
- (c) Grooming shops are subject to inspection at any time during the shop's regular business hours.
- (d) Each grooming shop permit shall be valid for one (1) year.
- (e) A permit holder has the right to request that any dog or cat accepted for grooming be vaccinated against common diseases, and require proof of such vaccinations be furnished to the shop operator.
- (f) The grooming shop permit must be displayed in a prominent place on the premises.

(Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2022-O-005, § 1, 1-18-22)

Sec. 6-48. Cat colony permit and registration.

- (a) Each cat colony shall be registered by the caregiver with the ~~department~~ division which shall serve as a clearinghouse for information on current caregivers, education for new caregivers, and assistance for persons found in violation of this section. Cat colonies with six (6) or fewer cats are not required to be registered as a cat colony.
- (b) Any community cat picked up by the ~~department~~ division which has an appropriate ear tip will be returned to that colony unless veterinary care is required or the criteria listed in subsection (f) apply.
- (c) Community cat caregivers shall obtain a cat colony permit which shall be valid for one (1) year, and implement proper management and sterilization practices as required by the ~~department~~ division.
- (d) Community cat caregivers shall be responsible for the costs (if any) associated with trap-neuter-return that they choose or cause to be performed.
- (e) Any person or caregiver determined to be in violation of proper management and sterilization practices required by the ~~department~~ division shall be issued a written warning and be allowed a period of time to come into compliance, or provide satisfactory evidence of working to achieve compliance. That period of time shall not exceed ninety (90) days from issuance of the initial warning notice. Failure to comply shall result in a violation of this chapter, which may result in the issuance of a citation.
- (f) The ~~department~~ division has the right to immediately seize and remove all, or parts of any colony for the following reasons:
 - (1) Public health and safety concerns including rabies, other epizootic and certain zoonoses identified by the ~~department~~ division or the health department.
 - (2) Animals creating a nuisance as defined in this chapter.

(Ord. No. 2018-O-169, § 1, 11-5-18)

Sec. 6-49. Revocation of permits.

- (a) Any permit obtained under this chapter may be immediately revoked by the ~~department~~ division issuing the permit for any of the following:
 - (1) If the permit holder fails to maintain or renew any required City of Laredo permits or licenses;
 - (2) If the permit holder does not comply with any of the terms of the permit issued to the holder;
 - (3) If the permit holder has knowingly made any false, misleading, or fraudulent statement of fact in the permit application;
 - (4) The permit holder is operating a pet shop/store or grooming shop in a manner that is a substantial danger of injury or an adverse health impact to any animal, including, but not limited to, (i) animals at the pet shop/store or grooming shop being deprived of necessary

food, water, care or shelter; (ii) animals at the pet shop/store or grooming shop being cruelly confined or otherwise being cruelly treated; (iii) unsanitary conditions exist at the pet shop/store or grooming shop to such an extent that those conditions create a possible medium for the transmission of a disease to the animals kept there or to human beings or (iv) the animal care services ~~department~~ division has received three (3) verified complaints within twelve (12) month period regarding the permit holder's pet shop/store or grooming shop.

- (b) All permits under this chapter may be revoked by the animal care services ~~department~~ assistant director for violation by the holder thereof of any provisions of this chapter. Revocation of the permit is accomplished by mailing to the holder of such permit a written notice by certified mail stating the permit is revoked. Revocation may also be accomplished by personally delivering to the permit holder a written notice stating the permit is revoked. Upon revocation of a permit the permit holder has the right to appeal the suspension to the city manager in writing within ten (10) days. The city manager, or their designee, shall conduct a hearing to determine if the suspension is appropriate. The city manager may, as determined appropriate, reinstate the permit or deny reinstatement.

(Ord. No. 2022-O-005, § 2, 1-18-22)

Sec. 6-61. Keeping restricted.

It shall be unlawful for any person to keep, harbor, house, corral or otherwise maintain within the city limits, any prohibited animal large livestock, other than pigs, except in agriculturally zoned areas of the city or as hereinafter provided. The keeping, harboring, housing, corralling or maintaining of wild animals is prohibited at all times, except as hereinafter provided. The keeping, harboring, housing, corralling or maintaining of pigs is prohibited at all times within the city limits, except pursuant to a special permit issued by the assistant director for a bona fide educational purpose when sponsored by a licensed educational institution or authority.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2019-O-197, § 2, 11-18-19)

Sec. 6-66. Special permits.

- (a) The assistant director is hereby authorized to issue a special permit for the keeping of large livestock, prohibited animals or wild animals in accordance with any applicable state or federal law, and without regard to the foregoing provisions of this article, provided the director first finds the following:
- (1) The animal(s), as kept, will not unreasonably endanger the life, health or property of any person.
 - (2) The animal(s), as kept, will not become a nuisance.
 - (3) The animal(s), as kept, will conform to the requirements hereinafter stated in section 6-67 of this article.
- (b) The assistant director may, upon making the aforesaid findings, issue a special permit to the following:
- (1) Veterinary hospitals and clinics.

- (2) Medical and research institutions.
 - (3) Zoological parks.
 - (4) Circuses, rodeos and other similar activities wherein animals are shown, exhibited or perform.
 - (5) Persons keeping large livestock, small animals or fowl for a bona fide scientific or educational purpose when sponsored or organized by a licensed educational institution or authority.
 - (6) Any bona fide law enforcement or other governmental purpose.
 - (7) Prohibited animals may qualify for a special permit in particular those that may have been purchased prior to March 1, 2010.
 - (8) If a special permit is granted for a prohibited animal it must be registered with the health department, pay any related fees and adhere to appropriate keeping, safety and public health measures stipulated by the director.
 - (9) Operators of community gardens or district gardens.
- (c) Written application, upon such form as the assistant director may prescribe, shall be submitted to the assistant director for all special permits issued hereunder and shall contain complete information, statements of consent or opposition from all abutting and adjacent neighbors, and shall be attested to by the applicant's supervisory authority (when an educational project). The assistant director shall have final authority to grant or deny a special permit independent of whatever abutting and adjacent neighbors consent to or oppose the special permit.
- (d) All of the special permits shall be in writing in a form to be prescribed by the assistant director and shall state upon their face the name and address of the applicant, the address or other location of the area for which the permit is to be used, and the conditions to which it is subject, and shall state a date of expiration thereof, not to exceed one (1) year from date of issuance and must comply with all permits and fees. The assistant director may suspend or revoke the permit for violation of any provision of this chapter.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 97-258, § 1, 10-27-97; Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2017-O-072, § 2, 7-3-17)

Sec. 6-67. Additional requirements for keeping.

All animal(s) kept, harbored, housed, corralled or maintained within the city limits, whether or not by permit, shall be subject to the following requirements:

- (1) Such animals shall be kept, harbored, housed, corralled or maintained in an enclosure constructed in a manner such as to effectively prevent the escape of such animal(s) from the enclosed area.
- (2) Every keeper shall provide adequate and sanitary drainage and maintain sanitary conditions for the enclosures.
- (3) Adequate provisions must be made to cause the litter and droppings from such animal(s) to be collected daily in a container or receptacle of such type that, when closed, is ~~ratproof~~ rat

~~proof~~ and ~~flytight~~ fly tight; provided, that after each such collection, such container or receptacle shall be kept closed at all times, and the owner or caretaker of the animal(s) shall cause the litter and droppings so collected to be disposed of daily in such a manner so as not to permit breeding of flies, attraction of rodents, emission of a noxious or offensive odor, or to cause any other unsanitary condition.

- (4) Adequate provision must be made to cause all feed that is to be kept or stored upon the premises to be kept or stored in ~~ratproof~~ rat proof and ~~flytight~~ fly tight receptacles.
- (5) The keeping, harboring, housing, corralling or maintaining of such animal(s) shall not present a hazard to the health or physical safety of any inhabitant of the city.
- (6) The premises of every keeper or prospective keeper of such animal(s) shall be subject to inspection by the assistant director or his designee at all times without notice.

(Ord. No. 86-24, § 1, 2-17-86; Ord. No. 93-62, § 1, 4-19-94; Ord. No. 2010-O-029, § 1, 3-15-10)

Sec. 6-80. Dangerous wild animals or prohibited animals.

The ownership, possession, confinement, transportation or care of a dangerous wild animal or prohibited animal within the city is prohibited unless otherwise provided for in this chapter.

(Ord. No. 2010-O-029, § 1, 3-15-10)

Sec. 6-82. Department Division determination as a dangerous dog.

- (a) Upon receipt of a sworn, written complaint by any person of an incident described in which a dog:
 - (1) Makes an unprovoked attack on a person 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; or
 - (2) 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.
- (b) The animal control authority may investigate the incident.
- (c) If, after receipt of any sworn statements of any witnesses and investigation, the animal control authority determines the dog is a dangerous dog, it shall notify the owner of that fact in writing.
- (d) An owner, not later than the fifteenth day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control authority to the municipal court. Appeal from the decision of the municipal court may be made in the same manner as for other cases appealed from municipal court.

(Ord. No. 2010-O-029, § 1, 3-15-10)

Sec. 6-83. Requirements for ownership of a dangerous dog; noncompliance hearing.

- (a) In addition to complying with the requirements of V.T.C.A., Health and Safety Code Chapter 822, Subchapter D, as amended, a person shall, not later than the thirtieth day after learning that he is the owner of a dangerous dog:
- (1) Have an unsterilized dangerous dog spayed or neutered;
 - (2) Register the dangerous dog with animal care services ~~department~~ assistant director and pay to the assistant director of the animal care services ~~department~~ division a dangerous dog registration fee;
 - (3) Restrain the dangerous dog at all times in a secure enclosure;
 - (4) Restrain the dangerous dog at all times when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the dog nor interfere with its vision or respiration, but shall prevent it from biting any person or animal and restrained by a leash in the immediate control of a person; or
 - (5) 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 and provide proof of the required liability insurance coverage or financial responsibility to the director;
 - (6) The owner shall insure that any liability insurance policy required hereunder shall provide at least thirty (30) days' notice of cancellation of the policy to the city health department;
 - (7) Place and maintain on the dangerous dog a collar or harness with a current dangerous dog registration tag securely attached to it;
 - (8) Have the dangerous dog injected with a microchip implant and registered with a national registry for dogs; and
 - (9) Post a sign at each entrance to the enclosure in which the dangerous dog is confined stating "BEWARE DANGEROUS DOG" and insure that a sign shall be visible and capable of being read from the public street or highway.
 - (10) The owner must attend a class on responsible pet ownership conducted by the ~~department~~ division.
 - (11) The owner of a dangerous dog shall renew registration of the dangerous dog with the assistant director annually and pay an annual dangerous dog registration fee.
 - (12) The owner of a dangerous dog who does not comply with this subsection shall deliver the dog to the assistant director not later than the thirtieth day after learning that the animal is dangerous.
 - (13) A dog determined to be a dangerous dog under this article or under state law shall not be offered for adoption or sale.
- (b) The owner of a dangerous dog that has been ordered removed from the city shall relocate the dog to a place outside of the city within the time designated in the order. Within five (5) days after the expiration of the time ordered for the dog's removal, the owner shall provide the

assistant director with proof of the removal and relocation, or other disposition, of the dog. Such proof must include the owner's written sworn affidavit stating:

- (1) That the dog is no longer located in the city; and
 - (2) The name, street address, and telephone number of the person outside of the city in possession of the dog or the details of any other disposition of the dog.
- (c) Upon receipt of a sworn, written complaint by any person that the owner of a previously determined dangerous dog has failed to comply with subsection (a) or has failed to remove the dog from the city as required by order of the director or the municipal court, the municipal court shall conduct a hearing to determine whether the owner is in compliance with subsection (a) or with an order of removal, whichever applies. The hearing must be conducted within thirty (30) days after receipt of the complaint, but, if the dog is already impounded, not later than ten (10) days after the date on which the dog was seized or delivered. The municipal court shall provide, either in person or by mail, written notice of the date, time, and location of the hearing to the dog owner and to the complainant. Any interested person may present evidence at the hearing.
- (d) At the conclusion of the hearing, the municipal court shall:
- (1) Find that the owner of a dangerous dog is in compliance with subsection (a) or with an order of removal, whichever applies, and, if the dog is impounded, order the assistant director to waive any impoundment fees incurred and release the dog to its owner; or
 - (2) Find that the owner of a dangerous dog is not in compliance with subsection (a) or with an order of removal, whichever applies, and order the assistant director to seize and impound the dog (if the dog is not already impounded); and to
 - (3) Humanely destroy the dog if the assistant director determines that the owner has not complied with subsection (a) by the eleventh day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later, or release the dog to the owner if the assistant director determines that the owner has complied with subsection (a) before the eleventh day;
 - (4) Release the dog to the owner if the assistant director determines that the owner will permanently remove the dog from the city before the eleventh day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later, and reseize, impound, and humanely destroy the dog if the owner has not permanently removed the dog from the city by the eleventh day; or
 - (5) Euthanize the dog if:
 - a. The assistant director determines that the owner will not comply with subsection (a) by the eleventh day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later;
 - b. The assistant director determines that the owner will not permanently remove the dog from the city before the eleventh day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later; or
 - c. The owner of the dog cannot be located before the fifteenth day after the date the municipal court issues an order under this subsection or the dog is seized and impounded, whichever occurs later.

- (e) The owner of the dangerous dog is responsible for all costs of seizure, acceptance, and impoundment, and all costs must be paid before the dog will be released to the owner.

(Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-101. Enforcement; interference with animal control or police officers.

- (a) The provisions of this chapter shall be enforced by the assistant director, animal control officers and city police officers. It shall be a violation of this chapter to interfere with an animal care officer or a police officer in the performance of his duties.
- (b) Interference is presumed when the owner, keeper, or harbinger or possessor of an animal in noncompliance refuses to surrender the animal on demand to the animal care or police officers, provided that the demand is in accordance with the provisions of this chapter.

(Ord. No. 2010-O-029, § 1, 3-15-10)

Sec. 6-115. Permits, fees.

- (a) [*Nontransferable.*] Permits and registrations issued pursuant to this chapter are nontransferable.
- (b) *Special permits.*
 - (1) *Livestock permits.*
 - a. It shall be unlawful for any person to keep large livestock, except in an AG zoned are, unless otherwise provided in this chapter.
 - b. In some instances a person with large livestock must apply in writing and obtain a permit from the assistant director, such permit to be valid only for the location for which it was issued or allowed.
 - c. A person who keeps livestock as defined in this chapter shall pay a permit fee per year for each animal unless waived by the assistant director because it is subject to [subsections] 6-66(a)(1) through (3).
 - (2) *Permit required for circus, rodeo, animal exhibit and animal show; special exceptions for institutions and special attractions.*
 - a. Any operator of a circus, rodeo, animal exhibit, or entertainment show, or other persons desiring to bring any nonaquatic mammal into the city to use in a circus, rodeo, animal exhibit or animal show other than a dog show or a cat show, shall first submit a written request to the ~~department~~ division for a permit and pay a permit application fee to cover the cost of inspecting the facility where the animal(s) will be kept during the event, which may be for any number of consecutive days. The permit application shall be submitted at least twenty (20) days prior to the event, and shall contain information as to the kind and number of animals involved, the reason for bringing the animal(s) to the city, and the name and address of the person or business that will keep, feed, and confine the animal(s) during their stay in the city.
 - b. A permit shall not be required for any animal so long as it is owned by a governmentally owned and operated facility, publicly operated facility, a public zoological park, or bona fide medical institution or research institution.
 - c. A prohibited animal brought into the city for entertainment purposes which are not approved by the assistant director or designee, upon the order of the assistant director or his designee, will be immediately removed from the city. If not so removed expeditiously,

an animal control officer shall seize such animal if he has reason to believe the animal is not being properly fed, housed, or cared for, or is not being safely and securely confined for public safety.

- d. Animals used within the city for entertainment purposes such as rodeos and circuses must be provided with all the necessities of life including air, food, water, veterinary care, exercise, and protection from the sun and other elements of nature. A licensed veterinarian must be in attendance at all such functions. Once determined to be injured or ill by a licensed veterinarian, an animal may be returned to use only after certification as healthy by a licensed veterinarian.
 - e. Nothing in this section shall authorize the *assistant* director to issue a permit to a person to sell, trade, barter, lease, rent, or give away any animal on any roadside, public right-of-way, commercial parking lot, or at any garage sale, flea market or festival.
 - f. Proof of liability insurance.
 1. Required of all petting zoos, circuses, rodeos, temporary zoos, or animal exhibitions as well as by those classified as dangerous or vicious.
 2. Coverage in amount of at least one hundred thousand dollars (\$100,000.00) to cover damages as a result of an animal attack or injury.
- (3) All fees payable under this chapter, for whatever purpose required, shall be paid to the city.

(Ord. No. 2010-O-029, § 1, 3-15-10)

Sec. 6-116. Spayed or neutered dog or cat registration required; intact dog or cat registration required.

- (a) *[Spayed or neutered cat or dog.]* The owner of any dog or cat must register each spayed or neutered dog or cat before the animal attains six (6) months of age through microchip. The owner of a spayed or neutered dog or cat shall register or cause the animal to be registered with the ~~department~~ *division* and the registration shall include the name and address of the owner, description of the animal, and have attached thereto a copy of the proof of current rabies vaccination. (Rabies vaccination must be attained when animal reaches three (3) months of age.)
- (b) *[Intact cat or dog.]* The owner of any dog or cat that is not spayed or neutered must register the dog or cat as an intact dog or cat before the animal attains six (6) months of age through microchip, or cause it to be registered as an intact dog or cat with the ~~department~~ *division*. The registration shall include the name and address of the owner, description of the animal, and have attached thereto a copy of the proof of current rabies vaccination.
- (c) *[Defense to prosecution.]* It is a defense to prosecution under this section if:
 - (1) The dog or cat owner is a nonresident of this city and is keeping the subject pet in the city for fewer than thirty (30) days and can show proof of rabies vaccination; or
 - (2) The dog or cat owner has been a resident of this city for fewer than thirty (30) days and can show proof of rabies vaccination;
 - (3) The dog or cat qualifies for a medical exception from a veterinarian or if the dog or cat is less than six (6) months old.

- (d) *Validity of permit.* The permits issued pursuant to this section will be valid for twelve (12) months from the date of issuance or until the expiration of the current rabies vaccination certificate, whichever occurs sooner.
- (e) *Registration.*
- (1) All owners of dogs and cats in the city are required to register their dogs and cats. Registration shall occur annually by submission of a rabies vaccination certificate issued by a licensed veterinarian with the appropriate registration data or by microchipping the dog or cat and the submission of the microchip number with the appropriate registration data.
 - (2) The ~~department~~ *division*, any licensed veterinarian or pet store located in the city which is approved by the *assistant* director, is authorized to register a dog/cat with appropriate registration data such as identifying number, name and address of owner; name, age, breed, color and date of vaccination of the dog or cat, spay or neuter data.
 - (3) Effective August 1, 2011, a dog or cat may only be registered by having the dog or cat microchipped and the microchip number and all appropriate registration data submitted to the health department. A veterinarian or authorized entity can also send the owner to register the pet at the health department.
 - a. Fees collected by entities other than the department if they register the pet will be collected by the entity and fifty (50) percent of collection will be provided to the department.
 - b. All authorized entities registering a spayed, neutered or intact dog/cat must provide the registration to the department within thirty (30) days.
 - c. Fee for the microchip is established as the actual cost of the chip plus any associated costs (shipping, handling fees and sales tax if appropriate) and if inserted by the city health department, an additional administrative fee not to exceed twelve dollars (\$12.00) will be added.
- (f) *Wearing tags, exception.*
- (1) If not microchipped, dogs must wear dog license tags at all times while outdoors; except those dogs which are kept for show or exhibition purposes are not required to wear such tags as long as the dogs are otherwise under restraint.
 - (2) If not microchipped, cats are not required to wear tags on a collar due to the danger of accidental strangulation.
- (g) *Nontransferability.* It shall be an offense for any person to use any dog or cat registration for any animal other than the one for which it was issued.

(Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2011-O-093, § 1, 7-18-11)

Sec. 6-117. Litter permit.

- (a) Any person whose female dog or cat has a litter must obtain a litter permit prior to or within ten (10) business days of the litter's birth.
- (b) The issuance of a permit authorizes the whelping of no more than two (2) litters per female dog or cat in any twelve-month period.

- (c) If a person fails to obtain a permit after notice, then the ~~department~~ division shall be authorized to impound the female dog or cat and the animal litter.
- (d) The litter permit number shall be prominently displayed in all advertisements, notices, or displays of the litter for sale or trade or offers to give away any members of the litter.
- (e) Only permitted persons may sell a litter and only in a private residence, authorized pet shop, or shelter and under said conditions to promote a healthy, safe and vaccinated dog/cat.
- (f) No person may offer any puppy or kitten under the age of eight (8) weeks for sale, trade or other compensation or for free giveaway (except a puppy or kitten, or litter or litters taken to the ~~department~~ division, or any tax-exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals, or any recognized rescue organization which is currently registered with the ~~department~~ division).
- (g) This section does not apply to rescuers affiliated with recognized rescue organizations but must obtain a register a spayed, neutered or intact dog/cat with the department.

(Ord. No. 2010-O-029, § 1, 3-15-10)

Sec. 6-118. Term of registration and permits, falsifications.

- (a) *[Effective; renewal.]* Unless otherwise specified in this chapter, registrations and all permits shall be effective for a period of one (1) year from the date of vaccination, in the case of registration, and date of issuance in all other cases and must be renewed annually.
- (b) *Application omissions/falsifications.* If an applicant has withheld or falsified information on an application submitted under this chapter, the animal care services ~~department~~ assistant director or designee will cite such person and/or revoke the permit.

(Ord. No. 2010-O-029, § 1, 3-15-10; Ord. No. 2016-O-132, § 2, 9-12-16)

Sec. 6-123. Additional enforcement provisions.

In addition to imposing a monetary penalty against a person convicted of an offense under this chapter, a court may do one or more of the following:

- (1) Require the person, at the person's expense, to attend a responsible pet ownership program approved by the assistant director.
- (2) Revoke any permit issued to the person under this chapter.
- (3) Order the impoundment of any animal owned by the person, forfeit the person's ownership of the animal, and award the animal to the city.
- (4) Suspend the person's right to own an animal in the city for a period of time as specified by the court.
- (5) Require the person to have any animal owned by the person spayed or neutered within a time period specified by the court.
- (6) Impose any other conditions or restrictions that would reasonably abate the violation for which the person was convicted.

(Ord. No. 2010-O-029, § 1, 3-15-10)

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. The City Secretary of the City of Laredo is hereby directed to publish the proposed Ordinance as required by Section 2.09 of the Charter of the City of Laredo.

Section 5. That after its passage by City Council, this Ordinance shall be published one (1) time and become effective not less than sixty (60) days from the date of the public hearing on this Ordinance, in accordance with the City Charter.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
_____ DAY OF _____, 2025.**

**DR. VICTOR D. TREVINO
MAYOR**

ATTEST:

**MARIO I. MALDONADO JR.
CITY SECRETARY**

**APPROVED AS TO FORM
DOANH T. NGUYEN, CITY ATTORNEY**

AMBER R. HOLMES
ASSISTANT CITY ATTORNEY